

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

ORDER

**FAA Order
Number:** 10-ODRA-530

Matter: Protest of Perera Construction, Inc.
Under No. DTFAWP-09-R-02087

Docket: 09-ODRA-00507

Date Served: March 9, 2010

ORDER

Perera Construction, Inc. (“Perera”) filed the above Protest challenging a determination by the contracting officer to eliminate Perera from further competition under Solicitation No. DTFAWP-09-R-02087 (“Solicitation”), which seeks to establish a Qualified Vendor List for a contract to build Air Traffic Control Towers and Base Buildings at Oakland International Airport and Palm Springs International Airport.

The Protest asserts that the Solicitation clauses requiring offerors to provide the FAA with proof of a certified Earned Value Management System are ambiguous. For the reasons set forth therein, I adopt and incorporate by reference the attached Findings and Recommendations of the Office of Dispute Resolution for Acquisition (“ODRA”), and hereby deny the Perera Protest.

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 this ____ day of March, 2010

J. Randolph Babbitt
FAA Administrator