



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending August 16, 1997

Harrison Sherwood v. DOC— GAO No. B-2777707-1

In this case, Protestor contests the award of a Personal Service Contract to someone other than himself to act as a commercial representative for the United States and Foreign Commercial Service (US& FCS). The contract was awarded by the State Department on behalf of the Department of Commerce. Under State Department regulations, these acquisitions are handled as hires pursuant to "Job Opportunity Announcement(s)." We will be filing a Motion to Dismiss on the basis that (1) the protest was untimely, (2) the GAO has no jurisdiction as this "acquisition" was not done as a procurement contract, and that (3), if there is jurisdiction, the State Department is the appropriate Respondent. Ken Lechter has the case.

Technical Systems Associates, Inc. v. DOC— GSBICA No. 13277-COM

Respondent's offer of settlement was rejected. By virtue of agreement to short extension of time, appellant's responses to respondent's first set of interrogatories are due on 8/15/97. Counsel is scheduled to visit Boulder, CO (Environmental Testing Laboratory) during week of 8/17 to interview potential government witnesses. Terry H. Lee has the matter.

FEDSMR

At NTIA's request, Mark Langstein reviewed a contract between the Department and FEDSMR under which NTIA made spectrum available to FEDSMR and FEDSMR could, in turn, market land mobile communications services to federal agencies. The issue of concern was whether NTIA could authorize the Navy to establish its own system in the Norfolk area without incurring potential contractual liability to FEDSMR. We concluded that NTIA would not incur any contractual liability assuming that the authorization otherwise complied with NTIA's organic statutes, regulations and other policies. Rep. Wolf has written to NTIA on behalf of FEDSMR.

Techno-Sciences, Inc. - GAO B-277260

Amy Freeman and Mark Langstein are preparing additional statements responding to Protestor's

Comments to our Agency Report on this protest of NOAA's development of non-proprietary SARSAT software.

Med-National, Inc.,—GAO B-277430

Cecilia R. Jones filed the agency report in this protest in which protester contends that NOAA improperly excluded its proposal from consideration. Although the case is being handled under GAO's express option, Protester has requested a hearing which we opposed.

Industry Day

Lisa J. Obayashi & Fred Kopatich attended and participated in the Department's Industry Day for vendors interested in acquisitions for the Census Bureau and PTO. Industry Day highlighted the Department's Concept of Operations, the redesigned streamlined acquisition process.

Look Out All Perpetrators—Steve Carrara is Coming to D.C.

Steve Carrara has accepted a six month detail to the U. S. Attorney's Office in the District of Columbia. When Steve begins, on September 115, 1997, we can all sleep a little easier knowing that Steve will be putting the bad guys and gals away.

Actions Completed/Received during Period			
	From 8/3/97	To 8/16/97	
	Received		Completed
ESA/BEA	1		1
NIST	1		1
NOAA	6		4
O/S	1		1
PTO	6		6
TA	1		1
Total	16		14

