



**Federal Aviation Administration
Office Of The Chief Counsel
Office Of Dispute Resolution For Acquisition (ODRA)**

Memorandum

**U.S. Department of
Transportation**

**Federal Aviation
Administration**

Subject: ACTION: Delegation of Authority

Date: March 10,2004

From: The Administrator

**To: Associate Chief Counsel/Director, Office of Dispute Resolution for
Acquisition**

Under 49 U.S.C. §106(f)(2), 49 U.S.C. §§ 46101, et seq., Pub. L. No. 104-50, Pub. L. No. 108176, and Pub. L. No. 108-199, I delegate to the Associate Chief Counsel/Director, Office of Dispute Resolution for Acquisition ("ODRA") authority in all contests involving Agency actions associated with the FAA's adaptation of Office of Management and Budget ("OMB") Circular A-76, as follows:

a. To administer individual contests and to appoint ODRA Dispute Resolution Officers and Special Masters to administer all or portions of such contests;

b. To conduct contest proceedings and to prepare findings and recommendations for the Administrator or the Administrator's delegate, who will issue final decisions in such contests.

c. To deny motions for dismissal or summary relief which have been submitted to the ODRA by parties to contests;

d. To grant or deny motions for partial dismissal or partial summary relief submitted to the ODRA by parties to contests, or to order such partial dismissals on its own initiative;

e. To dismiss contests, based on voluntary withdrawals by the parties which have instituted such proceedings;

f. To dismiss contests, where the parties to such proceedings have achieved a settlement;

g. To issue procedural rules and interlocutory orders aimed at proper and efficient case management, including, without limitation, scheduling orders, subpoenas, sanctions orders for failure of discovery, and the like;

h. To issue protective orders aimed at prohibiting the public dissemination of certain information and materials provided to the ODRA and opposing parties during the course of contest proceedings, including, but not limited to, documents or other materials reflecting trade secrets, confidential financial information and other proprietary or competitionsensitive data, as well as confidential Agency source selection information the disclosure of which might jeopardize future Agency procurement activities;

i. To utilize consensual alternative dispute resolution (ADR) methods in accordance with established Department of Transportation and FAA policies;

j. To engage with Agency program offices and contractors in voluntary mutually agreeable ADR efforts aimed at resolving issues relating to potential contests at the earliest possible stage, even before a contest is formally filed with the ODRA;

k. To take all other reasonable steps deemed necessary and proper for the management of the FAA dispute resolution system for the resolution of contests, in accordance with the Acquisition Management System and applicable law and policy.

The Associate Chief Counsel/Director of the ODRA may redelegate the authority set forth above, in whole or in part, to an ODRA Dispute Resolution Officer or to a Special Master.

**_____/s/
MARION C. BLAKEY
ADMINISTRATOR**

Issued this 10th day of March, 2004