



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending January 29, 2000

Kathpal et al v. DOC, B-283137-3

Department filed a Request for Reconsideration of the Remedy on January 13, 2000. Protestor filed its opposition on January 18. (Terry H. Lee).

COMMITTS

As a result of the protest decisions, the COMMITTS program has begun revisions to the RFP Sections L and M and the source selection document. Work has begun to assign various personnel to the re-evaluations. Notices regarding the protest decision and future developments to vendors, offerors, awardees, OFPP and Department entities are in development. There will be website posting of the various notices. (Terry H. Lee)

NIST—Digital Signature COMMITTS

The Request-For-Solutions (“RFS”) was issued by NIST the week of 1/17/2000 to all COMMITTS vendors. A Pre-Proposal Conference will be held at NIST on January 28, 2000 at 9am. I will attend the conference to provide advice and counsel to the Contracting Officer and the Project Team. (Edward Weber)

ITA/FCS

Lisa J. Obayashi consulted with the U.S. State Department regarding a real property lease entered into by State on behalf of Foreign Commercial Service personnel. The issue involves a termination and possible liability associated with such termination.

NDBC Technical Services Procurement

Fred Kopatich traveled to the National Data Buoy Center to participate in the week-long meeting of the Source Evaluation Board to evaluate proposals.

CAR Revision Review

Legal review comments were distributed to CLD attorneys for additional input on the proposed CAR revisions. (Amy Kiger Crofts)

PTO-Capital Leases

Lisa Obayashi researched the issue of funding requirements associated with capital leases for equipment purchased or leased by PTO. At issue is OMB Circular A-130 and whether a procurement contract containing options requires full funding up front.

Agency Protest- Dtek v. DOC (Dteck II)

Provided advice and counsel to the Contracting Officer in light of the protest against the revised and re-issued RFQ. Revised protest alleges that the revised generic specifications unduly restrict competition. Multiple quotes received that defy protestor’s contention. Reviewed and commented on Contracting Officer’s Formal Reply to this second protest. Quotations have been reviewed and evaluated by technical personnel. (Ed Weber)

Unauthorized Disclosure of Proprietary Information

We reviewed a letter sent by an SDB subcontractor to MASC/AS regarding unauthorized disclosure of cost information to its prime contractor (and others) via e-mail questions to the prime contractor relative to certain cost discrepancies. The CO apparently believed that he was doing nothing wrong because similar disclosures of the sub’s costs had been already made to the prime contractor under three earlier (and current) contracts. The subcontractor wants to meet (or have a telephone conference) with MASC officials. MASC wanted to know whether or not it is vulnerable to liability. (Terry H. Lee)

CLD “Time to Complete”—1.9 Days

Actions by Contract Law Division during Period from 01/16/2000 01/29/2000

Bureau	Received	Completed
CENSUS	1	1
NIST	1	1
NOAA	3	3
Totals	5	5

Contract Law Division—Client Workload Period Ending 01/29/2000

