



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending December 02, 2001

COMMITTS Quarterly Update

Counsel attended the meeting held for contractors on November 30, 2000. Discussions concerned the strategic business plan, goals and strategies, critical success factors and the operational and acquisition infrastructure. The HCO also reviewed the ordering procedures, including disputes resolution.

Counsel came away with the impression that the COMMITTS contractors believe that they are *entitled* to participate in the program. There was very little presented by the government officials which would put contractors on notice that they are *not guaranteed* continuation of their contracts through exercise of options or considerations of performance.

US&FCS

US&FCS internet marketplace procurement: Research discussions and meetings are continuing. 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, Admin attorneys still have concerns that it may appear to users that the US&FCS is endorsing these services/products. The task force arrived at a resolution by setting up a board composed of IBM and ITA personnel to apply set criteria (including responsibility) in selecting third party service providers. The proposed blanket purchase agreement language was provided to IBM. Counsel for IBM responded with a counter proposal virtually opposite on all issues (i.e. intellectual property rights, transition plan, indemnity). A meeting is scheduled for next week to resolve these differences if possible.

US&FCS Contract Dispute: Our office has received a petition from an attorney licensed in Egypt on behalf of American Dream Travel of USA for mediation for an alleged breach of a contract between the US&FCS and American Dream Travel. The US&FCS office in Cairo has been contacted for more information on the alleged contract. (Amy Kiger Crotts)

Consequential Damages?

Performing research and analysis on issue of whether the government can recover consequential damages from a contractor. CASC intends to issue a determination letter on final payment withholding the costs associated with

the shutdown of the National Weather Service Pleasant Hill facility due to the contractor's misapplication of a floor sealant. (Amy Freeman Pierce)

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

Teleconferences with the Intervenor's attorney and NIST concerning the comments on the agency report and to decide if a reply is necessary. (Fred Kopatich)

CLD "Time to Complete"—6.2 Days

Actions by Contract Law Division during Period from 11/19/2000 12/02/2000

Bureau	Received	Completed
CENSUS	1	1
NIST	3	3
NOAA	7	9
Totals	11	13

