



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending May 05, 2001

Numark Security Services, Inc. v. DOC, et al.-No. 2:01CV 286RL, (U.S. Dist. N.D.Ind.)

Numark, the security guard services Contractor at the Bureau of Census (Jeffersonville, Ind.), has filed this multi-million dollar action against DOC, including its Contracting Officers Howard Price and Stanley Miller (retired), for various torts allegedly committed against the Contractor. The Assistant U.S. Attorney in Gary, Indiana is involved and we are evaluating the Complaint and possible responses. (Edward Weber)

NLRB v. Numark Security Services

The Census Jeffersonville Contracting Officer (Connie Smith) has been subpoenaed to testify in this unfair labor practices action brought by the NLRB against Numark and scheduled for hearing before an NLRB judge on 5/1-5/2 of 2001 in Louisville, Ky. According to the NLRB Complaint, Numark (the J'ville armed security guard services contractor) committed various unfair labor practices including preventing union organization, and failing to recognize the union as the exclusive collective bargaining agent even after the union had become properly certified as exclusive representative of the employee security guards. We have been preparing the CO for her testimony and attempting to confer with NLRB counsel in Louisville, KY. to assure that the CO's and DOC's rights are protected and that testimony will be circumscribed and limited so as not to prejudice DOC's position in pending Federal litigation in the US District Court in Detroit (see above). (Edward Weber)

US&FCS Commercial News

US&FCS's MECEA agreement with a private publisher for publishing and distributing its Commercial News is about to expire. Due to changes in publishing costs and new demands of the publisher, US&FCS has determined a no-cost procurement would be more appropriate based on legal advice from CLD and General Law. Counsel met with the program officials to discuss alternatives and the necessary procedures to follow for initiating the procurement. (Amy Kiger Crotts)

Bollinger Shipyards Lockport, LLC v. DOC

Assisting the SAO Contracting Officer with his response to this Agency Protest filed at the CO Level. Protestor, an unsuccessful offeror on the NFRV-40 acquisition, challenges the multi-million dollar award of that contract

to Halter Marine, Inc. Protestor claims NOAA unfairly permitted Halter to provide alternative payment and performance guarantees (rather than corporate surety bonds), that alternative guarantees were contrary to NOAA's RFP, and further raises allegations of agency bias. A decision is due on May 2, 2001. (Edward Weber)

In re Freide Goldman Halter, Inc., et al., US Bankr. Ct (S. Dist. Miss.-Biloxi Div.)

On 4/13/2001 the parent corporation of NOAA/DOC's NFRV contractor filed 31 petitions for reorganization under Chapter 11 of the US Bankruptcy Code in the Federal Bankruptcy Court in Biloxi, Mississippi. We contacted and spoke with the US Trustee and are in the process of reviewing/analyzing the various Chapter 11 petitions received from the Court and assisting the SAO Contracting Officer in preparing a memo outlining NOAA's options. We are also researching and preparing a motion and brief for filing with the Court to require the Debtor (Halter Marine, Inc., our contractor) to assume or reject its executory NFRV contract with NOAA.. We have been participating in numerous conferences with the SAO CO and Stu Williams regarding the matter. (Edward Weber and Russell Craig)

CLD "Time to Complete"—0.7 Days

Actions by Contract Law Division during Period from 04/22/2001 05/05/2001

Bureau	Received	Completed
NIST	5	5
NOAA	11	6
Totals	16	11

Contract Law Division—Client Workload Period Ending 05/05/2001

