



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending March 2, 1996

Omega World Travel, Inc. v. DOC

A GAO bid protest has been filed against PTO's procurement for travel services. The basis of the protest is that PTO used an unstated evaluation criterion, incumbency, and that PTO failed to discuss negative comments regarding the protestor. The awardee, WorldTravel Partners has intervened in this protest. Lisa J. Obayashi has the case.

Garza v. DOC—GSBCA 13332-COM

The bankruptcy trustee has accepted our settlement offer of \$14,000 for the contractor's remaining claims for \$86,000. The settlement agreement is subject to approval by the Bankruptcy Court, so the GSBGA intends to indefinitely suspend all proceedings, including next week's scheduled hearing. Jeff Hughes has the case.

Quantech, Inc. v. DOC—GAO No. B-265869.1

We have submitted a brief response to the incumbent contractor's "Request for Clarification" which GAO is treating as a new protest. We argued that we did not violate any procurement statute or regulation by reopening the procurement to any offeror after GAO granted the protest of Marine Research Specialists that it was

not given sufficient time to submit an offer. The incumbent has filed a reply, asserting that NOAA should not have reopened competition to other than the successful protestor. We understand that GAO will expedite its decision, so that an award selection can be made as quickly as possible. Ironically, even though it won its earlier protest, Marine Research Specialists chose not to submit an offer. Jerry Walz and Fred Kopatich had a hand in the action.

Japanese Bid Protest Procedures

Mark Langstein met with Mr. Yutaka Murayama of the Office for Government Procurement Challenge System to discuss Japanese and American bid protest procedures. The new Japanese procedures, which are fairly similar to our GAO bid protest procedures, have been in place since January, but no challenges have yet been lodged.

NEXRAD - State Tax Liability

Roxie Jones is assisting the NEXRAD Acquisition Office as it determines the extent of potential "use tax" liability imposed by some states and the probability that the NEXRAD contractor will assert a claim.

BPR

The BPR team is drafting an implementation plan for the two pilot sites which have been selected to "test" the Concept of Operations. A meeting has also been held with various Department and non-Department Government officials regarding the feasibility of placing the Commerce Business Daily on the Internet. Lisa J. Obayashi is the OGC team member.

NOAA Hydrographic Surveying

We met last week with the Deputy Assistant Administrator and Senior Scientist of NOS as well as with NOAA General Counsel to determine whether there exists any basis to use Brooks Act A&E rather than normal competitive procedures to procure future NOS charting needs. As a result of the meeting, we will determine whether NOAA's requirement has changed sufficiently to warrant use of the Brooks Act.

Penalties Issue

EASC personnel have asked Jeff Hughes to review a demand by an airport authority that NWS personnel sign an agreement to reimburse the authority for any fines or penalties assessed by the FAA due to actions of NWS or its local contractor.

Actions Completed/Received during Period

	From 2/18/96	To 3/2/96
	Received	Completed
NIST	7	8
NOAA	11	10
O/S	1	0
PTO	2	2
Total	21	20

Contract Law Division—Client Workload Period Ending 03/02/96

