



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending September 27, 1997

Global Business Development Consultants—Agency Protest

GBDC has filed an agency-level protest against a NIST solicitation for a Standards Representative to be located in India. Protester claims, in essence, that NIST should consider its late proposal because it was NIST's inadequate response to its Solicitation question that caused the proposal to arrive 26 minutes late. As part of the Department's new protest procedures, Cecilia R. Jones is reviewing relevant documents and will draft an opinion in the matter.

IPACS

Mark Langstein attended a meeting with program staff, acquisition management, procurement and IRM to discuss cost increases associated with this program, an increase in the amount of the delegation of procurement authority and obligating \$2.7 million in Dept. of Air Force funds towards this requirement which will permit joint operation of NOAA POES and Air force DMSP craft. Although the reasons underlying the cost increases appear sound, the manner in which the program is being financed may be violating the Adequacy of Appropriations Act and the Antideficiency Act.

TPMS

Mark Langstein also participated in testing of the proposed TPMS at NOAA OSF facilities in Norman, Oklahoma. At our suggestion, the contractor agreed to an additional test which showed that the proposed temporary power system is capable of simultaneously powering 2 NEXRAD systems for approximately 21 seconds. This performance, far exceeding the specifications, should enable us to reduce the number of TPS units for FAA sites, which are equipped with two radars.

Army War Games

At the invitation of the Department of the Army, Ken Lechter participated this week in the "Army After Next" war games exercise held at the Center for Strategic Planning of the Army War College in Carlisle, Pennsylvania. Ken "played" the Secretary of Commerce.

Techno-Sciences, Inc. - GAO B-277260

GAO sustained TSI's protest on September 22,

1997, on the basis that NOAA failed to conduct a market survey. The decision recommends the following corrective action be taken: NOAA must conduct a market survey and prepare a revised government estimate; if RPS's contract price exceeds the new government estimate, the GAO recommends that agency terminate the contract. Amy Freeman is working with the agency to implement GAO's recommendations.

ASTRO Systems, Inc. -Agency Protest

On September 15, 1997 ASI supplemented its protest with 20 new protest grounds including an allegation of Agency bias against ASI. The CO is preparing its response to ASI's protest supplement and we are also reviewing it as part of the overall protest decision. Ed Weber has the matter.

National Refrigeration v. DOC—GSBCA 14179-COM

After the taking of the principle's deposition in Providence, Rhode Island, Ken Lechter has been able to settle this termination for convenience claim with terms favorable to the Government. The Board has been notified of the settlement and we are now processing the closing papers.

	From 9/14/97	To 9/27/97
	Received	Completed
CENSUS	3	3
NOAA	22	26
PTO	13	13
Total	38	42

Contract Law Division—Client Workload Period Ending 09/27/97

