



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending January 04, 1997

## **Int'l Data Products, Corp., I-NET, Dunn Computer Corporation, & Concept Automation, Inc. v. DOC—GAO No. B-274654, B-274654.2, B-274654.3, B-274654.4**

The GAO has *denied* these three bid protests against the \$171 million award of PTO's DeskTop contract to Hughes Data Systems. The three separate protests alleged, among other charges, improper Government evaluation and abuse of discretion by awarding without discussions. One of the protestors, Int'l. Data Products had also filed a District Court TRO action (subsequently withdrawn) in an attempt to stop award. In denying the protests, GAO found that PTO benefited from healthy competition in this procurement and that there were no major issues indicating a misunderstanding between the Government and offerors. Congratulations to Lisa J. Obayashi, who had the case, and all of the PTO staff.

## **American Combustion Industries, Inc. v. DOC, GAO-B-270570**

A pre-hearing conference will be scheduled, and the hearing in this case is still set for January 30 and 31. The GAO will notify the parties of those specific issues

it wants to hear testimony approximately one week prior to the hearing. Ken Lechter has the case.

## **Legal Review Thresholds**

We have presented to a draft revision of DAO 208-5 legal review requirements for procurement actions to the Office of Acquisition Management. The proposed revisions are meant to ensure appropriate legal review in the new acquisition environment resulting from recent sweeping statutory and regulatory changes. As a result of the Division's experience, the proposed revision also encourages Contracting Officers to seek legal advice at points in the procurement process particularly vulnerable to protest.

## **Orkand Government Shutdown Claim**

On December 30, 1996, the CO denied Orkand's uncertified claim and requested it to submit its claim for indirect costs which the Government would pay if substantiated. EASC did not intend to pay Orkand labor costs as Orkand had not paid its employees and had not incurred any liability. Orkand has now filed a certified claim. Catherine Shea and Fred Kopatich are advising.

## **New Contract Law Mailing Lists Setup**

The mailing lists have been moved from the Census UNIX computers to the Macs here in the Division. You may subscribe to any list by putting "subscribe" in the subject block of a message sent to the following addresses. The lists include:

### **Contract Announcements**

An open list for announcements of topics of general interest such as the availability of this report. Announcements can only be posted by the Division. The address is:

"contract-announce@liststar.ogc.doc.gov".

### **Contracts Discussion List**

A closed list for general discussion of legal related contract issues. The address is:

"ContractsGC@liststar.ogc.doc.gov".

### **Conops Discussion List**

A closed list for general discussion of legal related Conops issues. The address is:

"ConopsGC@liststar.ogc.doc.gov".

### **Pub-Contracts Discussion List**

A open list for Federal Procurement law issues. The address is:

"Pub-Contract@liststar.ogc.doc.gov".

## **Actions Completed/Received during Period**

From 12/22/96 To 1/4/97

	Received	Completed
CENSUS	0	0
Franchis	0	0
NIST	0	0
NOAA	9	10
O/S	0	0
PTO	0	0
<b>Total</b>	<b>9</b>	<b>10</b>

## **Contract Law Division—Client Workload Period Ending 01/04/97**

