

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC**

ORDER

FAA Order

Number: ODRA-98-62

Matter: Protest by METRO MONITORING SERVICES, INC.

of Solicitation No. DTFA11-97-R-00145

Docket: 97-ODRA-00047

Date Served: April 16, 1998

ORDER

Metro Monitoring Services, Inc. ("Protester") has protested the award of a contract under Solicitation DTFA11-97-R-00145, for weather observation services at the Portland, Oregon Airport. The Solicitation had been issued by the FAA's Northwest Mountain Region ("Agency"). The Protester alleged that the Agency had improperly permitted the awardee to substitute a different supervisor for the one that the awardee had proposed to use when it competed for the contract. The substituted supervisor was the person that the Protester had itself proposed to use for the contract. The FAA has filed a motion to dismiss to protest on grounds that the protester is not an interested party within the meaning of the Acquisition Management System; and that the protest involves a non-protestable matter of post-award contract administration.

For the reasons set forth therein, I adopt the attached Findings and Recommendation of the Office of Dispute Resolution for Acquisition and hold that: (1) the protester is not an interested party within the meaning of the FAA's Acquisition Management System; and (2) the alleged supervisor substitution was not improper and involved a matter of contract administration. I therefore grant the Agency's motion to dismiss the instant protest with prejudice.

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 49 U.S.C. §46110. A petition for review must be filed with the United States Court of Appeals for the District of Columbia Circuit, or in the court of appeals of the United States for the circuit in which the petitioner resides or has its principal place of business. The petition must be filed not later than 60 days after the date that this order is issued. A copy of any such petition must also be filed with the FAA Office of Dispute Resolution for Acquisition on the date it is filed with the appropriate circuit court of appeals.

_____/s/_____

JANE F. GARVEY

ADMINISTRATOR

Issued this 16th day of April, 1998