

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC**

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**ORDER**

**FAA Order**

**Number: Odra-02-234**

**Matter: Protest of Frequentis  
Under Solicitation No. DTFA01-01-R-00022**

**Docket: 02-ODRA-00231**

**Date Served: October 25, 2002**

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**ORDER**

On July 10, 2002, Frequentis filed the above protest (“Protest”) challenging the award of a contract (“Contract”) to Northrop Grumman Systems Corporation – Denro Systems (“Northrop/Denro”) under Solicitation No. DTFA01-01-R-00022 (“Solicitation”) issued by the Federal Aviation Administration Headquarters Product Team relating to the maintenance and enhancement of voice switching capabilities for the FAA’s Automated Flight Service Stations throughout the United States. By FAA Order No. ODRA-02-229, issued on October 1, 2002, I adopted the Findings and Recommendations of the Office of Dispute Resolution for Acquisition (“ODRA”), sustained the Protest, and directed that the Product Team “forthwith: (1) terminate the Northrop/Denro Contract for the Government’s convenience; and (2) award a contract to Frequentis under said Solicitation.”

Thereafter, Northrop/Denro sought a stay of that Order pending reconsideration and filed a Motion for Reconsideration of the Order. The Product Team, in response to the Northrop/Denro stay request, advised the ODRA that it might not be able to implement an award immediately pursuant to the Administrator’s Order, because of an FAA policy concerning consultation with the Air Traffic Services Subcommittee of the Management Advisory Council established under

Section 302 of Public Law 106-181, 49 U.S.C. §106(p). The Product Team also filed its own Motion for Reconsideration. Both Motions for Reconsideration raise an error in Finding 3 of the ODRA's original Findings and Recommendations regarding the ODRA's interpretation and application of certain Solicitation language.

In response to the two Motions for Reconsideration, the ODRA has issued Amended Findings and Recommendations, eliminating the interpretation error from Finding 3, substituting applicable Solicitation language for the misinterpreted language, and revising affected portions of the ODRA's original analysis and discussion. The ODRA has also revised its recommendation regarding an award to Frequentis, so as to assure that implementation of the directed award is in accordance with applicable FAA policy. For the reasons set forth therein, I adopt the attached Amended Findings and Recommendations of the ODRA, hereby sustain the Protest, and direct that the Product Team: (1) forthwith terminate the Northrop/Denro Contract for the Government's convenience; and (2) award a contract to Frequentis under said Solicitation, at the earliest time permissible in accordance with applicable FAA policy.

This Order supersedes and replaces FAA Order No. ODRA-02-229. This is the final Agency decision 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.

\_\_\_\_\_/s/\_\_\_\_\_  
MARION C. BLAKEY  
ADMINISTRATOR

Issued this 25<sup>th</sup> day of October, 2002