



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending August 03, 1996

## Federal Computer Corp. v. DOC, GSBICA Protest

Although the GSBICA loses jurisdiction of new Brooks Act protests on August 8, 1996, that did not stop FCC from filing a protest on Census' Laptop procurement. Fortunately, after teleconferences with BOC and the protestor, Fred Kopatich was able to obtain an agreement for the protestor to withdraw the protest.

## Laptops, etc. v. DOC—Two GSBICA Protests

Not to be outdone by FCC, LapTops, etc. filed two additional protests in the Census Laptop procurement. Fred Kopatich is working with the CO and CONOPS team in an effort to resolve these matters.

## Small Minority & Disadvantaged Businesses

Catherine Shea attended the National Economic Research Associates roundtable discussion on the effect of *Adarand* and *Croson* on public contracting. The Affirmative Action Institute co-sponsored the roundtable. Representatives from the DOJ also attended and discussed the history and rationale for the DOJ Proposal. DOJ received 300-400 comments on its proposal. DOJ anticipates reviewing comments within the next few weeks and issuing further guidance shortly.

## Garza v. DOC—GSBICA 13332-COM

In this contract appeal of the denial of a construction delay claim, the bankruptcy court has now approved a settlement between the trustee in bankruptcy (for Garza Corp.) and the Contracting Officer. Final resolution of the appeal will follow shortly according to Jeff Hughes.

## Advanced Chemical Sciences Laboratory--NIST

Jeff Hughes and Ken Lechter of the Contract Law Division were invited to attend the ceremonial ground breaking of the Advanced Chemical Sciences Laboratory. In attendance, among other dignitaries, were Senators Sarbanes and Mikulski, Congresswoman Morella, and Under Secretary for Technology, Mary Good. This construction is significant because it represents the first awarded construction contract that had been part of DOC's pledge to Dr. Steven Kelman of the Office of Federal Procurement Policy to incorporate partnering and ADR into approximately \$500 million dollars in construction contracts planned by NIST in Gaithersburg and Boulder, Colorado. It is also represents a "success story" for the concept of a "design-build" in major construction efforts, an approach promoted by the Federal Acquisition Streamlining Act.

## MASC - Site Visit

Lisa J. Obayashi and Jerry Walz traveled to Boulder, Colorado to visit with procurement personnel. Lisa provided a presentation on FASA/FARA issues, BPR-CONOPS and new Agency-level protest procedures. Both CLDers also met with FSL personnel to discuss upcoming procurements.

## Proposed GSBICA Rules

With the termination of the General Services Board of Contract Appeals' jurisdiction over bid protests, and the expansion of alternative dispute resolution usage, GSBICA has drafted new proposed rules, to which we have provided comments. Ken Lechter and Catherine Shea had the task.

## New Contracts Mailing List

We've started a new Internet, and Vines, based mailing list for Contract Law attorneys and our clients at the various procurement points. This is a Commerce only list so don't have other people try to subscribe. To subscribe send an Internet e-mail to [majordomo@census.gov](mailto:majordomo@census.gov) and put the following in the body of the message:

subscribe ContractsGC

### Actions Completed/Received during Period

	From 7/21/96	To 8/3/96
	Received	Completed
CENSUS	2	2
NIST	5	4
NOAA	3	5
O/S	1	1
PTO	9	7
<b>Total</b>	<b>20</b>	<b>19</b>

### Contract Law Division—Client Workload Period Ending 08/03/96

