

FEDERAL AVIATION ADMINISTRATION

WASHINGTON, DC

ORDER

FAA Order

Number: ODRA-04-322

Matter: Equal Access to Justice Act Application
of Ridge Contracting, Inc.
Under Solicitation DTFAAL-04-R-00102

Docket No.: 04-ODRA-00312 EAJA

Date Served: December 14, 2004

ORDER

Ridge Contracting, Inc. ("Ridge") filed an Application Under the Equal Access to Justice Act, 5 U.S.C. §504 ("EAJA") seeking attorney fees and expenses incurred in a bid protest ("Protest") filed with the FAA Office of Dispute Resolution for Acquisition ("ODRA"). The Protest had alleged that the FAA Alaskan Region improperly had considered a bid that was not submitted in accordance with the requirements of Solicitation DTFAAL-04-R-00102. The Protest was sustained and the Region was directed to award the contract for this requirement to Ridge.

For the reasons stated therein, I adopt the attached Recommendation and: (1) deny the Application*; (2) direct the Region to report to the Administrator through the ODRA, within 10 business days, on the status and plan for implementing the remedy mandated in the Order entered in this case on September 24, 2004. A copy of the Region's Report must be provided to Counsel for Ridge. In the event that the Region, for reasons beyond its control, cannot implement the mandated remedy, its Report must provide the full particulars of the situation, so that an appropriate alternative remedy may be considered.

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.

Issued for the FAA Administrator
this 14th day of December, 2004

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Anthony N. Palladino
Associate Chief Counsel and Director
FAA Office of Dispute Resolution
For Acquisition