



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report - Period Ending March 1, 1997

Protests of GraphicData v. GPO,—GAO B-274773.5, B-274773.6 and B-274773.7

GAO has dismissed these three protests concluding that both GPO and PTO acted properly in determining that the potential awardee for this patent-copying contract is responsible to perform the contract. Before issuing these decisions, GraphicData filed yet another protest with GAO raising essentially the same issues. In light of this decision, we expect GAO to make short shrift of this latest protest. However, we now anticipate that GraphicData will file for injunctive relief in federal court. Mark Langstein is advising

Hughes STX Government Shutdown Claims

NOAA has informed us that Hughes STX now intends to submit a certified claim for costs of paying its employees for two weeks during the December, 1995-January, 1996 Government shutdown. This potential claim had been the subject of discussions and a written submission by Hughes several months ago. NOAA had informed Hughes that it did not appear that Hughes had a valid claim, as it was not required to pay its employees during the period of the shutdown. Once the claim is submitted, we will assist the Contracting Officer in preparing her final decision. Fred Kopatich is advising.

AWIPS

Roxie Jones attended the monthly status briefing for the Deputy Undersecretary for Oceans and Atmosphere where plans for limited production of AWIPS, contract

BPR Acquisition Process/CONOPS--Census Pilots

In the DADS procurement, Fred Kopatich has advised the project team that discussions with the remaining offerors are appropriate in light of deficiencies in the proposals cited by the technical evaluators. Discussions will take place in the next week.

2000 Advertising Procurement

A preproposal conference will be held this week at the Census Bureau. Dozens of companies have expressed an interest in attending. Fred Kopatich is assisting the procurement team in preparing for the conference.

PTO-SDM Procurement

Lisa Obayashi reviewed written debriefing materials provided to the unsuccessful offerors of the SDM procurement. Among the materials provided was a redacted version of the Source Evaluation Board (SEB) report, a redacted SSO Statement, and reasonable responses to relevant questions about the evaluation process.

revisions, and related cost issues were presented and discussed.

DEBCON, Inc., v. DOC—GSBCA No. 13923-COM

We have begun discovery in this case in which the Appellant seeks an equitable adjustment under a NOAA construction contract. DEBCON claims, among other things, that Government officials coerced it into signing bilateral modifications in which it waived future claims against the Government. We filed our First Set of Interrogatories and Requests for Document Production this week. Cecilia R. Jones has the case.

Gem Engineering v. DOC GSBCA-13566-COM

Several actions by Appellant, such as retention of a Critical Path Method expert, additional deposition requests and filing of a belated, lengthy document request appear inconsistent with Appellant's professed desire for an ADR proceeding to resolve this dispute. We intend to raise this issue next week in a conference call with the Judge. In the meantime, we now anticipate that this matter will go to trial and are preparing to retain our own expert and to schedule additional depositions. Catherine Shea and Mark Langstein have the matter

North Florida Shipyard, Inc. v. DOC

We filed the Answer in this case. A conference call with the Board for this week was rescheduled for April 9 to allow the parties additional time for discovery. Catherine Shea and Ken Lechter have the case.

Actions Completed/Received during Period

	From 2/16/97	To 3/1/97
	Received	Completed
CENSUS	1	1
MBDA	1	0
NOAA	14	11
PTO	1	1
Total	17	13

Contract Law Division—Client Workload Period Ending 03/01/97

