



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending March 16, 1996

## Nelco, Inc. v. DOC—GAO No. B-271067

In this protest of the award of a contract for taxpayer support services by NIST for the IRS and NTIS, both CLD and the awardee, Intuit, filed motions to dismiss, primarily for lack of detail in the protest. The protester responded with a wealth of detailed information, indicating that it had possessed adequate information to make specific allegations at the time it filed its protest. As a result, the assigned GAO attorney has indicated his intent to dismiss the protest. Catherine Shea, advised by Cecilia Jones, drafted the motion to dismiss. Jeff Hughes is also assisting.

## GOES Data Distribution System Procurement

In what may be an indication of the new competitive environment for federal procurements, the awardee, PRC, Inc., has requested a debriefing from the Contracting Officer to discuss the weaknesses and strengths of its proposal in order to assist it in submitting better proposals in the future. Although the Federal Acquisition Regulation allows for debriefings of awardees, they are rarely requested. Fred Kopatich is assisting the Contracting Officer.

## Ellsworth Assocs. v. U.S.—CA No. 96-CV-00074-CRR

In this Aderand suit, we have filed the Administrative Record. Mark Langstein is also assisting the AUSA in drafting an Answer and a Motion to Dismiss or in the Alternative for Summary Judgment. To this end, we have prepared a draft declaration of the Contract Specialist in support of the Motions.

## Laurell Technologies Corp. v. DOC—GAO No. B-271502

This protest is of a small purchase by NIST of a portable precision spin coater. The request for quotes asked for the item by name brand or equal, and specified that the name brand item had teflon coating. After award, the protester filed an agency protest on the grounds that his polypropylene-coated item was cheaper. NIST denied the agency protest as untimely, because the teflon requirement was incorporated in the request for quotes, and thus a timely protest would need to be filed by the time set for receipt of quotations. The protester has now filed at GAO on the basis that teflon is not needed to resist chemicals, as NIST noted in its decision on the agency protest. Jeff Hughes has the case.

## NOAA Hydrographic Charting

We have orally advised NOAA GC that the information we have thus far been provided is not sufficient to cause us to revise our previous opinion that NOAA's hydrographic charting requirement should be acquired using FAR Part 15 competitive procedures rather than Brooks Act A&E procedures. Mark Langstein and Alice McKenna have reviewed the issue.

## Radiosonde Acquisition

Mark Langstein advised NWS that it could not lawfully restrict competition to those firms presently on the Qualified Products List for this item used in making upper air observations. Absent legislation, NWS will have to open up the QPL to firms expressing interest in supplying sondes, however NWS can pass the cost of conducting the QPL to those firms desiring to qualify. Several firms have already indicated preliminary interest in competing.

## Seattle Bound

Jerry Walz and Mark Langstein will visit WASC next week to meet and confer with Bob Henderson's staff and clients.

### Actions Completed/Received during Period

	From 3/2/96	To 3/16/96
	Received	Completed
NIST	2	3
NOAA	13	14
PTO	3	3
<b>Total</b>	<b>18</b>	<b>20</b>

### Contract Law Division—Client Workload Period Ending 03/16/96

