

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:**

ODRA-06-371

Matter:

**Protest of Kinematica, Inc.
Pursuant to Market Survey for Host Interface Device/
National Airspace System Local Area Network Support**

Docket No.:

05-ODRA-00361

Date Served:

February 27, 2006

ORDER

Kinematica, Inc. (“Kinematica”) has protested a decision made by the Host Interface Device/National Airspace System Local Area Network Integrated Service Team (“Program Office”) in connection with a Market Survey for technical services. Kinematica’s Protest claims that the Program Office relied on an inaccurate estimate of the value of the contract work involved and improperly decided not to proceed with a set aside procurement from Kinematica, a small economically disadvantaged business and the only entity who responded to the Market Survey.

For the reasons stated herein, I adopt the attached Findings and Recommendations of the Office of Dispute Resolution for Acquisition (“ODRA”), and hereby sustain the Protest in part. I further direct that the Program Office: (1) determine whether it is in the Agency’s interest to proceed with a noncompetitive procurement of the services involved from Kinematica in accordance with Acquisition Management System (“AMS”) policy and AMS Section 3.6.1.3.5; (2) take appropriate action depending on the outcome of its deliberation; and (3) report within 30 days to the Administrator through the ODRA of the

outcome of its deliberations. The current contract performance may continue pending the completion of the corrective action.¹

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 for the FAA Administrator
this 27th day of February 2006

-S-

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

¹ Pursuant to a Delegation from the Administrator dated March 10, 2004, the ODRA Director is authorized to issue final decisions for the FAA Administrator in bid protests concerning acquisitions “having a value or potential value of not more than five million dollars (\$5,000,000.00).”