



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending September 12, 1998

### Oracle Corporation v. DoC –GAO B-280992

Oracle Corporation has filed a bid protest against the award of a \$1.7 million Patent and Trademark Office contract for human resources software to PeopleSoft, Inc. Oracle alleges that PTO conducted an improper cost-technical trade-off, an improper past performance evaluation and failed to follow stated evaluation criteria. (Lisa J. Obayashi)

#### A-76 Issues

The Assistant Secretary for Administration has requested each Department office prepare and submit a complete A-76 inventory. OMB Circular A-76 requires an office to review its work to determine what percent of the work in each office is inherently governmental and what percent of the work in the office is commercial in nature. Based on this information, the office then determines whether it is required to conduct a cost comparison analysis of the commercial FTE. This analysis would compare the costs of performing work in-house versus the cost of performing the work with contractors. The OMB Circular A-76 requires an office to conduct the only if the total number of FTE performing commercial functions is greater than 10. The Office of the Assistant General Counsel for Finance and Litigation is coordinating the response for OGC. (Catherine Shea)

#### Regional Seminar on World Trade Organization Principles and Practice

We have been asked by speak on procurement and transparency issues at this seminar in Washington during the week of September 21. The seminar is being sponsored by CLDP, and is being presented to approximately a dozen deputy ministers and members of parliament from Moldova and Ukraine. (Ken Lechter)

#### Local Census Office/Automation Infrastructure Procurement

We have completed our final legal review of the contract and source selection documentation. Award of a contract to provide the IT infrastructure to the 600+ local census offices, valued at over \$40 million, will be made this week. (Fred Kopatich)

### Todd Pacific Shipyards Corp. (B-280799-2)

Cecilia Jones filed the Department's agency report in this protest in which Todd Pacific challenged NOAA's award of a repair contract for the NOAA ship, Miller Freeman. The report requests that two of the three claims in the protest be dismissed as untimely. We argued that the third claim, in which protester claimed NOAA failed to assess foreseeable costs, has no basis in fact.

#### Department of Justice Administrative Dispute Resolution Meeting

The Attorney General Janet Reno held an interagency meeting to initiate an Administrative Dispute Resolution Working Group. In light of this initiative, F&L has prepared and circulated, with the AGCs for Administration and Legislation and Regulation, a draft Departmental Administrative Order designating the statutorily required Dispute Resolution Specialist and proposal for ADR program implementation. The DOJ will also sponsor four working group meetings in October which CLD will attend with Kit Lunney.

#### CLD "Time to Complete"—1.8 Days

