



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending June 22, 1996

International Data Systems v. DOC

IDS has filed a bid protest, B-272311, at the GAO against the PTO DeskTop procurement, PTO's micro-computer buy. IDS was informed that its proposal was unacceptable due to its failure to meet numerous mandatory requirements. IDS was debriefed telephonically over a month ago and therefore a Motion to Dismiss was filed on the basis of timeliness. GAO has informed the Government that a decision will be made shortly. In the interim, PTO is performing a cost-technical trade-off among the remaining offers. Lisa Obayashi has the case.

Appeal of Graphic Data—GPO BCA No. 35-94

The GPO hearing judge has granted Appellant's cross-motion for summary judgment and has found the Government liable. The judge ruled that the Government's decision to continue with paper patent copies rather than switch to CD ROMs, as planned, constituted a compensable change under this requirements contract. In view of the decision, we are now assessing whether to proceed with settlement discussions or with a hearing on quantum. Mark Langstein is handling the matter.

Micro-Metric v. DOC—GSBCA 12766-COM

Initial legal briefs were exchanged by the parties in this combined appeal of a termination for default and termination for convenience. The Government asserted that the termination for default should be upheld because the contractor failed to deliver a precision measuring system that met the specifications, repudiated the contract, and acted in bad faith. The Government also asserted that if the default termination was overturned, the contractor should be estopped from asserting its termination for convenience claim because it had misrepresented that it was entering into a no-cost settlement agreement with the Government, and that any recovery should be denied because of a failure to mitigate damages. Jeff Hughes has the appeal.

Agency Bid Protest Procedures

The agency bid protest procedures, prepared in response to Executive Order 12979 and FAR 33.103, are in their final stages. Catherine Shea is following up on Alice McKenna's work and is working with Nellie Cassels to finalize the procedures. Catherine will also assist Nellie in her oral presentation at the Industry Day on June 28.

Andre Kimboko v. U.S.

In this case filed with U.S. District Court in the District of Colorado, Plaintiff has named as defendants Vice President Gore, Secretary Kantor, Larry Irving, NTIA, Secretary Donna Shalala, Secretary Jesse Brown, Secretary Frederico Pena and others. Plaintiff claims that these parties failed to follow procurement guidelines in the review of Plaintiff's unsolicited proposal. We believe the claim is without merit. Plaintiff lost a similar protest last year before the GAO. Colorado Assistant U.S. Attorney Bob Clark is handling the case. The Government's response is due August 7. Catherine Shea has the matter for CLD.

NEXRAD

Sometime ago the NEXRAD contracting officer denied Unisys requests for additional costs related to import duties. That denial was based upon the contract terms which required Unisys to include those costs in its proposal. Unisys has submitted additional material requesting the contracting officer to reconsider his position. The amount of the dispute has not been quantified. Steve Carrara is advising.

Actions Completed/Received during Period

	From 6/9/96	To 6/22/96
	Received	Completed
BXA	1	1
CENSUS	3	3
ITA	1	1
NIST	7	5
NOAA	11	9
PTO	4	4
Total	27	23

Contract Law Division—Client Workload Period Ending 06/22/96

