



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



## Biweekly Report - Period Ending September 28, 1996

### Int'l Data Products, Corp., I-NET, Dunn Computer Corporation, & Concept Automation, Inc. v. DOC—GAO No. B-274654, B-274654.2, B-274654.3, B-274654.4

Four bid protests were received in PTO's DeskTop procurement. The bases of the protests are identical: improper downgrading of protestors' proposals, improper technical/cost trade-off, abuse of discretion by awarding without discretion. Within one week, CAI withdrew its protest. Agency reports for the remaining protests are due 10/17 - 10/21. Lisa J. Obayashi has the lead, assisted by Mark Langstein and Catherine Shea.

### Federal Builders, LLC v. DOC, (GSCBA No. 13864-COM)

Appellant has appealed a CO decision denying its claim for an equitable adjustment to its lease for the Duluth, Minnesota Weather Forecast Office. The agreement called for the contractor to build the forecast office and subsequently lease it back to the Government. Appellant claims that in the course of constructing the building it incurred excess costs for: (1) installation of water and sewer lines, and (2) driveway improvements required by the state. Cecilia Jones is preparing to file

the Government's Rule (4) file in this matter.

### Metro Monitoring Services, Inc. v. DOC

The Government filed its agency protest in response to this bid protest against award of a contract to the low bidder in this National Weather Service weather observation contract. The basis of the protest is an impermissible conflict of interest between a NWS employee and the awardee. Lisa J. Obayashi has the case.

### AWIPS

We have reviewed the Draft AWIPS Production Decision (APD) and provided comments to the Office of Budget, Management, and Information (OBMI). Through the APD, the Secretary approves production of AWIPS and nationwide deployment of the AWIPS information system. Also this week, we met with NOAA and the director of OBMI to discuss future contract requirements, the status of contractor tests, the APD, and certain OMB concerns. Roxie Jones is advising.

### End of the Fiscal Year Approaches

Although the date of this report is September 28th, the "Actions Completed" chart below reflects work through the end of the FY.

### DCS 2000 Parallel Review

The Census Bureau has prepared responses to 95 vendor questions received since release of the Request for Proposals last month. Fred Kopatich has reviewed the responses, and they will be issued shortly.

### NESDIS ADP Procurement

We attended a debriefing for an unsuccessful offeror. In the debriefings for this procurement, the contracting officer is providing each unsuccessful offeror a copy of the technical evaluation report for its proposal. The offerors have all welcomed the openness of this process and abundance of meaningful information. Mark Langstein and Catherine Shea are advising.

### Gem Engineering v. DOC GSCBA-13566-COM

GEM has filed its response to our combined motion to dismiss and for summary relief. While it not likely the Board will grant our motion, the Appellant's response does not clarify the factual issues that support its Complaint. Catherine Shea and Jeff Hughes have the matter. [Note: Jeff Hughes leaves for DOJ at the end of this week. We all wish Jeff well in his new position.]

### Actions Completed/Received during Period

	From 9/15/96	To 9/30/96
	Received	Completed
CENSUS	4	4
Franchis	1	0
MBDA	1	1
NIST	22	22
NOAA	36	39
NTIA	1	1
O/S	3	3
PTO	8	8
<b>Total</b>	<b>76</b>	<b>78</b>

### Contract Law Division—Client Workload Period Ending 09/28/96

