



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending June 6, 1998

Omitron, Inc. v. DOC—B-279751.1 & B-279751.2 (Supplemental Protest)

DOC/NESDIS has decided to take corrective action based upon discovery of flawed evaluation of Past Performance and other flaws in the Tech Evaluation of the proposals. The GAO granted our request for dismissal on 6/1/98. Ed Weber

CONOPS—Radiosonde Acquisition

NOAA's National Weather Service (NWS) intends to replace its current network of radiosonde observing systems with more modern equipment that will operate within a much reduced frequency spectrum, reduce maintenance costs, and be more effectively integrated with other new systems. This network of over 100 stations reaches from the conterminous U.S. to Pacific islands near Japan, and from Alaska to near the equator. NWS seeks to fulfill its objective of replacing the network of radiosonde observing systems under the DoC re-engineered acquisition process termed "Concept of Operations" (CONOPS). Edward Weber and Mark Langstein will serve as legal advisers to the CONOPS team.

Harris Corp. v. U.S. (U.S. Court of Federal Claims)

We are working with the National Data Buoy Center, a non-party in the above-referenced case, to respond to Harris Corp's request for the production of documents. In responding to the requests, one of which is objectionable as overbroad, irrelevant, and unduly burdensome, we will be coordinating the production of documents and appropriate responses with Computer Sciences Corp., another non-party to the action. (Fred Kopatich and Amy Freeman)

CBD Net Issue/F.N. Mfg., Inc. v. United States, Fed. Cl. No. 98-447C

This case is a protest regarding the Army's failure to consider a proposal submitted after the 45-day time period required after publication of a sole-source award notice in the *CBD*. The intervenor has moved to dismiss the protest on the basis that it is untimely because the protestor knew (or should have known) of the award on March 19, 1998, the date of publication on the *CBD Net*. The Department, in conjunction with GPO, administers the *CBD Net*. On March 19, 1998, the Army

submitted the notice of award on the *CBD Net* and received confirmation. The Army's practice has been to use the date of submission to the *CBD Net* as the date on which notice of award is made because it receives confirmation of the posting of the notice on the same date as submission. Protestor claims that its time began to run from the date of publication of the award in the hard copy of the *CBD*, March 23, 1998, *not* the date of submission to the *CBD Net*, even though it knew that the award notice had been posted four days earlier. Terry Lee is working with OAM on this issue.

FCS Procurement Briefing

Last week Ken Lechter presented a briefing in Paris to the senior commercial officers from the Africa Near East Region of the US&FCS, as part of their yearly management and business outlook conference. Approximately 15 officers were present, and we covered such subjects as unauthorized commitments, ratifications, inherently governmental functions, personal service contracts, and other legal issues that are unique to overseas procurements.

CLD "Time to Complete"—9.7 Days

Actions Completed/Received during Period			
	From	To	
	5/24/98	6/6/98	
	Received		Completed
NIST	0		1
NOAA	7		11
Total	7		12

Contract Law Division—Client Workload
Period Ending 06/06/98

