



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending May 9, 1998

### Raytheon (Hughes ) STX Corporation v. DoC—GSBCA 14296-COM

OGC received the Appellant's first set of discovery, including a set of 222 Interrogatories, in this \$200K lawsuit concerning the reimbursement for payment of severance pay to Hughes employees in connection with the 1995-96 Government-wide shutdown. OGC-CLD prepared and filed (4/8/98) its Objection to Appellant's Interrogatories (plus supporting legal Memorandum) with the GSBCA and the Appellant filed its Opposition (4/29/98). In an effort to resolve the dispute, OGC-CLD has offered (via 5/5/98 letter to Appellant) to respond to 53 of Appellant's 222 Interrogatories and to provide open file discovery to regarding the Appellant's document request. On 4/23/98 OGC-CLD filed Respondent's Answers and Objections to Appellant's Request For Admissions. (Fred Kopatich and Edward Weber).

### Omitron, Inc. v. DOC—B-279751

Omitron, as a disappointed bidder, filed this protest against the NOAA/NESDIS \$4.1M award of a cost-reimbursement contract under a solicitation to acquire the Product Monitor Replacement for the Geostationary Operational Environmental Satellites (GOES)-IM Program. Protester alleges NOAA's acquisition personnel engaged in misleading negotiations with its representatives failed to evaluate the cost realism of its offer, improperly scored its hardware and software as part of the technical evaluation, and should have eliminated it from the competition because its offered price was higher than the awardee's. GAO issued a Protective Order (4/23/98) and the Agency's brief is due at GAO on 5/11/98. OGC-CLD filed a Request For Summary Dismissal in connection with Protest Count 1 (allegedly misleading negotiations) on 1 of the Under a 4/24/98 Order of GAO's attorney, OGC-CLD provided an initial production (approx. 2,000 pages of core procurement documents) on 4/29/98 and two supplemental document productions (on 5/5/98 and 5/6/98). (Edward Weber and Mark Langstein).

### Techno-Sciences, Inc.— GAO No. B-277620.2

Pursuant to GAO's request, NOAA submitted additional substantiation of the status of the RPS effort. NOAA submitted a chart depicting the status of each requirement contained in the

Functional Requirements Analysis ("FRA") document which shows that RPS is 90 percent complete. In response, TSI submitted a letter challenging the validity of the "newly created" chart. (Mark Langstein & Amy Freeman)

### Moldova Seminar and Consultations

We met this week with a senior attorney from OFPP, who will be joining us at this June seminar in Chisinau, for preliminary discussions of materials to be prepared and sent to Moldova for translation. The seminar will address such issues as transparency and competition in government procurement and its importance to international trade and investment, and the structure and benefits of a centralized government procurement system and policy office. Planned is a two day seminar followed by two days of consultations, focusing on implementation and best practices. The conference is being sponsored by the Moldova Ministry of Economy and Reforms and coordinated by OGC's Commercial Law Development Program. Attending the conference will be those representatives of the Moldovan government charged with implementing its new government procurement code. Ken Lechter and Mark Langstein

