



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending February 13, 1999

### Arthur Lees v. DoC—GAO No. B-281954

A protest has been filed at GAO challenging the ITA's FCS authority to enter into a contract to fill its requirement for a commercial representative at the U.S. Consulate in Chengdu, People's Republic of China. This protestor has filed a number of similar GAO protests in the past, which have all been dismissed or denied on procedural grounds. This particular protest, however, may result in a decision on the merits, which directly questions the agency's use of Department of State personnel hiring procedures to procure personal services rather than the use of procurement procedures to fill its needs. (Lisa J. Obayashi & Ken Lechter)

### Moldovan Government Procurement Program

We accompanied representatives of the Government of Moldova to PTO, NIST and NOAA in continuing our support of their efforts to launch a Government procurement process compliant with the WTO. Special thanks are noted for Joe Gray and the procurement offices for making this program a success.

### GWAC/IT/OAM

The CONOPS team is in the process of finalizing overall strategy and appears to have reached consensus on having this accomplished as a total small business set-aside, with the expectation that a number of awards will go to § 8(a)s, women-owned businesses and small disadvantaged businesses. Discussions also have concerned whether this GWAC for information technology supercedes and will subsume the other ongoing IT procurements within DoC. (Terry H. Lee)

### Domain Name Project

NTIA issued an amended notice in the Commerce Business Daily for its sole-source award to ICANN for performance of the "IANA" functions. Catherine Shea is filing a motion to dismiss the five protests before the GAO. Because of the amendment, it is likely that GAO will dismiss the protests as premature.

### Metro Monitoring Service, Inc. – Agency Protest

NOAA's protest decision authority has issued a decision denying this agency level protest which was based on the contracting officer's determination that protestor submitted a late proposal.

The decision authority found that the paramount cause for the late proposal was the protestor's use of a commercial carrier which failed to deliver the proposal in a timely manner. (Lisa J. Obayashi)

### NOAA Weather Wire Replacement SEB

Our office participated in the February 1st SEB meeting to review the draft solicitation for the NOAA weather wire replacement. The Contract Review Board will meet on February 10<sup>th</sup>, and the new estimated date for release is February 19<sup>th</sup>. (Amy Freeman and Mark Langstein)

### OS/CLD/Debarment and Suspension Committee

Terry Lee attended committee meeting on February 10 on behalf of CLD. Next meeting scheduled for Wed., 3/10. A great deal of discussion surrounded the manner of entries on GSA's suspension/debarment lists, whether or not to require social security numbers, and the type and completeness of entries. Discussion also concerned obtaining information regarding "anti-terrorist" debarments and the fact that nothing regarding them has been finalized.

### CLD "Time to Complete"—2.5 Days

### Actions by Contract Law Division during Period

Bureau	Received	Completed
ITA	1	0
NIST	5	4
NOAA	18	14
PTO	2	3
<b>Total</b>	<b>26</b>	<b>Total 21</b>

Contract Law Division—Client Workload  
Period Ending 02/13/99

