

***Office of Dispute Resolution for Acquisition***  
**Federal Aviation Administration**  
**Washington, D.C.**

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**In re:** )  
**PROGRAM FOR ELECTRONIC** )  
**FILING IN ADVERSARIAL** ) **STANDING ORDER 2013-3**  
**PROCEEDINGS AND ALTERNATIVE** )  
**DISPUTE RESOLUTION MATTERS** )

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The Office of Dispute Resolution for Acquisition (“ODRA”), *sua sponte*, issues this Standing Order to establish: (1) a convenient, optional method for parties to file initial pleadings and requests for ODRA assistance by email; and (2) an Electronic Filing Process for the filing and review of other pleadings and documents in designated ODRA proceedings through a secure network.

IT IS ORDERED that the following requirements shall apply as provided herein in all adjudicatory proceedings and Alternative Dispute Resolution (“ADR”) matters under 14 C.F.R. Part 17:

**I. INTRODUCTION**

**A. Purpose and Authority**

Consistent with 14 C.F.R. § 17.55, these standards are adopted to insure a convenient alternative means of filing documents electronically with the ODRA. These standards shall apply to initial pleadings and assistance requests filed by email and to other filings in cases designated by the Director of the ODRA with the consent of the parties. This Standing Order may be revised from time to time, if needed, and may be modified by orders entered in specific cases.

**B. Scope**

This Standing Order governs the requirements for the filing of documents electronically with the ODRA. It supplements, but does not supersede, 49 U.S.C. § 40110(d), 49 U.S.C. § 46110, and the ODRA Procedural Regulation, 14 C.F.R. part 17.

**C. Description**

1. Initial Filing by Email

This Standing Order permits parties to electronically file initial bid protests, contract disputes and requests for pre-dispute assistance by email. Anyone wishing to make such an initial filing via email may forward it to the following address: 9-AGC-ODRA@faa.gov. Filings beyond the initial filing in a case must be accomplished by traditional means (see 14 C.F.R. § 17.7(b)) or by use of the KSN process described below, unless the ODRA pre-approves continued filing by email in the matter.

*Parties contemplating filing via email are advised that the ODRA cannot guarantee the security of email transmissions. Thus the email filer assumes the risk that its email transmission could be intercepted or diverted before reaching the ODRA. The ODRA recommends that parties use a traditional method of filing (hand delivery, overnight express or facsimile) for initial filings containing proprietary, competition-sensitive or other confidential information.*

2. Subsequent Filings through the Knowledge System Network

The Electronic Filing Process established by this Standing Order also makes available the Federal Aviation Administration's ("FAA") existing Knowledge System Network ("KSN") for filings after the initial filing in designated cases, with the agreement of the parties as provided herein. The KSN is a proven and familiar web-based system that has been used by the FAA's business community for both the bidding process and administration of contracts under the Acquisition Management System. A representative using the KSN ("Filing User") will be provided with the appropriate access procedures, and be granted access only to case-specific information, consistent with applicable laws, policies, and ODRA Protective Orders.

**II. ELECTRONIC FILING REQUIREMENTS**

**A. Email Filing Requirements**

Pre-approval of the ODRA is not required for initial filings of matters by email. Please see Section C.1., above.

**B. KSN Participation Requirements**

Electronic filing through use of the KSN must be agreed to by all parties in writing and approved in advance by the ODRA pursuant to 14 C.F.R. § 17.7.

An attorney admitted to the bar may register as a Filing User by completing the “KSN form.” By registering as a Filing User, an attorney consents to using the ODRA’s electronic filing system for electronic service of all filings.

**C. Protective Orders**

The ODRA may issue protective orders addressing the treatment of protected information contained in electronically filed submissions associated with proceedings pursuant to 14 C.F.R. §17.9.

**III. PROCEDURES**

**A. Email Filing Timeliness**

Documents forwarded to the ODRA by email will be deemed filed under the ODRA Procedural Rules based on the date and time received at the ODRA designated email address. Documents received in the email inbox after normal ODRA business hours, or on weekends, federal holidays or other non-business days, will be deemed filed for all purposes, **including timeliness**, as of the next federal business day.

**B. KSN Timeliness**

Except for scheduled maintenance and unanticipated breaks in service, the KSN is available 24 hours a day, seven days a week. In technical terms, this enables users to submit relevant documents at any time, regardless of the ODRA’s normal business hours, and the KSN automatically records the date and time of receipt. This feature, however, does not abrogate the filing deadlines and definitions found in 14 C.F.R. § 17.7, or filing deadlines established for a particular case.

1. Documents submitted during the ODRA’s normal business hours, from 8:30 am to 5 p.m. Eastern Time, are deemed filed on the date indicated by the KSN stamp.
2. Documents submitted at any time indicated by the KSN stamp that is not within the ODRA’s normal business hours

are deemed filed on the date of the next period of normal business hours.

If, for any reason, the KSN is not available to accept a filing, filing users must timely utilize one of the authorized traditional filing methods.

**C. Filing Procedures**

Unless filed using the email procedures of Section C.1., above, initial filings of bid protests, contract disputes and requests for pre-dispute assistance from the ODRA must be accomplished by overnight delivery, hand delivery or by Fax, in accordance with 14 C.F.R. §§ 17.7, 17.15.

Once a case has been designated by the ODRA with the agreement of the parties as a KSN “electronic case,” all subsequent filings must be made electronically through the KSN, except as provided by the ODRA or by exceptional circumstances that prevent a Filing User from filing electronically. 14 C.F.R. § 17.7 (d). The ODRA retains the discretion to discontinue the use of electronic filing in a case for any reason.

Specific procedures applicable to each case designated for electronic filing will be established by the ODRA Director or the appointed Dispute Resolution Officer/Administrative Judge in charge of the case.

The ODRA may, on a case by case basis, direct either or both parties to provide a courtesy paper copy or CD of filings and/or documents to the ODRA.

Electronic files, as submitted, must contain searchable text (i.e., in native format or portable document format (“PDF”) with optical character recognition (“OCR”) coding) that is compatible with ODRA software, which includes Microsoft Office 2010, and Adobe Acrobat 9 Professional.

**D. Technical Failure**

If a filing is deemed untimely as the result of a technical failure of the KSN System or the ODRA email system, the Filing User may seek appropriate relief from the ODRA. *See* 14 C.F.R. § 17.7 (d).

**E. Privacy**

If need be, parties may file electronic documents containing redacted information, subject to the terms of any ODRA Protective Order. While parties are free to choose their method of redaction, the ODRA suggests using commercially-available software products with tools that remove

metadata and other hidden information from the document. Nothing in this Standing Order, however, shall be interpreted as permitting the alteration, including the removal of metadata, of evidentiary documents once a matter has been filed with the ODRA.

It is the sole responsibility of counsel and the parties to protect any information included in a filing.

IT IS FURTHER ORDERED that failure to comply with this Order and/or procedures identified herein, may result in the imposition of appropriate sanctions pursuant to 14 C.F.R. § 17.49.

This Order shall become effective on the date executed below.

Dated this 9th day of September, 2013.

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Anthony N. Palladino  
Director and Administrative Judge  
FAA Office of Dispute Resolution  
for Acquisition