



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending October 25, 1997

North Florida Shipyards v. DOC—GSBCA 14030-COM

We are scheduled to travel to the Atlantic Marine Center in Norfolk, Virginia, next week to defend the deposition of the contracting officer's technical representative in this claim by the contractor for approximately \$500,000, based upon alleged constructive changes and defective specifications in a ship repair contract for NOAA. At that time, we will schedule the Government's depositions of the relevant Contractor personnel. A status conference with Board Judge Vergilio is scheduled for October 30, 1997. Ken Lechter has the case.

2000 Advertising Procurement

Award of this \$100 million procurement to provide advertising services for the 2000 Census was made to Young & Rubicam. Debriefings with the three unsuccessful offerors who remained in the competition are expected to be held the week of October 27. We will assist the Census Bureau in preparing for the debriefings and will attend them. Fred Kopatich is advising.

CVD Equipment Corp. v. DOC—GAO No. B-278311

GAO has granted the Government's request for summary dismissal of a protest filed against a NIST procurement for gas cylinder cabinets. The protestor had claimed that it was a technically acceptable, low cost offeror and therefore it was entitled to award. The award was based on "best value" to the Government where technical merits and past performance were more important than price. Therefore, CVD's protest which failed to raise any violation of law or regulation was found not to be a valid basis for protest and dismissed. Lisa J. Obayashi handled the matter.

Appeal of Technical Systems Associates, Inc., GSBCA No. 13277-COM

Respondent filed a partial withdrawal of its motion to compel responses, relating specifically to three answers to interrogatories where appellant finally completed identified the individuals associated with the project. The remainder of the motion stands. The parties have agreed to a telephone conference with the Board to attempt to resolve the current discovery issues. Additionally, the GSBCA gave appellant until October 28, 1997, to

file an amended expert witness identification. Terry H. Lee has the case.

Radio-Holland B.V.- Agency Level Protest

Protest granted by Richard de la Menardiere on October 21, 1997. We reviewed the revised Pricing Schedule and made recommendations to the EASC Contracting Officer regarding contents of the solicitation (Invitation-For-Bids). EASC will reissue the Invitation-For-Bids once they have completed revisions. Ed Weber has been handling the protest.

MASC-Facilities & Logistics Division

Lisa Obayashi prepared a release and waiver document for MASC's FLD. FLD and MASC's Procurement Division are involved in an expired lease whereby MASC was required to remove certain equipment from an ASOS site. MASC Procurement had arranged for a contractor to perform the removal. The contractor and the lessor had entered into an agreement whereby the equipment would remain on the site. Due to this unusual arrangement, releases and waivers are requested from both the lessor and the contractor.

