



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



## Biweekly Report - Period Ending May 25, 1996

### Ellsworth Assocs. v. United States

In this Aderand suit, the Judge has granted the Government's Motion for Summary Judgment on the basis that Plaintiff, a former § 8(a) participant, lacks standing to maintain this suit. In that it appears that Naing, our prospective § 8(a) contractor might soon be found ineligible to further participate in the program, we are working closely with the Contracting Officer to determine what our future course of action should be. Mark Langstein has been working with the AUSA on this case.

### Unisys Corp. v. Dept. of Commerce

Judge Borwick has requested a dog-and-pony show about NEXRAD prior to the beginning of trial. We've already contacted the appropriate SPO officials to attempt to obtain the latest promotional materials, *i.e.* videos or slide presentations on the radar system. The Board also wants Unisys to provide testimony on the Concurrent manufacturing process for spare parts. Terry Lee and Steve Carrara have the case.

### Omega World Travel, Inc. v. DOC

The agency report in this bid protest against the award of a PTO travel management services contract was filed.

This is a supplemental protest, B-271262.2, based on new issues raised by the protestor in its comments on the previously filed Government agency report. Protestor has raised the following new protest bases: that PTO accepted a proposal which contained promises of illegal gifts; that PTO conducted discussions with the awardee; that PTO did not sufficiently document its evaluation of protestor's proposal. Lisa Obayashi has the case.

### Empowerment Contracting Executive Order

President Clinton signed the *Empowerment Contracting Executive Order No. 13005*, on May 21, 1996. The Secretary of Commerce is charged with drafting rules to implement the order, which is designed to increase the economy and efficiency of the procurement system, by August 19, 1996. [Ed: I assume that it is not a coincidence that August 19th is the birthday of both the President and me.] The order provides for preferences, in unrestricted procurements, for qualified large and small businesses which have a significant impact on economically distressed areas. Generally, an economically distressed area is a census tract with a poverty rate of at least 20 per cent. Watch for further news as the regulations are drafted. The EO is on our web site.

### NWS TPMS

Mark Langstein participated in an SEB last week which discussed the SOW, the specification and the schedule in this procurement of temporary power systems for NWS' NEXRAD radars. After the SEB was concluded, we met with the Contracting Officer and Program staff to review our comments on the Acquisition Plan and the Source Selection Plan.

### BPR Acquisition Process--Census Pilots

All three Project Teams have now developed draft Project Agreements, which will act as initial solicitations for the projects and allow the teams to down-select offerors for the second phase of the procurements. We have provided comments on the drafts to the teams. One of the agreements (for the Laptops acquisition) may be released as early as the end of next week. Fred Kopatich is advising.

### Techno Sciences, Inc.

Catherine Shea & Mark Langstein met with the Contracting Officer and the COTR to discuss potential claims of both the Government and TSI relating to TSI's performance of two contracts for NOAA's SARSAT.

### Actions Completed/Received during Period

	From 5/12/96	To 5/25/96
	Received	Completed
ITA	1	1
NIST	4	5
NOAA	13	16
PTO	2	1
<b>Total</b>	<b>20</b>	<b>23</b>

### Contract Law Division—Client Workload Period Ending 05/25/96

