SECRET 2118352 SEP 72 CITE

SECT I OF 2

REQUEST IMMEDIATE ASSISTANCE TO RESOLVE URGENT
PROBLEM: THIS PACKAGE IS ORGANIZED AS
FOLLOWS: PART I IS A RETRANSMISSION OF
DATED 9 JUNE 1972. PART II IS
16 JUNE 1972. RESPONSE PACKAGE.
PART III IS A RETRANSMISSION OR DATED
20 SEP 1972. PART IV IS OUR REPLY WHICH CAN
BE IMMEDIATELY IMPLEMENTED IF YOU CONCUR.

PAGE 2

SECRET

PART 0.

SECRET 0814052 JUN 72 CITE

FOUR THUS TO THE PRECISION DENSITOMETER UNIT
NOTED AS NO 1 IN NOTE 25, AFSPF, IN CONJUNCTION WITH THE
NATIONAL BUREAU OF STANDARDS (NBS), INITIATED THE
DEVELOPMENTAL EFFORT DETERMINED TOWARD THE DESIGN
AND FABRICATION OF TWO PRECISION DENSITOMETERS
WHICH COULD PROVIDE FOR STANDARDIZATION OF DENS-
ITOMIC DATA BETWEEN THIS ORGANIZATION AND
THE DESIGN OF THE DENSITOMETER WAS TO BE BASED
UPON A COMPENSATED VARIABLE APERTURE AND
INTEGRATING SPHERE AS PRESENTED BY MR. MCCANN
THE CONTRACTOR IN MAY 1968 AGAIN REQUESTED A DELAY IN THE DELIVERY SCHEDULE BY HD-1968g. IT BECAME APARENT THAT THE CONTRACTOR WAS EXCEEDING SPECIFICATIONS OF THIS PROGRAM AND AT THIS TIME THE CONTRACTOR REQUESTED THAT ADDITIONAL FEATURES BE EXCEEDING CONTRACT SPECIFICATIONS. THROUGHOUT 1969 PROGRESS WAS SLOW DUE TO ADDITIONAL SPECIFICATIONS BEING PROVIDED WHICH CAUSED DELAYS IN SATISFYING THE DD.4ANDI SPECIFICATIONS OF THIS PROGRAM AND AT THIS TIME THE CONTRACTOR REQUESTED ADDITIONAL TIME TO PERFORM AS THE CONTRACTOR WAS UNABLE TO MEET THE ORIGINAL DELIVERY SCHEDULE AS REQUESTED BY THE CONTRACTOR IN OCTOBER 1968. THE CONTRACTOR IN JANUARY 1969 ASKED THE GOVERNMENT TO PROVIDE ADDITIONAL FUNDS TO ENABLE THE CONTRACTOR TO SATISFY CONTRACT REQUIREMENTS AS SET FORTH IN THE ORIGINAL CONTRACT. IN AN EFFORT TO SATISFY CONTRACT REQUIREMENTS AS SET FORTH IN THE ORIGINAL CONTRACT, THE CONTRACTOR REQUESTED ADDITIONAL TIME TO PERFORM AS THE CONTRACTOR WAS UNABLE TO SATISFY CONTRACT SPECIFICATIONS CHILDE AT THE SAME TIME THE CONTRACTOR CONTINUED TO REPORT PROBLEMS IN SATISFYING CONTRACT SPECIFICATIONS. THROUGHOUT 1969 THE CONTRACTOR IN ADDITIONAL TIME TO PERFORM AS THE CONTRACTOR DESIRED TO HAVE THIS PROGRAM TERMINATED AS REQUIRED OF DEFAULT. MEANWHILE, THE CONTRACTOR'S MANUFACTURING EFFORT IN A PROPOSAL FOR ADDITIONAL FUNDS WAS REVISED BY THE GOVERNMENT AND THERE WAS LITTLE EVIDENCE THAT THE CONTRACTOR HAD EXCEEDED CONTRACT SPECIFICATIONS.
Since no settlement had been reached on the contractor's original claim, for additional funds, the contractor submitted a revised claim for additional funds in the amount of August 1971. In December 1971, the contracting officer advised the contractor of the results of the review of their claim and attempted to negotiate a settlement based on one feature which appeared to exceed original contract specifications. Because the contractor was not satisfied to settle his claim on only this basis, the contractor's claim was referred to the office of the Air Force Trial Attorney for resolution.

