

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

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**ORDER**

**FAA Order  
Number:** OIRA-07-413

**Matter:** Protest of Mechanical Retrofit Solutions Incorporated

**Docket Nos.:** 07-OIRA-00402

**Date Served:** April 3, 2007

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**ORDER**

Mechanical Retrofit Solutions Incorporated (“MRSI”) filed this Protest on March 8, 2007, with the Federal Aviation Administration’s (“FAA”) Office of Dispute Resolution for Acquisition (“ODRA”). MRSI protests its failure to receive the award of a contract to construct three replacement cooling towers at the Atlanta Large Terminal Radar Approach Control (Atlanta TRACON) facility. Specifically, MRSI challenges the Contracting Officer’s determination that MRSI was not a responsible bidder.

Pursuant to the Delegation of final decisional authority from the FAA Administrator, I adopt the attached Findings and Recommendations of the ODRA and deny the Protest. However, based on the findings of fact showing that the principal of MRSI provided technical consulting services at the request of the Program Office’s Project Engineer, and was otherwise induced to compete for this requirement notwithstanding the organizational conflict of interest which the MRSI principal’s technical role created, I direct the Program Office to compensate the MRSI principal for the technical consulting services he provided to the Program Office.

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, and ODRA Procedural Rule, 14 C.F.R. § 17.33, within sixty (60) days of the issuance of this Order.

Issued for the FAA Administrator  
this 3<sup>rd</sup> day of April, 2007

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Anthony N. Palladino  
Associate Chief Counsel and Director  
FAA Office of Dispute Resolution  
for Acquisition