



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending December 5, 1998

## ***Eastern Technical Enterprises v. United States et. al. (E.D.N.Y.) CV98-6946***

In one of those rare instances where the contractor is invoking the maritime exception to the Contract Disputes Act, we have been notified of the appeal of a contracting officer's final decision in the nature of a Complaint in the United States District Court. The appeal arises from a dispute regarding a NOAA ship repair contract out of EASC. Ken Lechter is contacting the appropriate U.S. Attorney to coordinate defense of this case.

## **Debcon, Inc., v. Dept. of Commerce—GSBCA No. 13923-COM**

We have received a scheduling order from the presiding judge requesting the parties to submit their proposed proceeding schedule to the Board by the end of December. (Mark Langstein)

## **Appeal of Debcon, Inc., GSBCA No. 13923-COM**

Settlement discussions attempting to resolve this dispute regarding a \$600,000 claim arising out of construction of the Flagstaff, AZ WFO have failed. We anticipate an early summer trial. (Mark Langstein)

## **Raytheon STX v. Dept. of Commerce, GSBCA No. 14298-COM**

The Appellant has submitted a motion to strike a portion of the Government's reply brief in which we requested that numerous documents Appellant included in its Supplemental Appeal File be stricken because they were not produced during discovery or are irrelevant. Fred Kopatich and Edward Weber have filed a response to the motion.

## **PTO-ITPA Contractor Selected**

PTO has made a decision to award the Information Technology Product Assurance (ITPA) contract to the incumbent, Galaxy Scientific Systems. The \$34 million contract is for independent testing and quality assurance services. (Lisa J. Obayashi)

## **FSL Supercomputer**

Mark Langstein attended vendor presentations in the acquisition of a new supercomputer for Boulder's Forecast Storms Laboratory. The presentations were useful in helping us formulate a good statement of work in this highly-

competitive acquisition.

## **Information Technology Services Procurement**

Fred Kopatich reviewed the solicitation and source selection plan and provided extensive comments relating to this large Census Bureau procurement to award multiple contracts for provision of a wide range of information technology services.

## **Small, Disadvantaged, and Women-Owned Business BPR**

Catherine Shea participated, for the last two months, on a BPR Team sponsored by Deputy Secretary Mallet, the Bureau of the Census and NOAA to review make recommendations for improvements to the Department's small business acquisitions strategy. On December 10, Linda Bilmes will meet with Team representatives who will summarize the Team's efforts. On a related issue, CLD is also participating on an acquisition team to develop a Government Wide Acquisition Contract to procure IT services from 8(a) firms. The Secretary had announced that Commerce would award this multi-agency contract in the Spring of 1999.

## **Time to Complete"—4.4 Days**

### **Actions by Contract Law Division during Period From 11/22/98 To 12/5/98**

Bureau	Received	Completed
BXA	1	0
ITA	2	2
NIST	3	3
NOAA	9	7
PTO	3	3
<b>Total</b>	<b>18</b>	<b>15</b>

### **Contract Law Division—Client Workload Period Ending 12/05/98**

