



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending June 17, 2000

Computer & Hi-Tech Mgmt., Inc. v. DoC,

This bid protest, B-283137-9, is the latest filed by CHM. It was filed on June 5 and alleges that the May 31, 2000, letter of clarification regarding labor categories and site pricing violates the FAR because it amounts to “discussions”, thereby requiring the agency to ask for revised proposals. CHM also asserts that the letter of clarification reflects a material change to the RFP, also requiring the agency to ask for revised proposals. Finally, CHM claims that the letter of clarification is simply a ploy by the Department to circumvent the GAO decision of December 30, 1999.

GAO notified the agency of the protest on June 6. Several positions were considered, and it was decided to file a motion to dismiss on the ground that the matter is currently before a court of competent jurisdiction. The motion will be filed as soon as possible. (Terry H. Lee; Mark Langstein).

Electronic and Information Technology Accessibility Standards

Jerry Walz attended a presentation by DOJ and GSA of the new proposed rules by the Architectural and Transportation Barriers Compliance Board to implement section 508 of the Rehabilitation Act Amendments of 1998. Proposed Federal Acquisition Regulations rules have not yet been published. The rules may have a significant impact on the Department's development and implementation of information and electronic technology.

Protest of VTI Corporation (GAO No. B-285577-1)

VTI Corporation has protested the denial of its protest to the Agency Protest Authority of NIST. VTI asserts that NIST improperly required a brand name or equal product to be provided and that it offered a superior product to the awardee's. (Fred Kopatich)

NEXRAD

CLDer Mark Langstein continues his assistance to NWS' NEXRAD Temporary Power Supply program in resolving performance difficulties by incumbent contractor Powerware. Subcontractor Precise Power manufactures Powerware's TPS units and both companies have very different views on how the problems should be remedied and how much NOAA

should pay for a cure. Needless to say, NWS is not fully satisfied by any of this and there will likely be much in the way of tough negotiation to come until the problems are resolved. Mark along with representatives from the Financial Assistance Law Division and the General Law Division made a presentation to NOAA's natural resources attorneys as to the various methods of moving and spending monies to accomplish NOAA's natural resources restoration mission.

AML Procurement

Fred Kopatich and Amy Crotts attended the Advanced Measurement Laboratory Pre-proposal Conference for potential offerors and subcontractors; reviewed the latest draft of the source selection plan and technical evaluation plan. Fred also attended the groundbreaking ceremony for the Lab.

NOAA/NWS/OSF

Lisa Obayashi attended a briefing given to the Director of NWS for the award decision for the OSF support services work using COMMITS.

CLD “Time to Complete”—1.7 Days

Actions by Contract Law Division during Period

Bureau	Received from 06/04/2000	Completed 06/17/2000
NIST	4	4
NOAA	11	11
NTIS	0	1
O/S	1	1
PTO	2	2
Totals	18	19

Contract Law Division—Client Workload Period Ending 06/17/2000

