



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending June 7, 1997

### **Unisys Corp. v. DOC, GSBGA Nos. 12823-COM; 13460-COM and 13477-COM**

The settlement agreement has been signed by each party. Congratulations to Terry Lee, Steve Carrara and Roxie Jones along with Gary Rice and Andris Karlsons of the SAO procurement staff for this successful conclusion to a long and contentious dispute.

### **Connections v. DOC—GAO No. B-276889**

Just before the Agency Report was due, Protestor, in this protest of BXA conference services, retained counsel. Since then, Protestor has moved to amend its protest, request additional documents and extend the due date for its Comments on the Agency Report. Mark Langstein and Lisa J. Obayashi are opposing some of the additional document requests as untimely.

### **Gem Engineering Co. v. DOC—GSBCA No. 13566-COM**

The next status call with the Judge will take place this week. Appellant has completed document discovery in Kansas City. We have asked Appellant to subpoena our final deponent, prior to ADR, for the last week in June. We are also planning on visiting the New Jersey WFO site next week. Catherine Shea and Mark Langstein have the case.

### **Pentec Environmental, Inc., v. DOC, B-276874.2**

In an important decision interpreting its new rules, GAO has dismissed all of this protest of a WASC requirement for continuing Exxon Valdez field studies on the basis of timeliness. Mark Langstein anticipates that Protestor will either request reconsideration or file for injunctive relief in federal court.

### **Procurement Discussions with the Ukrainian Government**

The Contract Law Division has been asked to participate on an interagency team of U. S. government officials to assist the Ukrainian government in facilitating the transparency of its processes affecting trade and investment. This initiative resulted from recent agreements between Vice President Gore and President Kuchma. One of the targeting processes is the Ukraine's government procurement system. Ken Lechter is

tentatively scheduled to travel to Kiev at the end of this month for initial discussions covering this subject, with other team members involved in such matters as licensing, ethics, and investment disputes.

### **Andre Kimboko v. USA, et al. 96-WY-1305**

Last October, the U. S. District Court for the District of Colorado dismissed this matter for lack of jurisdiction. The complaint alleged the Department, and other federal agencies, had failed to follow procurement regulations and failed to properly compensate Kimboko for an unsolicited proposal. (The agencies had prevailed in separate matters before the GAO which found the claims to be without merit.) Subsequently, Kimboko filed a variety of motions seeking to amend the original complaint. We recently received copies of the judicial orders in this procedurally convoluted matter. On April 9, the Court issued six orders ruling on the various motions by Kimboko and by the AUSA handling this matter. Ultimately, the Court ruled that Kimboko has leave to amend his original complaint to cure the jurisdictional grounds. This week, Catherine Shea received notice that Kimboko has filed an appeal of four of the six orders issued by the Court.

#### **Actions Completed/Received during Period**

From 5/25/97

To 6/7/97

	Received	Completed
MBDA	1	1
NOAA	15	12
PTO	2	4
<b>Total</b>	<b>18</b>	<b>17</b>

#### **Contract Law Division—Client Workload Period Ending 06/07/97**

