



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending April 07, 2001

Charrier, Gibson & Associates (CO-level Protest)

This protest was filed on March 30, 2001, against rejection of offers submitted by Charrier, Gibson & Associates (CGA) in response to two solicitations for trawler services, on behalf of trawler owners. CGA's offers were rejected primarily for lack of an original signature. Other bases for rejection of the proposals were incomplete and untimely offers, lack of other material documentation and failure of offeror to warrant that the agency is a "bona fide agent" for purposes of the Covenant Against Contingent Fees.

Issues in the protest concern: (1) interested party status; (2) whether there is in fact a "bona fide agency" matter; and (3) whether the rejection of the proposals had a reasonable basis or whether the matters were minor informalities which could have been clarified.

Counsel has contacted two military commands to obtain information on the "bona fide agency" representations made by CGA. Counsel has asked that WASC provide information relative to the proposals submitted by CGA and has asked one CO to contact a trawler owner to determine whether there was an agreement for CGA to act as its agent.

A protest decision is due on May 7, 2001. (Terry H. Lee)

Section 508 Accessibility Policy Team

Fred Kopatich met with representatives of the Office of Civil Rights to discuss administrative remedies under Section 508; reviewed and made extensive revisions to the draft questions and answers regarding implementation of Section 508 that will be posted on the DOC Intranet.

Personal Service Agreements

The client requested approval of the final cable to go out to FCS offices in the field regarding Personal Service Agreements pursuant to ITA's personal service contracting authority. Also, the SABIT program office requested advice regarding an overpayment of a contractor providing bus services. (Amy Freeman Pierce)

NCEP Supercomputer

We completed reviewing the OMB Circular 300B and have provided comments to the Department. At the last meeting of the CONOPS procurement group it became obvious that a hoped-for final benchmark suite would not be made available until sometime after the June 2001

target date. In that offerors have previously identified the need for the benchmarks in order to prepare for the Live Test Demonstration activity as a principal in the acquisition, we are concerned over the possibility of acquisition delay or reduced proposal quality that the missed target might have. The Census Bowie computer facility and NASA Goddard are still in consideration as possible equipment location sites. (Mark Langstein)

CLD "Time to Complete"—1.3 Days

Actions by Contract Law Division during Period from 03/25/2001 to 04/07/2001

Bureau	Received	Completed
CENSUS	9	8
NIST	2	1
NOAA	14	11
NTIA	1	1
Totals	26	21

Contract Law Division—Client Workload Period Ending 04/07/2001

