



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report - Period Ending March 29, 1997

### Gem Engineering Co. v. DOC—GSBCA No. 13566-COM

We participated in a status conference with the Judge at which various discovery issues and ADR were discussed. The parties agreed that discovery will conclude by April 30th and an ADR has been scheduled for Washington D.C. for June 3rd through 5th. Although we believe that we will be prepared to go forward with the ADR as scheduled, we expect that we might need to request extension of the discovery cutoff date. Appellant is scheduled to take two depositions in Kansas City during the first week of April. Catherine Shea and Mark Langstein have the case.

### Comint Systems Corp. — GSBCA Nos. 13903, 14071, 14072-COM

This consolidated appeal arises out of a PTO requirement for IT support services. It involves a claim that the contracting officer improperly denied payment to the appellant for services provided, which appellant argues were outside of the scope of its contract. Appellant also claims that the Government improperly failed to exercise its option under the contract. The claims total approximately \$40,000. In a somewhat unusual settlement, the matter has been resolved with the Government agreeing to pay \$4,000 for the claim,

### Franchise Funds/Activities

We are in the process of preparing a legal opinion as to whether DoC franchise funds/activities, performing alone or in partnership with CASUs, may legally contract with state and local governments for provision of common administrative support services. Terry H. Lee is working the issue.

### DCS 2000

Award of this high-dollar contract to scan and capture Decennial 2000 Census forms was made to Lockheed-Martin. We do not anticipate any protests being filed. Fred Kopatich and Mark Langstein are advising.

### Agency Protest—PDI, Inc.

PDI, Inc., has filed an agency protest against the award of a purchase order under a PTO Blanket Purchase Agreement for maintenance of certain equipment. The contracting officer denied the protest on the basis that the protest is both untimely as well as the fact that all applicable rules were followed in awarding a purchase order to a qualified, lower-priced offeror. Lisa J. Obayashi is advising.

which includes interest, a \$1,000 contribution toward counsel fees, and purchasing from the Appellant, at a depreciated price (\$7,000), four image system monitors and spare parts which had been developed by the contractor for the PTO, and for which PTO has a need. Ken Lechter had the case.

### Empowerment Contracting

At the behest of the Vice President's office, OFPP is considering implementing, via acquisition guidance letter, a "pilot project" which would permit a procurement preference for offerors whose proposed contract performance would assist empowerment zones and other areas of economic distress. The implementation would be based upon guidelines issued by Commerce.

We believe that the preferred way of proceeding would be to issue an amendment to the FAR implementing the program. Alden Abbott, Joe Levine, Jerry Walz and Mark Langstein all worked on the issue.

Actions Completed/Received during			
Period From 3/16/97		To 3/29/97	
	Received		Completed
BXA	1		1
ESA	1		1
NIST	0		1
NOAA	8		9
PTO	2		2
<b>Total</b>	<b>12</b>	<b>Total</b>	<b>14</b>

