

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

FAA Order Number: Odra-04-292

Matter: Contract Dispute of Concrete Modular Systems, Inc.
Under Purchase Order No. DTFA07-02-P-06606

Docket: 03-ODRA-00286

Date Served: June 21, 2004

ORDER

Concrete Modular Systems, Inc. ("CMS") challenged the Termination for Default of a purchase order for the fabrication, delivery and installation of a pre-cast concrete shelter for a Federal Aviation Administration ("FAA") remote communications facility in North Little Rock, Arkansas. CMS claims that it is entitled to be paid for the shelter, in accordance with the terms of its invoice, in the amount of \$58,014.28 plus interest. CMS further claims entitlement to the costs it incurred in off-loading the building at the site, in the amount \$8,355.00 plus interest.

For the reasons set forth in the attached Findings and Recommendations of the Office of Dispute Resolution for Acquisition ("ODRA"), which are adopted and incorporated herein, and pursuant to the Delegations of final decisional authority from the FAA Administrator to the Director of the ODRA, dated March 27, 2000 and March 10, 2004, the contract dispute is denied in its entirety.

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. §17.43, within sixty (60) days of the issuance of this Order.

Issued for the FAA Administrator
this 21st day of June, 2004.

/s/
Anthony N. Palladino
Director, FAA Office of Dispute Resolution
For Acquisition