



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending June 20, 1998

### **DelaBarre and Associates v. DoC— Agency Level Protest (Level Above CO)**

Ed Weber and Catherine Shea are handling this disappointed bidder protest challenging NIST's award of a 5 year (base period plus four one-year options) administrative and support services and public relations contract, for the support of the Federal Laboratory Consortium, to Universal Technical Resource Services (UTRS). Protester, through its counsel (Holland & Knight LLP) raises various challenges to NIST's acquisition process, including, *inter alia*, inadequate and misleading discussions, improper evaluation, failure to evaluate Cost Realism of its offer, and bad faith negotiations. All issues are currently under consideration. The decision on the Initial and four Supplemental Protests is expected to be issued by the NIST HCO on or before 6/10/98.

### **LGB & Associates, Inc. (Agency Protest)**

LGB & Associates protests its exclusion from the competitive range in a Bureau of Census procurement for library management and support services, and intent by Census to award the contract to the incumbent contractor, Triumph Technologies, Inc. LGB alleges, *inter alia*, that the technical evaluation of key personnel was flawed. The Contracting Office is preparing an administrative report. The decision is due July 20, 1998. Amy Freeman has the matter.

### **Allstate Leasing, Inc. v. US, Fed. Cl. No. 97-794C**

The case, handled by Terry Lee, is in discovery; DOJ submitted to plaintiff a document request and a set of interrogatories. DOJ received documents informally from plaintiff. It appears as though the lease emanated from CASC for NMFS' enforcement operation in St. Petersburg, FL. DOJ will send materials for review.

### **Moldova WTO/Government Procurement Seminar**

Along with representatives from CLDP and OFPP, Ken Lechter and Mark Langstein traveled to Moldova to assist their Government with issues relating to WTO accession and instituting an effective Government procurement system. The core portion of the trip was devoted to a highly-successful 2-day seminar and 1-day workshop program with participants from both Moldova and the Ukraine. We also met several times with the

Moldovan Director of Procurement to discuss the Moldovan procurement statute, specific issues of concern and the desirability of follow-up assistance. In addition, we conducted an interview for the Moldovan National Radio.

### **CBDNet Issues/OAM**

Terry Lee advised OAM of effectiveness and clarity of language to be placed on *CBDNet* website relative to the "official" nature of the *CBDNet* and the printed *CBD*. OAM did an excellent job with the clarifying language. Another matter arose relating to GPO's having mistakenly given a commercial vendor an access code and accounting code to the *CBDNet*, which the commercial vendor promptly used for commercial advertising. When other vendors (value-added providers) learned of this so-called "golden opportunity", they barraged OAM with telephone calls demanding equal access. When the vendors were told that a mistake had been made, one vendor claimed that it had been "damaged" and demanded "justice".\*\* OAM published a retraction on the website and yanked the access and accounting codes from the errant vendor.

### **CLD "Time to Complete"—0.8 Days**

