



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending February 26, 2000

Kathpal Technologies, Inc. v. DOC, B-283137-3

On February 14, GAO denied the government's request for reconsideration of the remedy. While GAO found that the Department's proposed corrective action was consistent with the recommendations contained in the original decision, it held that there was one significant difference. GAO believes that the Department's recommendation to amend the RFP and limit oral presentations (after an initial evaluation with a price/technical trade-off) is a change in the evaluation scheme, which requires that offerors be provided a chance to submit revised proposals. (Terry H. Lee).

NESDIS EMOSS

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

Kimboko v. US, CAFC No. 99-5020

Terry Lee submitted our argument on the court's jurisdiction under the Civil Rights Act of 1866 (42 U.S.C. § 1981) and the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671, *et seq.*) and the Kimboko's failure to state a claim under the Tucker Act.

Nonprocurement Suspension and Debarment

Di Canzano participated in the interagency committee on Suspension and Debarment which reviewed a draft of a proposed rule titled Suspension and Debarment Nonprocurement Common Rule which is written in "plain language" format. The review was to focus only on the plain language style and format of the proposed rule and not any substantive portion of the proposed rule.

NDBC Technical Services Procurement

The Contracting Officer has prepared a recommendation, with our assistance, for the competitive range determination. The recommendation will be presented to the Source Selection Officer--the Director of the National Weather Service--at a briefing on February 29th. (Fred Kopatich & Amy Freeman-Pierce)

FSL Supercomputer

We reviewed a contract modification acknowledging late

delivery of software for the Storage Area Network (SAN) and compensation provided by contractor HPTi for the delay. (Mark Langstein)

Protest of Crystal Clean Building Service, Inc. (Agency-Level)

This agency-level protest was filed on February 18, 2000. It challenges award to an incumbent janitorial services contractor, on the basis that the incumbent did not attend a site inspection as required by the provisions of the RFQ. (Terry H. Lee).

Missing GFP

Missing Government Furnished Property (GFP) from a NWS contract with Datacom is in the possession of Certified Manufacturing, Inc., which called and offered to sell it to the NWS. Certified stated that it had purchased the property from Datacom. However, upon learning that it was Government property, Certified offered to return it at no charge. The OIG was notified and is looking into the matter. (Amy Kiger Crotts)

CLD "Time to Complete"—1.8 Days

Actions by Contract Law Division during Period from 02/13/2000 to 02/26/2000

Bureau	Received	Completed
CENSUS	2	2
ITA	2	1
NIST	6	6
NOAA	16	14
O/S	1	1
PTO	2	2
Totals	29	26

Contract Law Division—Client Workload Period Ending 02/26/2000

