

UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

WASHINGTON, DC

ORDER

FAA Order

Number: ODRA-98-82

**Matter: Protests by MIDWEST WEATHER, INC.
of Solicitation Nos. DTFA07-98-R-03373 and
DTFA07-98-R-03364**

Docket: 98-ODRA-00087 and 98-ODRA-00088 (Consolidated)

Date Served: September 3, 1998

ORDER

Midwest Weather, Inc. ("Protester") protested awards under Solicitation No. DTFA07-98-R-03373 and DTFA07-98-R-03364 (the "Solicitations") issued by the Southwest Region for weather observation services. The Protester alleges that the two awardees, Condor Reliability Services, Inc. ("Condor") and Metro Monitoring Services, Inc. ("Metro Monitoring") had violated and purportedly were intending to violate the Service Contract Act, 41 U.S.C. §§ 351-358 (1994) and that they, therefore, ought not have received the awards.

For the reasons set forth therein and in the Findings and Recommendations of the Dispute Resolution Officer which accompanied my Order No. 98-67 in an earlier protest filed by Protester with the Office of Dispute Resolution for Acquisition ("ODRA"), I adopt the attached ODRA Findings and Recommendation and find that the protest is without any basis whatsoever in fact and law. Accordingly, pursuant to Section 3.9.3.2.3.3 of the FAA Acquisition Management System, I hereby dismiss the instant protest summarily and 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 3rd day of September, 1998