



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending April 27, 1996

Quality Elevator Co. vs. DOC—GAO B-271899

In this recently-filed protest Quality, the incumbent, alleges that the Department improperly evaluated its proposal resulting in its failed bid for a follow-on contract. The contract is for maintenance of elevators in the Herbert Hoover Building. We are reviewing the evaluation documents and the solicitation to ascertain whether there is any merit to the claim. Cecilia Jones has the case.

NOAA Construction - Boulder

Jeff Hughes took part in a phone conference with GSA and Department personnel about the proposed construction (by GSA) of a building for NOAA in Boulder. CLD later reviewed and commented upon a draft synopsis for the building, but the procurement will not proceed without a positive outcome to the Environmental Impact Statement process currently being completed.

EASC Issue

EASC personnel had asked for advice relating to a defective autoclave steam generator. It appears that contractor personnel, before the purchase of their system, failed to inform us that we needed an optional part for

proper operation of our system, but did furnish us technical brochures that indicated that we needed the optional part. Because the Government failed to review the brochure, the contractor never visited the site to learn of our special needs that demanded use of the optional part, Government personnel said they would still have bought the system plus the optional part if they had known of the need for it, and the Government's potential damages seemed minimal, no further action seemed appropriate. Contracting personnel will attempt to negotiate a change to obtain the part and installation at contractor's cost. Jeff Hughes is advising.

Construction Claims of Federal Builders, Inc.

The lessor-builder of the Duluth Weather Forecast Office has now submitted several certified claims to the NOAA CO, as well as a claim for an increase in monthly rent of \$502 because the usable square footage available to the Government exceeds that which was estimated to result from building the office according to the Government's design. We believe that we have a strong defense against most, if not all, of the claims, and will be assisting the Contracting Officer in preparing a final decision. Fred Kopatich has the matter

BPR Acquisition Process

Fred Kopatich and Lisa Obayashi attended an all-day team building training session in preparation for the PTO/Census pilot project kickoff, scheduled for early May. (Lisa Obayashi and Fred Kopatich)

Procurement Leadership Conference

Jerry Walz, Mark Langstein and Lisa Obayashi presented an overview of the new procurement laws to the Department's Procurement Leadership Conference in Potomac, MD.

USTTA

Cecilia Jones participated in meetings with USTTA and Administration in order to advise on contract-related matters stemming from the recent abolishment of USTTA. Several USTTA contracts will be transferred to Trade Development. In addition, at least two contracts have been closed-out requiring de-obligation of appropriated and non-appropriated funds. We have deferred the question of whether these de-obligated funds may be transferred to Trade Development to the General Law Division of AGC/Admin.

Actions Completed/Received during Period

	From 4/14/96	To 4/27/96
	Received	Completed
NIST	5	5
NOAA	15	12
O/S	1	2
PTO	3	4
Total	24	23

Contract Law Division—Client Workload Period Ending 04/27/96

