

**UNITED STATES DEPARTMENT OF TRANSPORTATION**

**FEDERAL AVIATION ADMINISTRATION**

**WASHINGTON, DC**

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**ORDER**

**FAA Order Number: ODR-97-27**

**Matter: Protest by NANTOM SERVICES, INC. of Award Pursuant to Solicitation No. DTFA07-97-R-03283**

**Docket: 97-ODR-00028**

**Served: July 16, 1997**

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**ORDER**

On February 5, 1997, NanTom Services Inc. submitted a protest to the FAA's Office of Dispute Resolution, (ODR), against the proposed award of a contract under solicitation DTFA07-97-R-03283, issued by the FAA's Southwest Region office. See Tab (1). That solicitation had been issued on January 27, 1997, for weather observation services at the Monroe Regional Airport, Monroe, Louisiana. NanTom claims that although it had qualified to be placed on the Region's "Qualified Vendors List," (QVL), for weather observation services, the Region arbitrarily solicited only several of the vendors from the QVL to compete for this requirement, and that NanTom was not among those selected.

Mr. William Sheehan, Esq. was assigned by the Acting Director of the Office of Dispute Resolution (ODR) to serve as the FAA Dispute Resolution Officer (DRO) in this protest. Mr. Sheehan is an impartial party in this matter. His task was to further develop the facts in this case, and to provide a recommendation concerning resolution of the protest.

Mr. Sheehan was asked to review the record developed incident to this protest and to determine whether the actions of the agency were rationally based and neither arbitrary, capricious, or an abuse of discretion. Mr. Sheehan concluded that the agency's methodology in selecting vendors to compete was arbitrary, and contrary to the agency's Acquisition Management System, (AMS), and he therefore recommends that the protest be sustained.

I have reviewed the report and recommendation of Mr. Sheehan (attached) and discussed this matter with the ODR. It is my determination that the agency did not demonstrate a rational basis for randomly narrowing the list of qualified vendors who would be permitted to compete for this requirement in the manner in which it did.

The recommendation of the Dispute Resolution Officer is adopted as the final agency decision in this protest. For the reasons set out in that recommendation and this Order, and pursuant to section 3.9 of the FAA Acquisition Management System, this protest is granted.

The proper remedy in this case is to recompile the option period. The recompetition should be conducted among all the members of the QVL, or among a subset of the QVL which is selected based on criteria rationally related to the purpose of the reduction.

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BARRY L. VALENTINE

ACTING ADMINISTRATOR

Issued this *15th* day of July 1997