

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:** Odra-11-579

Matter: CGH Technologies, Inc.
Under Solicitation No. DTFawa-09-R-0004

Docket: 10-ODRA-00556

Date Served: March 31, 2011

ORDER

CGH Technologies, Inc. (“CGH”) filed a post-award bid protest on October 20, 2010, with the Federal Aviation Administration (“FAA”) Office of Dispute Resolution for Acquisition (“ODRA”). The Protest challenged the award of Contract No. DTFawa-10-C-00117 to Enterprise Information Services, Inc. under Solicitation DTFawa-09-R-0004 (“SIR”) for Architectural System Engineering and Support Services in support of the development of the NextGen Air Transportation System.

CGH’s Protest grounds generally alleged that the evaluation of its proposal was unfair and its debriefing was inadequate. In particular, CGH challenged the evaluation of its subcontracting plan, which resulted in a finding of noncompliance and ineligibility for award. Based on the record, the ODRA found that the Program Office’s determination that CGH was ineligible for award had a rational basis and was not arbitrary, capricious or an abuse of discretion. The ODRA further concluded that inasmuch as CGH properly was found to be ineligible for award, it lacks standing to pursue the remainder of its Protest grounds and that such grounds lack merit.

For the reasons set forth therein, I adopt and incorporate by reference the attached Findings and Recommendation of the Office of Dispute Resolution for Acquisition (“ODRA”), and hereby deny CGH’s Protest to the extent that it challenges the evaluation of its proposal as ineligible for award and deny the remainder of its Protest allegations for lack of legal standing and for lack of merit. I also adopt and incorporate the ODRA’s Decision of March 2, 2011 dismissing a separate ground of the CGH Protest for lack of timeliness.

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 and the ODRA Procedural Rule, 14 C.F.R. § 17.33, within sixty (60) days of issuance of this Order.

Issued this ____ day of March, 2011

J. Randolph Babbit
FAA Administrator