

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:**

ODRA-00-150

Matter:

**Contract Dispute of Initial Security
Under Contract Nos. DTFA14-98-C-33926 and
DTFA14-95-P-10137**

Docket:

00-ODRA-00153

Date Served:

June 14, 2000

ORDER

Initial Security (“Initial”) has submitted a contract dispute to the FAA Office of Dispute Resolution for Acquisition (“ODRA”) under Contract Nos. DTFA14-98-C-33926 and DTFA14-95-P-10137 issued by the FAA Great Lakes Region (“Region”) for guard services at two FAA facilities. The dispute seeks a total of \$30,891.10 under the two contracts as reimbursement for certain health and welfare fringe benefits. The Region has denied any liability and, pursuant to 14 C.F.R. §17.29, has filed a motion to dismiss the contract dispute for lack of ODRA jurisdiction as to one contract, for lack of timeliness and for failure to state a matter upon which relief may be had.

For the reasons set forth in the attached Recommendation of the ODRA Dispute Resolution Officer, pursuant to 14 C.F.R. §17.29 and pursuant to the March 27, 2000 Delegation of final decisional authority from the Administrator to the Director of the

ODRA^{*}, it is ordered that the contract dispute be and hereby is dismissed summarily: (1) as to Contract No. DTFA14-95-P-10137, for lack of ODRA subject matter jurisdiction; and (2) as to Contract No. DTFA14-98-C-33926, for failure to state a matter upon which relief may be had.

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.

Issued for the FAA Administrator
this 14th day of June, 2000.

/s/

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

^{*} The March 27, 2000 Delegation grants the Associate Chief Counsel/Director of the ODRA “authority to execute and issue on behalf of the Administrator, orders and final decisions for the FAA in all matters within the ODRA’s jurisdiction, provided that such matters involve...a contract dispute involving a total amount in dispute, exclusive of interest, legal fees or costs, of not more than one million dollars (\$1,000,000.00).” *See* Federal Register Vol. 65, No. 72, at p. 19958, April 13, 2000.