



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending January 31, 1998

K.G., Inc. (KGI)—Adarand Issue

A meeting was held on January 27 with DoJ civil litigation counsel to discuss policies and practice related to handling constitutional challenges against SBA 8(a) programs. Terry Lee is handling this agency level protest.

Lockheed Martin Tactical Defense Systems v. DoC, GSBICA No. 14450-COM

This is an appeal of a contracting officer's final decision, which denied a claim by the appellant's subcontractor for an equitable adjustment in the amount of \$864,221. The appeal was filed on January 8, 1998, from a COFD issued on October 14, 1997. Based upon all information gathered to date, the claim was not certified. Consequently, it may be ripe for a motion to dismiss. Edward J. Weber and Terry H. Lee have the case.

Interagency Brief Bank for Bid Protests

Jerry Walz met with Steve Schooner, Associate Administrator of OFPP, and the major civilian and military litigating attorneys to discuss OFPP's proposal to establish a "brief bank" for bid protest cases. The idea was favorably received and a smaller group will meet to plan the implementation. We will host the bank on our Contract Law Division web server.

Meetings with Bell South

We have successfully negotiated a complete waiver of all termination charges by Bell South as a result of the Coastal Services Center of NOAA's need to terminate certain telephone services in order to satisfy new communication needs. Bell South had argued that they were required to pursue these termination charges as a result of the terms of the South Carolina tariff. Ken Lechter had the matter.

ABA Conference on Construction Delay Claims

Ken Lechter has been invited to speak, on February 9, 1998, at a one day conference, sponsored by the Section of Public Contract Law, on construction delay claims. Ken will be participating on a panel covering considerations affecting the presentation of delay claims in different fora, and specifically, the presentation of delay claims in the context of "Alternative Dispute Resolution."

Techno-Science, Inc.— GAO No. B-277620.2

We filed the first installment of discovery requests on Friday, January 22, and the final installment of documents on Tuesday, January 27. After Protestor filed its third request for additional documents on January 23, GAO called the Agency and ruled that the Agency would not have to provide all of the requested documents. We are working on the redactions. (Mark Langstein & Amy Freeman)

FCS Training

We again have been asked to provide procurement training for overseas commercial service officers, to enable them to qualify to receive Commerce bank cards. The first session is scheduled in Los Angeles on March 19 and 20, 1998. It is projected that three additional training sessions will be scheduled during the year. By enabling overseas commercial officers to acquire bank card authority, US&FCS can save much of the considerable costs charged by the State Department for providing acquisition services overseas. This training also has been successful in lessening the occurrences of unauthorized commitments that require awkward and time consuming ratification procedures. Ken Lechter is coordinating.

