



# CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



## Biweekly Report—Period Ending January 27, 2001

### H1-B Visa Issue

The SABBIT program requested legal counsel on the propriety of and assistance with filing an H1-B visa application on behalf of a contractor working directly with the program. The issue of inadvertently putting SABBIT out as the contractor's "employer" can be resolved by expressly disavowing the employer-employee relationship in the visa application. After discussing the issue with an attorney in INS's Office of the General Counsel, it was determined that INS's regulations simply did not anticipate the circumstances of this filing but that SABBIT's application was not inappropriate. (Amy Kiger Crotts)

### NOAA FRV-40 Vessel

NOAA is procuring a new Fisheries Research Vessel (FRV) to support key National Marine Fisheries Service (NMFS) research. The multi-million dollar FRV-40 Acquisition Program is for a 40-day endurance, acoustically quiet ship (including options for additional vessels) to augment the existing fleet. OGC-CLD has been assisting the SAO Contracting Officer and FRV Program Officials with various program acquisition law issues. I participated in the Source Evaluation Board briefing at NOAA Headquarters as well as the subsequent briefings of source selection officials, including the Deputy Under Secretary of NOAA, and the Acting Commerce Secretary, Robert Mallet, in connection with a "potential" award. (Edward Weber)

### NCEP Supercomputer

CLDer Mark Langstein has been busy the past several weeks continuing his support of NCEP's upcoming supercomputer acquisition. The Project Agreement has now been approved and the acquisition is rapidly accelerating into the RFI stage, which should be interesting in that offerors will have to address how the machine will be housed if Government facilities are not available. In other Mark news, the acquisition for technical support and operations for the US Mission Control Center of NOAA's SARSAT program is moving into the end stages with the imminent release of final discussion issues.

### Security Issue

After careful review of the Interim Office of Security Manual and after speaking with a representative of OPM, it was determined that the Dept. of Commerce Office of

Security is responsible for adjudicating the suitability of contractor employees rather than the COTR or CO. (Amy Kiger Crotts)

### Department of State Audit of BXA Contract

BXA requested legal counsel in response to receiving a request from a contractor for the Dept. of State performing audit services for contract documentation on two BXA contracts. The funding for the two BXA procurements comes via an interagency transfer of funds from State and the audit is necessary to ensure the funds are used for the appropriate purposes. State's contractor has signed a non-disclosure statement with State. It was determined that if the contractor also signed a non-disclosure statement with NOAA and no proprietary information was transferred, the information exchange was acceptable. (Amy Kiger Crotts)

### CLD "Time to Complete"—3.8 Days

#### Actions by Contract Law Division during Period from 1/14/2001 1/27/2001

Bureau	Received	Completed
CENSUS	1	1
NIST	3	4
NOAA	8	5
<b>Totals</b>	<b>12</b>	<b>10</b>

Contract Law Division—Client Workload Period Ending 01/27/2001

