



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending February 12, 2000

ViON Corporation v. DOC—No. B-283804

GAO denied this bid protest against a PTO award of a \$8 million delivery order for disc storage devices to EMC Corporation. GAO found that PTO properly awarded the delivery order to the lowest overall cost alternative vendor and that the alleged disparate treatment afforded to the offerors was unobjectionable where an agency is conducting a FSS purchase. (Lisa J. Obayashi)

Kimboko v. US, CAFC No. 99-5020

Plaintiff (appellant) filed a notice of appeal to the Court of Appeals for the Federal Circuit (CAFC) in November 1998. The notice was docketed and sent to the parties on November 18, 1998, but DOJ did not notify Commerce at that time. The appeal was dismissed for failure to prosecute in July 1999. Plaintiff (appellant) filed a motion for reconsideration in August 1999. In December 1999, the court granted appellant's motion, in part. Appellant was permitted to file an informal brief (37 pages long). The government's responsive informal brief is due on February 16, 2000. Kimboko is claiming \$ 6.5 billion in damages for failure to award him a contract on the basis of his unsolicited proposal.

FSL Supercomputer

The HPTi supercomputer has performed admirably during the acceptance testing period—meeting or exceeding expectations except for performance on one unimportant benchmark. However, there have been further delays in developing software to implement the Storage Area Network needed for the system to be optimally effective. As a result, FSL has conditionally accepted the system subject to delivery of the SAN software. HPTi has provided consideration for the conditional acceptance in the form of free additional storage and technical advice services. (Mark Langstein)

Pacific Contract Mfg. v. DOC, B-284569-1

Pacific Contract protests the award of a contract by the Bureau of Census in Jeffersonville for mechanical pencils to the National Industries for the Blind. Under the Javits Wagner O'Day Act, certain supplies are required to be set-aside for the National Industries for the Blind before commercial sources. Mechanical pencils are on the list of supplies. GAO informed us that the protest will be dismissed. (Amy Freeman Pierce)

NOAA Weather Wire

Mark Langstein and Amy Freeman Pierce participated in a meeting to discuss late delivery of the new NOAA Weather Wire and other technical issues. GTE should know by the end of the week whether or not it has resolved the technical issues. As compensation for the late delivery, GTE will not charge for the new system during the transition period.

ICANN Contract Awarded

NTIA/NIST has awarded a no-cost contract to the Internet Corporation for Assigned Names and Numbers (ICANN), the successor to Internet Assigned Numbers Authority (IANA). The contract is for services to continue a smooth operation of the Internet functions formerly performed by IANA, such as the assignment of IP address blocks and other Internet administrative functions. (Lisa J. Obayashi)

NESDIS EMOSS

Mark Langstein and Di Canzano attended the consensus technical evaluation of initial proposals in this re-competition of a contract for GOES/POES engineering and operations support services.

CLD "Time to Complete"—3.9 Days

Actions by Contract Law Division during Period

Bureau	Received	Completed
NIST	4	4
NOAA	6	7
PTO	1	0
Totals	11	11

Contract Law Division—Client Workload
Period Ending 02/12/2000

