



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending July 01, 2000

CHM v. United States, COFC No. 00-282C

After oral argument on June 22, the COFC granted the plaintiff's motion for a preliminary injunction. The government is enjoined from awarding task orders or closing pending requests for solutions until such time as the re-evaluation process is completed and new awards are made. The Court stated that if any task order is time-sensitive, the government should request an exception from the injunction. The court ordered submission of status reports at the completion of various milestones, *e.g.*, voluntary down-select. (Terry Lee)

Computer & Hi-Tech Mgmt., Inc. v. DoC, B-283137-9

GAO dismissed the protest on June 20. GAO held that the matter raised in the protest is the subject of litigation before a court of competent jurisdiction. GAO found that it is possible the court could rule on the issue of whether the Department's request for information is an appropriate response to GAO's December 20, 1999, protest decision, wherein the potential then exists for conflicting rulings concerning the question. GAO also ruled that unless the COFC rules that it has no jurisdiction, it will assume that the court is one of competent jurisdiction. GAO went on to say, however, that if the court does not issue a decision that is an adjudication on the merits, CHM may refile its protest. (Terry H. Lee; Mark Langstein).

GFDL Supercomputer

Vendors have submitted proposals for the GFDL supercomputer replacement system. The technical, cost evaluation and competitive range will be concluded next week. (Mark Langstein)

NTIA:

Amy Pierce attended the exit interview with GAO on the status of its investigation of the ICANN contract.

NEXRAD TPMS

We have advised the Contracting Officer not to communicate directly with sub Precise Power concerning its proposal to cure defects in the TPMS. We have advised that should NWS be interested in Precise's solution, it should request a more detailed proposal from prime contractor Powerware. We understand that NWS

program personnel will be meeting soon to try to decide among the competing technical fixes. (Mark Langstein)

Debcon, Inc. v. DOC, GSBICA 13923-COM

The Board dismissed, with prejudice, the above-referenced case. The parties entered into a settlement agreement on October 26, 1999, but requested that the appeal be kept on the Board's docket until the terms of the settlement were fulfilled. (Amy Freeman Pierce and Mark Langstein)

Agency Protest of James B. Donaghey, Inc.

The protestor, the highest bidder in a procurement to rehabilitate the National Data Buoy Center's fabrication building, has protested to NOAA's Protest Decision Authority. The protestor asserts that the NDBC violated law and regulation by failing to conduct a public bid opening. (Fred Kopatich)

Walz Nominated

Contract Law Division Chief Jerry Walz has been nominated to serve a three year term on the Council of the Section of Public Contract Law of the American Bar Association.

CLD "Time to Complete"—0.7 Days

Actions by Contract Law Division during Period

from 06/04/2000 06/17/2000

Bureau	Received	Completed
CENSUS	5	5
NIST	4	4
NOAA	9	6
PTO	2	2
Totals	20	17

Contract Law Division—Client Workload
Period Ending 07/01/2000

