



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending April 24, 1999

### Debcon, Inc., v. DOC—GSBCA No. 13923-COM

We completed deposing Appellant's Field Superintendent. Appellant is currently in the midst of extensive document discovery and has stated its intentions to take several additional depositions. Also, it is apparent that Appellant has significantly expanded its theory of recovery. As a result, we have agreed to Appellant's request to postpone the hearing from June 7<sup>th</sup> to October 4<sup>th</sup> 1999. (Mark Langstein & Amy Freeman)

### Arthur E. Lees v. DOC—GAO Nos. B-282281.1; B-281954.1, B-281954.2; B-281954.3

Arthur E. Lees, an applicant for a Commercial Representative position with the U.S. Foreign Commercial Service in Chengdu, P.R.C., has amended his various bid protests presently pending at GAO. The amendments are based on the Contracting Officer's decision to deny most of his claim which is the subject of a separate appeal pending as the Armed Services Board of Contract Appeal (Lisa J. Obayashi)

### PTO-DeskTop Acquisition ReMAP Team

SBA has amended its prior decision to reject PTO's request for a waiver of the non-manufacturer rule which requires small businesses to supply products of a small business manufacturer. PTO's desktop computer procurement will therefore be competed as a small business set aside with vendors allowed to provide products manufactured by large businesses. The Commerce Business Daily notice, which had advertised the requirement as a full and open competition, will be amended accordingly. (Lisa J. Obayashi)

### High Structure Maintenance, (Agency Protest)

Protester challenges the Government's intent to use noncompetitive procedures to conduct a procurement by the National Weather Service for repair, maintenance, and engineering services in support of WSR-88D radomes. Protester requests that the procurement be conducted using competitive procedures. Met with Protest Decision Authority and technical staff. Prepared and submitted to Protest Decision Authority recommended decision sustaining protest. Appears that Protest Decision Authority will likely accept recommendation to sustain. (Diane Canzano)

### Fluor Daniel Cost Incurred Audit Resolution

The Contracting Officer has issued her final decision asserting a claim of \$2,774,072 against Fluor Daniel, Inc. arising out its contract to design and manage the construction of Weather Forecast Offices. The contractor's attorney has informed us that the contractor would like to explore settlement prior to initiating litigation. (Fred Kopatich)

### Domain Name Project

The Department of Commerce and Network Solutions reached agreement on the terms and price for registry services for the Test Bed of the Shared Registration System. This SRS will introduce competition into Domain Name Registration services. CLD supported these negotiations. Also, ICANN pursuant to its responsibilities under the Joint Project Agreement, announced it had accredited five Test Bed Registrars. ICANN also announced the names of more than twenty other accredited registrars who will enter the registration services business at the end of the Test Bed. (Catherine Shea)

### CLD "Time to Complete"—2.0 Days

**Actions by Contract Law Division during Period From 4/11/99 To 4/24/99**

Bureau	Received	Completed
CENSUS	0	1
ESA	1	1
NIST	10	8
NOAA	7	8
PTO	1	1
TA	1	1
<b>Total</b>	<b>20</b>	<b>Total 20</b>

**Contract Law Division—Client Workload Period Ending 04/24/99**

