



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending October 10, 1998

Oracle Corporation v. DoC –GAO B-280992

Pursuant to the GAO bid protest filed by Oracle Corporation against the award of a \$1.7 million Patent and Trademark Office contract for human resources software to PeopleSoft, Inc., the Contracting Officer has suspended performance under the contract. The Government's agency report will be filed next week. (Lisa J. Obayashi)

Raytheon STX v. DOC, GSBICA No. 14298-COM

We have submitted our Record Submission in this appeal, which contained a full briefing all factual and legal issues. There will be no hearing in this case, and it will be decided on the parties' briefings. Reply submissions are due October 30. (Fred Kopatich and Edward Weber)

Small Business Reengineering

To support the Administration and Departmental efforts to improve the acquisition process by improving small, small-disadvantaged and women-owned businesses acquisitions, the Bureau of the Census has convened a reengineering team. The team began its meetings on September 22. Catherine Shea will participate on this team as a non-voting member. The team expects to issue a proposed implementation

Technical Systems Associates, Inc. v. DOC, GSBICA Nos. 13277-COM and 14538-COM

On October 6, 1998, appellant's counsel filed a motion to withdraw from the case, based upon irreconcilable differences and failure to pay fees as agreed. After two conference calls with the Judge, appellant was allowed until October 8th to advise the Board whether it would proceed to hearing with counsel or would proceed on the record. (Terry H. Lee)

Agency Level Protest and Claim of Arthur Lees

Protestor and claimant was a personal services contractor for US&FCS in China. A State Department contracting officer, on behalf of US&FCS, awarded the contract. Mr. Lee filed a claim with the contracting officer alleging, *inter alia*, that the contract was illegal, as it was not properly advertised and evaluated as a contract, and that it did not contain required FAR clauses. He also alleged that his relationship had been, *de facto*, a hire, and that he therefore was entitled to federal employee benefits. This claim was followed by an agency level protest alleging that US &FCS personal service contracting opportunities presently being advertised for China are illegal in that they are not being advertised properly as contracts. Meetings among upper management, contracting personnel, and counsel for both agencies are scheduled this week to determine how these issues are to be handled. (Ken Lechter)

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

GAO dismissed this protest for failure to comment. Protester had contended that NOAA failed to assess foreseeable costs to the low bid in accordance with the solicitation. Protester did not, however, respond to the Government's agency report which showed, conclusively, that NOAA had properly assessed foreseeable costs. (Cecilia Jones)

Good-bye Cecilia

Best wishes to Cecilia Jones who left government service at the end of this period. Cecilia has been a valued member of our staff since 1990.

NTIA Domain Name System Agreement

After extensive negotiations with Network Solutions, Inc., NTIA completed an amendment to the cooperative agreement for technical management of the domain name system. CLD assisted in this effort and provided legal advice and coordinated the legal review of a variety of issues. The House Science Committee also held a hearing on the subject this week. NTIA will next review the three proposals from the private sector and enter negotiations for an agreement to transition from the U.S. led management of DNS to the private sector.

CLD "Time to Complete"—1.2 Days

