



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending January 17, 1998

Techno-Sciences, Inc.—B-277260.2

Mark Langstein and Amy Freeman will file the Agency Report, in this protest of NOAA's plans to develop new Mission Control Center software for the Cospas-Sarsat program. GAO has stated that it will not separately rule on our previously-filed Motion to Dismiss. Protestor has objected to our refusal, on grounds of timeliness and relevance, to provide many requested documents. GAO has not ruled on the issue.

Life Cycle Management Services Acquisition

This is a new procurement being conducted under the auspices of CONOPS to provide management and information services to the Department in its oversight of major Department activities such as NWS Modernization and Decennial 2000. We have reviewed the Commerce Business Daily Announcement and expect to review the Project Agreement next week. Mark Langstein is advising.

Appeal of Digicon—GSBCA 14257-COM

Ken Lechter will be filing our reply to Appellant's opposition to our Motion for Summary Relief. The case involves the issue of whether a cost overrun should be considered a constructive change which would entitle Digicon to a fee for the work it performed in excess of the cost ceiling. NIST has paid the costs, as they were found to be reasonable by audit, and the Government benefited from the work. NIST has denied the payment of any fee, arguing that, as a matter of law, the work performed, even though in excess of the cost ceiling, was within the original scope of work. There is approximately \$130,000 in dispute.

A-76 Issue

NOAA is conducting a cost comparison, in accordance with OMB Circular A-76, for the operation and maintenance of the NOAA Ship KA'IMIMOANA. We have reviewed the A-76 solicitation issued by NOAA, and OGC-CLD is serving as legal advisor to the Source Evaluation Board. ("SEB"). We will meet with the Contracting Officer and SEB members on January 21, 1998 at NOAA headquarters in Silver Spring, Maryland. Edward Weber and Mark Langstein are advising.

National Data Buoy Center Support Contract

Fred Kopatich traveled to NOAA's National Data

Buoy Center to participate in discussions with NDBC's support services contractor concerning modifying a portion of the contract's Statement of Work to base it upon performance based principles.

N. Florida Shipyards GSBCA 14030-COM

Ken Lechter will be traveling to Norfolk, Virginia, next week to defend the depositions of the contracting officer and the former Chief Port Engineer from the Atlantic Marine Center. This will conclude Plaintiff's discovery. Depositions by the Government of all relevant contractor personnel is scheduled in Jacksonville, Florida, during the week of February 9. This appeal involves a claim of approximately \$500,000 arising out of a ship repair contract for NOAA. The contractor claims additional expenses as a result of alleged defective government furnished equipment and defective specifications.

Census Offices Infrastructure Procurement

Fred Kopatich attended the first meeting of for this approximately \$100 million procurement to provide personal computers, software and network hardware to the 600 temporary local census offices which will be established as part of the 2000 Decennial Census.

