



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending November 23, 1996

Engineered Systems, Inc. GAO-B-273027, Denied

We have just received the decision of the General Accounting Office (GAO) in this protest arising out of the award of a follow-on contract by NOAA to the incumbent contractor for the maintenance and logistical support of the Weather Radio Transmitter Network. Protestor had claimed that the Government improperly applied the solicitation's evaluation criteria to its offer, and failed to make a proper cost/technical trade-off in arriving at its award decision. The GAO denied the protest finding that the agency evaluation was reasonable and in accordance with the stated evaluation criteria. CLD wishes to thank John Thompson and Greg Smith from PGAS for their excellent support in the defense of this protest. Ken Lechter handled the matter for CLD.

NESDIS Acquisition Team for CDA Antenna

Catherine Shea attended a meeting of the acquisition team for the NESDIS Antenna Systems Refurbishment and Upgrade. The most critical element of the contract is the time sensitive nature of the installation of the antenna at Fairbanks. We will receive the source selection plan and specifications within the next few weeks.

Techno Sciences Inc.

We have finally completed negotiation of the contract modification for the Search and Rescue LUT maintenance support contract. While this negotiation has been arduous task considering the amount of money involved, the process has resulted in a "clean slate" for this contract. We anticipate a more amenable relationship in the future. Catherine Shea is advising.

BPR/CONOPS--Census Pilot Projects

(1) In the Data Access and Dissemination System (DADS) procurement, we assisted the project team in their proposal evaluation and vendor down-selection process. Of the five vendors submitting offers, one offeror submitting an unacceptable offer will be eliminated from competition and two vendors who submitted acceptable but marginal proposals will be asked to voluntarily withdraw. (2) In the Geographic Updates procurement, we reviewed and commented on further drafts of the Project Agreement. Fred Kopatich is advising.

CHI Fabrication Services v. DOC

Cecilia Jones filed the agency report in this protest at the GAO.

Gem Engineering v. DOC GSBGA-13566-COM

The Board denied our combined motion for summary relief in part and motion to dismiss. However, as the motion did afford the Government an opportunity to raise some issues, the motion does appear to have had some positive effect in the proceedings. In a status conference call this week, the Board again suggested the parties consider ADR. Based on the scarcity of evidence provided in discovery to date, we requested an opportunity to conduct some depositions before an ADR conference. The Board appears to recognize some of the weaknesses of Appellant's claim. Catherine Shea and Mark Langstein have the case.

Unisys Corp. v. DOC

Terry Lee and Steve Carrara will complete depositions of Unisys' experts by 11/26. We anticipate discussions regarding another enlargement of time for inception of trial because we have already slipped the schedule with respect to the onset of negotiations for stipulations of fact. This slippage is due solely to Unisys' delays in providing respondent with the backup materials to its experts' reports and scheduling of the experts themselves.

Actions Completed/Received during Period

	From 11/10/96	To 11/23/96
	Received	Completed
NIST	4	4
NOAA	10	8
O/S	1	0
PTO	8	8
Total	23	20

Contract Law Division—Client Workload Period Ending 11/23/96

