



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending August 1, 1998

Raytheon STX v. DOC, GSBGA No. 14298-COM

We have filed our response to Appellant's motion to compel production of third-party contract files. Our response included the declaration of the Department's Procurement Executive to demonstrate the burden on procurement offices if production is the motion to compel is granted. The parties have produced their respective documents and we took depositions of the contractor's Director of Administration and representatives of three subcontractors. (Fred Kopatich and Edward Weber)

BOC PeopleSoft Software Procurement

The Bureau of Census was informed by the licensor of PeopleSoft software, version 5.1, which the Bureau intended to use to create the payroll records for all temporary Census 2000 employees, that it would no longer support the version it licensed to the Bureau. We determined that the software license agreement the Bureau entered into in 1996 provided that the licensor was required to support only the current version of PeopleSoft, which is version 7. It appears that the Bureau may now negotiate a modification to upgrade to the latest version of the software. (Fred Kopatich)

Technical Systems Associates, Inc. v. DOC, — GSBGA Nos. 13277-COM and 14538-COM

We have completed taking our depositions. Appellant's depositions are scheduled to take place in Boulder, CO from August 17 through 21. (Terry H. Lee)

Aspen Helicopters v. DOC, —GSBGA No. 13258-COM

We have scheduled depositions of Appellant's potential witnesses in Erie, CO and Oxnard, CA during week of August 24. (Terry H. Lee)

Appeal of N. Florida Shipyards—GSBGA 14030-COM

We took the deposition of the senior on-site contractor representative in this \$500,000 ship repair claim. As a result of the deposition, contractor's counsel made his first offer of settlement. It is anticipated that we will know whether this matter will be settled within the next 30 days. (Ken Lechter)

Boulder Research and Administrative Network

Participated in several telephone conversations with MASC program and procurement officials re: the proposed Boulder Research and Administrative Network (BRAN) joint project. There are several issues under discussion: whether the feasibility study (to decide whether the joint project should be undertaken) can be in the form of a sole-source contract to the city of Boulder, one of the participants of the proposed joint project; whether the BRAN project meets the qualifications of a joint project. (Lisa J. Obayashi)

Service Contract Act Issue

Researched the issue of whether the Service Contract Act was applicable to an acquisition for NOAA weather radio transmitter maintenance services where the services would be provided by a radio/television broadcast company. The SCA provides a statutory exception to services provided by broadcast companies subject to the Communications Act of 1934. The question is whether this type of maintenance services are encompassed in the exception. (Lisa J. Obayashi)

CLD "Time to Complete"—4.5 Days

