



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending November 18, 2000



Kimboko v. US, C.A. No. 00-M-1126 (D. Colo.)

In the agency's continuing saga with this litigant, the case was dismissed for failure to state a claim under 42 U.S.C. § 1981 and because other claims have been resolved by previous litigation.

Data Marketing Company and Virginia Corporation, and Standards Development Association, Inc., v. US, COFC No. 00-595C

The complaint arises out of joint venture agreements between plaintiffs and NTIS. (Diane Canzano)

Nexrad TPMS

We reviewed drafts of the negotiation memo accompanying the proposed contract modification permitting contractor Powerware to swap out the defective rotary power units for static UPSs. We have advised the Contracting Officer that additional documentation is required to justify the additional cost in that Powerware is arguably in default. (Mark Langstein)

Potential Copyright Violations

OAM has requested Ed Weber's review of matter involving possible OHRM violation of contractor copyrights to contractor's materials for OHRM's in-house course on Individual Development Plans. Performed legal research into the copyright and other intellectual property statutes.

Protest of J. A. Jones/Bell, A Joint Venture (GAO No. B-286458-1)

We have filed the Agency Report, supporting Declarations and Appeal file in this protest of the Advanced Measurement Laboratory procurement. (Fred Kopatich)

US&FCS

Research discussions and meetings are continuing for the US&FCS internet marketplace procurement. The issue of the appearance of government endorsement of third party service providers that can be accessed via the US&FCS site has been resolved from the contracting and competition aspect. However, there are still some concerns that it may appear to users that the USFCS is endorsing these services and products. (Amy Crotts)

Confiscated NWS Property

Alden Electronics, a National Weather Service contractor, recently went out of business and its landlord confiscated Alden's property, including hardware and software used in the STAR 4 contract. Under the data rights clause in the contract, NWS is asserting possessory and usury rights to the STAR 4 source code. Amy Freeman Pierce

Bid Protest/Hawaii Longline Observer Program/WASC

Letter dated November 20, 2000, from the Association for Professional Observers (APO), seeking review of the award of RFP No. 52ABNF100005 to Saltwater, Inc. APO claims that it is an "interested party" because it represents observers "whose safety and well-being are directly affected by the outcome of contractor choice and who effect [sic] the quality of fisheries management with the baseline data they collect. APO asserts that Saltwater's allegedly poor past performance record was overlooked in making the award to it. (Terry Lee).

CLD "Time to Complete"—2.8 Days

Actions by Contract Law Division during Period from 11/05/2000 11/18/2000

Bureau	Received	Completed
NIST	2	1
NOAA	4	3
Totals	6	4

Contract Law Division—Client Workload Period Ending 11/18/2000

