



# CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending April 22, 2000

## Fluor Enterprises, Inc.v. United States, Court of Federal Claims No. 00-207C

Fluor Enterprises, Inc. has appealed the April, 1999 Final Decision of the NOAA Contracting Officer to recover \$2,774,072 paid under the contract to design and manage construction of Weather Forecast Offices. The Contracting Officer is seeking to recover design fees paid out which exceed the statutory limit on such fees (6% of the estimated cost of construction). We will coordinate with the Department of Justice in defending the suit. (Fred Kopatich & Amy Freeman-Pierce)

## Kathpal Technologies, Inc. v. Dept. of Commerce, B-283137-3

Protestor filed a request for recommendation for reimbursement for costs and attorney's fees with GAO on April 5. CLD responded on April 6, reiterating its position that protestor's claim was legally insufficient in that it was not certified and was not sufficiently detailed, as required by GAO rules. On April 14, Kathpal withdrew its protest which was then dismissed by the GAO. (Terry H. Lee).

## GFDL Supercomputer

We participated in a well-attended site visit for prospective offerors in this NOAA supercomputer acquisition. It may well be that there are substantial facilities issues which will impact the ultimate computing power that GFDL may be able to acquire. (Mark Langstein)

## NEXRAD Temporary Power Supply

We attended a meeting of program staff on this \$20 million procurement which is experiencing difficulties. It may be that only a complete redesign of the unit will prevent catastrophic bearing failure and other deficiencies being experienced in already-fielded units. We are going to attend a program review next month at which the contractor's remedial efforts and program options will be discussed. In the meantime, in order to preserve the Government's rights, we have recommended that the Contracting Officer issue a cure notice. (Mark Langstein)

## Protest of News Printing, Inc. –GAO No. B-285076

We are monitoring a GAO bid protest filed by News Printing, Inc., the incumbent printing contractor for

PTO patents. The contract was awarded by the Government Printing Office (GPO) on behalf of PTO. The basis of the protest is that the apparent awardee, GraphicData, Inc., is not a responsible contractor. Due to the importance of the printing services to PTO, it has requested GPO to inform GAO that services must continue despite the protest. (Lisa J. Obayashi)

## MASC

Tech Systems, Inc. (TSI) filed a notice of appeal with the GSBCA on April 14, 2000. TSI is appealing the Contracting Officer's final decision upholding a partial termination for convenience requiring reimbursement by the contractor to the government in the amount of \$110,583. The appeal file due to GSBCA on May 17, 2000. (Amy Kiger Crotts)

## Andris Karlsons Mourned

We were all saddened to learn of Andy's death. He will be missed by us and others in the Commerce procurement community.

## CLD "Time to Complete"—1.3 Days

### Actions by Contract Law Division during Period

from 04/09/2000 04/22/2000

Bureau	Received	Completed
CENSUS	2	2
NIST	6	7
NOAA	13	12
OIG	1	0
PTO	1	1
<b>Totals</b>	<b>23</b>	<b>22</b>

Contract Law Division—Client Workload  
Period Ending 04/22/2000

