

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

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**ORDER**

**FAA Order**

**Number: ODRA-99-117**

**Matter: Protest of RAISBECK COMMERCIAL AIR GROUP, INC.**

**Under Solicitation No. DTFA03-99-P-10070**

**Docket: 99-ODRA-00123**

**Date Served: May 14, 1999**

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**ORDER**

Raisbeck Commercial Air Group, Inc. ("Raisbeck") protested an award under Purchase Order DTFA03-99-P-10070 issued by the FAA's William J. Hughes Technical Center ("the Center") to DuganAir Technologies, Inc. for a noise reduction system for an FAA-owned Boeing 727 aircraft. Raisbeck alleged that the decision to make a single source award for the noise reduction system lacked a rational basis inasmuch as Raisbeck could satisfy the Agency's requirement with a competitive, approved product.

For the reasons set forth therein, I adapt the attached Findings and Recommendation of the Office of Dispute Resolution for Acquisition and hold that this Protest was not timely filed. Accordingly, pursuant to Section 3.9.3.2.3.3 of the FAA's Acquisition Management System, I hereby dismiss the 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 14th day of May, 1999