

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

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**ORDER**

**FAA Order  
Number:**

**ODRA-05-348**

**Matter:**

**Contests of Agency Tender Official James H. Washington  
and Kate Breen, As Agent for Majority of Directly  
Affected FAA Employees  
Pursuant to Solicitation DTFAAWAACA-76001**

**Docket Nos.:**

**05-ODRA-00342C and 05-ODRA-00343C (Consolidated)**

**Date Served:**

**July 20, 2005**

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**ORDER**

On March 11, 2005, Agency Tender Official James H. Washington ("ATO") filed the above Contest challenging the terms of a performance decision issued by the Federal Aviation Administration's ("FAA") Competitive Sourcing Program Office ("Program Office") under Solicitation No. DTFAAWAACA-76001. On March 14, 2005, Kate Breen filed an intervention to the ATO Contest and subsequently filed a separate Contest ("Breen Contest"). The ATO Contest and the Breen Contest were consolidated for adjudication ("Consolidated Contests").

The Director of the FAA Office of Dispute Resolution for Acquisition ("ODRA") appointed the Honorable Edwin B. Neill of the General Services Board of Contract Appeals to serve as a Special Master to make findings and recommendations on the resolution of the Consolidated Contests. After considering the submissions of the parties and the entire record, Judge Neill concluded that the performance decision of the Program Office had not been shown to lack a rational basis or otherwise to be arbitrary or capricious or an abuse of discretion.

I have reviewed the Findings and Recommendations of Judge Neill, which are attached hereto. Upon the recommendation of the ODRA, I hereby adopt those Findings and Recommendations and hereby order that the Contests be denied.

This is the final agency order in this matter. To the extent that this decision is subject to review, such review shall be sought in accordance with Title 49, United States Code §46110 within sixty (60) days of the issuance of this Order.

A handwritten signature in cursive script that reads "Marion C. Blakey". The signature is written in black ink and is positioned above a horizontal line.

MARION C. BLAKEY  
ADMINISTRATOR

Issued this 20<sup>th</sup> day of July 2005.