



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending September 25, 1999

Integrated Support Systems, Inc. v. DOC, **B-283137-2**

Protest denied by GAO decision issued on September 13. Protestor failed to ensure sufficient time for timely delivery of its proposal. Therefore, agency reasonably rejected proposal as late. (Terry H. Lee)

Kathpal Technologies, Inc. v. DoC, **B-283137-3**

Another protest filed against the COMMITS procurement. Protestor alleges that DoC failed to evaluate its “complete proposal”, *i.e.* slides submitted as part of the oral presentation, thereby breaching the implied duty to evaluate offerors fairly. Protestor also alleges that because agency failed to notify protestor that it was not selected to make an oral presentation, it continued to prepare, thereby incurring proposal costs for which it believes the agency is liable. Protestor requests: (1) the opportunity to make an oral presentation; (2) award of one of the COMMITS contracts; and (3) compensation for bid and proposal costs and costs of the protest. (Terry H. Lee)

NDBC Technical Services Procurement

We have completed our legal review of the solicitation for this large NOAA procurement, and it has been released by NDBC. (Fred Kopatich)

Allstate Professional Movers, Inc. (Protest to the Contracting Officer)

The Contracting Officer has denied this protest to the agency (PTO) against the award of a moving services contract. The Contracting Officer concluded that the protest was untimely and that PTO’s evaluation of the protestor’s past experience was proper. Although PTO will pay a slight premium for the services of the awardee (C&G Movers, Inc.), PTO determined that the superior past performance and experience warranted the price. (Lisa J. Obayashi)

Domain Name Project

The General Counsel and NTIA successfully negotiated a series of agreements with Network Solutions, Inc. and the Internet Corporation for Assigned Names and Numbers. The series of agreements ends several months

of negotiations among the parties for the terms and conditions by which NSI and ICANN will operate and perform responsibilities for the technical management of the Domain Name System. NSI has agreed to recognize ICANN as the NewCo described in the Administration’s Statement of Policy on the Technical Management of the DNS. NSI will abide by ICANN consensus based policies in providing registry services for the .com, .net, and .org TLDs and in providing registrar services. ICANN for its part agreed to comply with specified procedural requirements governing the exercise of its responsibilities to develop consensus-based policies with respect to registry and registrars. CLD provided legal support in these negotiations. (Catherine Shea)

National Mailing Systems—Agency Protest

Ed Weber continued to assist AMD with no cost termination as part of the resolution of the Protest. NMS challenged the award of a contract to Pitney Bowes (“PB”) for mailing system equipment (and equipment maintenance) for 26 NOAA offices in the continental US and Puerto Rico.

CLD “Time to Complete”—1.2 Days

Actions by Contract Law Division during Period from 9/12/1999 9/25/1999

Bureau	Received	Completed
CENSUS	4	4
ITA	1	1
NIST	14	14
NOAA	23	22
PTO	1	1
Totals	43	42

Contract Law Division—Client Workload
Period Ending 09/25/99

