



# CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending November 20 1999

## Arthur E. Lees v. Department of Commerce—ASBCA No. 5240

A pre-hearing conference to discuss discovery as well as other issues, was held today in the contract appeal of Arthur Lees, a former personal services contractor for the Foreign Commercial Services. Mr. Lees is presently challenging the authority of the State Department to represent Commerce at the Armed Services Board of Contract Appeals. The Board has requested that Commerce confirm the representation. (Lisa J. Obayashi)

## GFDL Supercomputer

We attended some of the Request for Information sessions in this acquisition of a replacement supercomputer for NOAA's GFDL Lab. Contract award is now anticipated in the July timeframe, although we expect slippage to occur. (Mark Langstein)

## ITA

We provided a brief summary of Government contract types and procurement procedures to assist in a new ITA initiative whereby ITA will be raising revenue and selling products developed by its regional domestic offices. This work is being conducted in conjunction with OGC/Admin which will be providing similar guidance for the use of Joint Projects. (Lisa J. Obayashi)

## Protest of ViON Corporation—GAO No. B-283804.1; B-283804.2

The agency filed its agency report in this bid protest against the award of a \$8.5 PTO delivery order against EMC Corporation's GSA schedule contract. A GAO ruling is expected in January 2000. (Lisa J. Obayashi)

## ITA/FCS

FCS has asked for assistance in drafting language for their standard personal services contracts which will enable foreign posts to compensate their PSC contractors for more than the stated contract amounts in those instances where exemplary services have been provided. Lisa Obayashi has provided language used in fixed price award fee type contracts for FCS' review and consideration.

## NIST Digital Signature COMMITS

Utilizing the Department COMMITS acquisition

process, NIST is acquiring an electronic digital signature capability. This system will be used by NIST for all programs at the Gaithersburg, MD, campus. Under this COMMITS acquisition, NIST will pilot the digital signature capability with the following four present NIST programs: (1) bankcard quick procurement system and small purchase approvals; (2) work orders for internal services; (3) time and attendance approvals; and (4) local travel approvals. (Ed Weber)

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

An informal hearing occurred on November 19, at which time agency presented its legal arguments and explanations of certain facts. GAO advised that its major concern was that price was not considered in determining the offerors who were invited to make oral presentations. GAO counsel also stated that he could see how offerors could reasonably conclude that they would all be invited to make oral presentations. At CHM's request, and with our concurrence, CHM and KTI will be allowed to review select proposals to determine whether our consideration of the QRC's was consistent. (Terry H. Lee)

## CLD "Time to Complete"—2.5 Days

### Actions by Contract Law Division during Period from 11/7/1999 11/20/1999

Bureau	Received	Completed
CENSUS	3	3
NIST	4	4
NOAA	17	7
PTO	3	2
<b>Totals</b>	<b>26</b>	<b>16</b>

Contract Law Division—Client Workload Period Ending 11/20/99

