



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending August 26, 2000

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

Award announcements were made on August 10. Plaintiff received an award in all three functional areas. Award documents will be executed by not later than August 16. There was an issue raised relating to termination for convenience of current COMMITTS contractors who did not receive awards. CLD advised that awards should be terminated before debriefings and before new RFS's were posted. Case dismissed by stipulation of the parties on August 22, 2000. Case closed. (Terry H. Lee)

TranTech, Inc. (Agency-Level Protest)

This protest was filed on August 22, 2000, challenging the awards made under the revised COMMITTS solicitation. By virtue of the decision to award to all technically acceptable offerors, we proposed to settle the matter. As a result of contract award scheduled for August 29, protestor agreed to withdraw its protest on that date. Protestor also agreed to other terms and conditions, *i.e.* payment of own costs and attorney's fees, ineligibility to participate in RFS's until after award, no suspension of contract performance. (Terry H. Lee)

Expert Choice, Inc. v. DOC, B-283137-11

This protest was filed on August 22, 2000, challenging the awards made under the revised COMMITTS solicitation. By virtue of the decision to award to all technically acceptable offerors we sent protestor's counsel a proposal on August 24. Protestor withdrew its protest on August 25 after accepting the Department's settlement offer. (Terry H. Lee)

GFDL Supercomputer

We are having a second round of discussions with the remaining vendors. There are still issues outstanding with each vendor and particularly serious issues remain one proposal. (Mark Langstein)

US&FCS Export Trade Exchange

We are attending oral presentations for this no-cost procurement to establish a "one-stop" web-based exchange to facilitate export by small and medium sized businesses. This began as a procurement being conducted by GSA and has only recently been taken over by NOAA AMD. As a result of the initial presentations we are

concerned about the possibility of unseemly profits being made by the selected provider and also about the likelihood that this will become a sole-source procurement after the initial contract period has passed. We have raised these concerns with the Contracting Officer who shares them. (Mark Langstein & Amy Crotts)

BIC Marine Contracting, Inc., B-285814:

BIC Marine Contracting, Inc. failed to file its comments on the Agency Report. GAO dismissed the protest on August 25, 2000. (Amy Freeman Pierce)

Fire and Launch Loss

While repairs were being made to a NOAA launch at the vendor's marina, a fire onboard caused approximately \$250,000 in damage to the hull and equipment. The repairs were made under the Navigation Response Branch's purchase card authority and no formal contract was entered into. Amy Crotts is pursuing the issue whether the Government should seek reimbursement for the damages as a contract claim or under tort.

CLD "Time to Complete"—0.8 Days

Actions by Contract Law Division during Period

Bureau	Received from 08/13/2000	Completed 08/26/2000
CENSUS	0	1
ITA	1	1
NIST	1	1
NOAA	15	15
Totals	17	18

Contract Law Division—Client Workload Period Ending 08/26/2000