In May 1972, the Air Force Trial Attorney convened a meeting in order to formulate the government's legal position in regard to the contractor's claim. On August 31, 1971, during the course of this meeting, the Air Force Trial Attorney indicated that he had some concern about the outcome of this case in that the government had held the contractor to an FFP contract for a developmental effort which more appropriately should have been a cost plus contract. Additionally, there was some concern over the accuracy requirement stated in the original specifications and that later required of the contractor, based on his Phase I Design Study Report Submission. At this time the Air Force Trial Attorney is preparing a written response to the contractor's claim prior to appearing before the Board of Contract Appeals which is tentatively scheduled for August of this year. The trial attorney has indicated that the contractor may be willing to settle this claim without appearing before the Board of Contract Appeals. However, there is no assurance that this will be the case. Should this case be brought before the Board of Contract Appeals, the Air Force Trial Attorney has indicated that he will require as witnesses on behalf of the government two members of this organization, as well as representatives of ASD who were involved in this developmental effort.
5. In the event members of this organization are requested to appear as witnesses before the Board of Contract Appeals, request your guidance as to their conduct relative to the exposure of this organization. Should you desire that members of this organization not appear as witnesses, request that we be advised of procedures to follow to arrange for these personnel to be excused.

PART II.

1. Representatives of the shop may appear in court in the case cited in (blank) and testify on behalf of the government as representatives of SPFF.

2. By August we shall furnish you a policy statement and rationale that will allow you to respond to query or acknowledge on a low key basis that you do photo processing.

PART III.

SECRET 2218557 SEP 72 CITE:

POLICY/CHARGE

SECRET 421952 JUN 72 CITE:

SECRET 2218557 SEP 72 CITE

POLICY/CHARGE

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SECRET 421952 JUN 72 CITE

SECRET 2218557 SEP 72 CITE

POLICY/CHARGE

SECRET 421952 JUN 72 CITE
IN THE PRELIMINARY REVIEW OF THE CASE AND STATED WE COULD HAVE POLICY GUIDANCE BY 10 AUGUST WHICH WOULD ENABLE FUTURE DECISIONS TO BE MADE. NO SUCH GUIDANCE HAS BEEN FORTHCOMING.

CASE RE: PRESIDENT’S STATEMENT..."

REQUESTED THIS REVIEW BE COMPLETED BY 26 SEPT 72 AND STATED THE RELEASIBILITY AND ARRANGEMENTS FOR ACCESS BY CONTRACTOR’S COUNSEL WILL BE SUBSEQUENTLY DETERMINED.

IN THE PROCESS OF IDENTIFYING AND CATEGORIZING OUT DECLASSIFIED DOCUMENTATION ACCORDING TO MR. CONSTABLE’S INSTRUCTIONS, WE FEEL HIS CATEGORY (IV) WILL CREATE THE GREATEST PROBLEMS IF WE RECEIVE PRESSURE TO MAKE ALL RECORDS AVAILABLE.

DUE TO THE SHORT SUSPENSE REQUEST UNEQUIVOCAL GUIDANCE REACH THIS OFFICE BY COB 22 SEPT 72.

E-2 IMPDET

PART IV.

RE: DECISION REGARDING CITED REFERENCES.

1. CONFIRM PARA 1.
2. YOU MAY ACKNOWLEDGE AND RELEASE MATERIALS THAT INDICATE YOU ARE INVOLVED IN PHOTO ACTIVITY.
3. DO NOT RELEASE INFORMATION THAT: