



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending August 2, 1997

### **Techno-Sciences, Inc. v. DOC— GAO B-277260**

We received TSI's comments to our Agency Report on this protest of NOAA's development of non-proprietary SARSAT software. Among other things, TSI alleges that its Fourth Generation USMCC software is non-proprietary. We filed a request to submit an additional statement at the GAO, and, if granted, plan to file additional declarations by the Contracting Officer and the COTR refuting TSI's contentions. TSI has opposed the request. Amy Freeman & Mark Langstein have the case.

### **Landsat**

Mark Langstein advised AGC/Legislation on the impact of NSF-proposed language in Landsat Act amendments which might negatively impact on the ability of the Government to obtain data from commercial operators.

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

An ADR proceeding in this claim for additional costs for construction of a Weather Forecast Office in Mt. Holly, New Jersey, has been scheduled for mid-November. Appellant will take its last intended depositions in Kansas City in mid-August. Mark Langstein & Catherine Shea have the case.

### **Technical Systems Associates, Inc. v. DOC—GSBCA No. 13277-COM**

Appellant's responses to our First Set of Interrogatories and Request for Production of Documents are due next week. At our client's request, we offered appellant a settlement which would have converted the default termination to a no-cost cancellation. Appellant's counsel has indicated that his client is likely to reject the proposal. Terry H. Lee has the case.

### **Pentec Environmental, Inc. v. DOC—GAOB-276874.2**

GAO has denied Pentec's request to reconsider its dismissal of a protest against a WASC requirement for continuing Exxon Valdez field studies. Mark Langstein represented WASC.

### **NIST Advanced Chemical Sciences Laboratory**

This \$50 Million NIST design-build contract provides for partnering and an agreement to employ alternative dispute mechanisms. As a result, no formal claims have yet been filed. The parties are now faced with a substantial disagreement on the effects of specification changes on project delay and have agreed to a non-binding mid-September ADR "mini-trial" before the General Services Board of Contract Appeals. Ken Lechter is advising.

### **Northgate Heating and Cooling Service, Inc. v. DOC— GAO No. B-274853**

In this rather bizarre case, Protestor had already been awarded a contract and completed performance. It is claiming moneys allegedly owed by NIST for work performed, and for which a proper invoice has never been submitted. Because the GAO has no jurisdiction over this type of matter (which should have been filed either in the GSBCA or the U.S. Court of Federal Claims), Ken Lechter filed a Motion to Dismiss. The GAO has dismissed the case.

