

VAUCHAN & MURPHY

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

SUITE 1200

TWO RAVINIA DRIVE

ATLANTA, GEORGIA 30346-3111

404-295-6550

TELEX: 850 300 3728
TELECOPY: 404-392-0590

December 19, 1990

Dennis C. Dambly, Esquire
Assistant General Counsel - Administration
Office of the General Counsel
United States Nuclear Regulatory Commission
Mail Stop WFN-15B18
Washington, D.C. 20555

FOIA-90-575

Rec'd 12/28/90

RE: Freedom of Information Act Request
Solicitation No. RS-ADM-90-129

Dear Mr. Dambly:

This firm represents CompuMat, Inc. in litigation now pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Phoenix Clerical Unlimited, Inc. v. CompuMat, Inc., Civil Action No. 1:90-cv-1106-RHH. Briefly, Phoenix Clerical Unlimited, Inc. ("Phoenix") was advised on October 27, 1989, that it was the low bidder on Solicitation No. RS-ADM-90-129, a word processing contract with the Nuclear Regulatory Commission ("NRC"). In order to be awarded the contract, Phoenix had to demonstrate that it could connect its IBM compatible personal computer with the NRC's IBM Model 5520 Administrative Word Processing System, and receive and send revised data from and to the NRC. Phoenix contacted CompuMat on November 2, 1989, regarding the purchase of computer equipment which would be necessary in order to effect such a connection. CompuMat provided certain equipment to Phoenix but was unable to achieve the connection. Thereafter, Phoenix withdrew from consideration for the contract.

Phoenix has brought suit alleging that the equipment provided by CompuMat was not appropriate and resulted in the loss of the contract. A copy of the complaint is enclosed for your convenience.

This letter is submitted pursuant to 28 U.S.C. § 552 in order to obtain information from the NRC regarding Solicitation No. RS-ADM-90-129. CompuMat does not presently anticipate instituting any legal action against the NRC. Rather, it seeks

11, and 13 -

(no records provided)

VAUCHAN & MURPHY

Page Two
Dennis C. Dambly, Esquire

to discover information necessary to establish an accurate and complete factual chronology of the events relating to the lawsuit at issue. Specifically, CompuMat wishes to establish what information was provided by the NRC to agents or representatives of Phoenix or CompuMat, or both, during the attempted connection of the equipment.

The specific information requested is enumerated below for your convenience. Please advise as soon as possible whether the information will be produced and whether you anticipate that advance payment for production costs shall be required. Each request asks for information in the possession, custody or control of the NRC, including, but not limited to, information included in memoranda, correspondence and government publications. Your cooperation in this matter is appreciated.

✓ REQUEST 1:

Information showing the identity of all bidders on Solicitation No. RS-ADM-90-129 and their rank according to the amount of their bids, from lowest to highest.

✓ REQUEST 2:

For each bidder identified in response to Request 1, please provide information reflecting which bidder was awarded the contract and for those who were not awarded the contract, each and every reason for their not being awarded the contract.

REQUEST 3:

As to those bidders identified as non-responsive for reasons related to their ability to connect their equipment to that of the NRC, please provide any information regarding the type of computer equipment the unsuccessful bidder sought to utilize in the attempt to achieve the connection with the NRC system.

✓ REQUEST 4:

As to the bidder that was awarded the aforementioned contract, identify the type of computer equipment used to connect with the NRC system.

✓ REQUEST 5:

Please provide all contract specifications for Solicitation No. RS-ADM-90-129, including, but not limited to, any formal or informal amendments or modifications thereof.

VAUGHAN & MURPHY

Page Three
Dennis C. Dambly, Esquire

✓ REQUEST 6:

Please provide information identifying with specificity the computer equipment at the NRC that bidders on Solicitation No. RS-ADM-90-129 were to connect to including information regarding the manufacturer and model number of such equipment and the protocol(s), i.e. synchronous or binary synchronous, of the communication line(s) over which prospective bidders were to receive and transmit data.

✓ REQUEST 7:

As to the communication line(s) identified in response to Request 6 above, please provide information regarding the general purpose for which each line was used in November, 1989.

✓ REQUEST 8:

Please provide any information in the possession of the NRC prior to receiving bids on Solicitation No. RS-ADM-90-129 reflecting or referring or relating to efforts by the NRC to determine what computer equipment a prospective bidder needed to effect a connection with an IBM 5520 Administrative Word Processing System using a binary synchronous protocol communication line.

✓ REQUEST 9:

Please provide information reflecting conversations or other communications between on the one hand, Helen Hagey or JoAnn Johansen of the NRC and, on the other hand, Anita Jordan of Phoenix and/or any agent, employee or representative of CompuMat in November, 1989, which related to: (1) the NRC's computer equipment; or (2) the connection of Phoenix's equipment to that of the NRC (identifying the date and the substance of those conversations).

✓ REQUEST 10:

Please provide all information, including without limitation, correspondence and memoranda, regarding the NRC's request that the SBA declare Phoenix "non-responsible."

REQUEST 11:

Please provide information obtained by the NRC after the receipt of _____ on Solicitation No. RS-ADM-90-129 regarding what equi. _____ bidders needed to effect a connection of their computer equipment with that of the NRC.

VAUCHAN & MURPHY

Page Four
Dennis C. Damby, Esquire

✓ REQUEST 12:

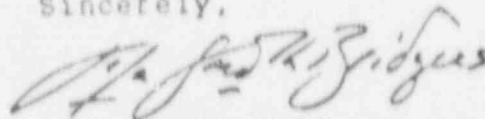
Please provide information reflecting conversations or communications between Helen Hagey or JoAnn Johansen of the NRC, on the one hand, and Anita Jordan of Phoenix, on the other hand, regarding scheduling of the "test" in which Phoenix was to demonstrate to the NRC that it could connect its equipment to that of the NRC and receive and transmit information, including all communications by Ms. Hagey regarding extensions granted.

REQUEST 13:

Information, reflecting communications or conversations between Helen Hagey or JoAnn Johansen of the NRC, on the one hand, and Julio Roque of Intersoft Systems, Inc., Ron Doeve or Michael Lyndall or any agents or representatives, on the other hand, regarding any of the facts and circumstances pertaining to Phoenix's bid on this contract, or failure to connect its equipment to that of the NRC, or both.

Thank you for your cooperation in this matter. Please do not hesitate to call in the event you have any questions or require clarifications of any Request.

Sincerely,



Lela Smith Bridgers

228LSB/db

cc: Charles C. Murphy, Jr., Esq.