



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending August 15, 1998

Techno-Sciences, Inc., B-277260.4

GAO denied our request for reconsideration, but modified its recommendation to eliminate the need for the agency to perform an additional market survey. We participated in a strategy meeting with the NESDIS SARSAT program officials, and will participate in a meeting next week with the NESDIS management office to discuss GAO's recommendation that the agency pay TSI's attorney fees. (Mark Langstein, Amy Freeman)

In-Flight Documentation-Protest above CO

We have received an agency-level (level above the Contracting Officer) protest against NWS' cancellation of this lengthy procurement for aircraft departure in-flight documentation. We are assisting the Contracting Officer in gathering information. (Mark Langstein & Catherine Shea)

Agency Protests (Level Above CO)

In coordination with OAM (Office of Acquisition Management) over the past several months, we drafted a set of guidelines to assist all DOC heads of contracting activities (HCA's) in handling these matters. OGC/CLD concurred (7/19/98) and on 7/22/98 OAM issued the "Internal Operating Procedures for Handling Agency Level Protests (Level Above the Contracting Officer)." (Edward Weber and Jerry Walz)

PTO-Microsoft Corporation/Y2K Compliance

A meeting was held with PTO and Microsoft Corporation officials involving Microsoft's position on Y2K compliance. Microsoft has informed PTO that its products deployed at PTO are Year 2K compliant, but that it disagrees as to what remedies are available to the Government in the event any of its products are found to be non-compliant. Microsoft is handling the Y2K issue on a contract-by-contract, agency-by-agency basis. Therefore, PTO has formally requested full compliance pursuant to Part 39 of the FAR and is awaiting Microsoft's response. (Lisa J. Obayashi)

NOAA-NEXRAD/Data Rights

The NEXRAD Operational Support Facility of the National Weather Service has asked for a legal opinion on what constitutes "unlimited data rights" so far as the contractor's (Lockheed Martin) parts identification system is concerned. The

contractor has taken a position that the Government has unlimited rights in the content of technical data (technical drawings of certain NEXRAD parts), but not the identification numbers used to identify the parts in question. (Lisa J. Obayashi & Steve Carrara)

GOES

This week we attended the first Major Systems Acquisition Review conducted by Deputy Under Secretary Gudes. The GOES program was the first acquisition reviewed and a major topic of discussion concerned the potential of increased costs due to projected budget allocations which may extend future launch dates. (Steven Carrara)

NOAA Weather Radio Transmitters

We reviewed the RFP which will enable NOAA, as well as state and local government cooperators, to purchase new transmitters. In order to have the new equipment in place for the next severe storm season, award should be made before the end of this fiscal year. (Mark Langstein)

CLD "Time to Complete"—4.9 Days

