

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

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## ORDER

**FAA Order Number:** Odra-13-658

**Matter:** Protest of Arctic Elevator Company, LLC

**Docket Nos.:** 12-ODRA-00629

**Date Served:** March 8, 2013

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## ORDER

Arctic Elevator Company, LLC, (“Arctic”) filed this Bid Protest with the Federal Aviation Administration (“FAA”) Office of Dispute Resolution for Acquisition (“ODRA”). The Protest challenges the FAA Western Service Area’s award, on behalf of the Alaskan Region, of a small business set-aside contract (“Contract”) for elevator maintenance services in Anchorage, Alaska. Arctic alleged that the awardee of the Contract was not technically qualified and that the awardee’s plan to use a large subcontractor to perform a substantial portion of the work prevented the awardee from meeting the size standards for this procurement. The Agency Product Team responded by alleging that: (1) the Protest had not been filed timely; and (2) the evaluation had been completed in a proper manner.

Pursuant to a Delegation of final decisional authority from the FAA Administrator,\* I adopt and incorporate herein the attached ODRA Findings and Recommendations, hereby sustain the Protest, and direct the Center to take the following corrective action:

- (A) Terminate the ASE contract for convenience of the Government, effective no later than **60 days of service of the Final Order in this Protest;**

\* Final decisional authority over bid protests involving acquisitions valued at not more than ten million dollars has been delegated to the ODRA Director. See Delegation of Authority, dated October 12, 2011.

(B) Based on the needs and resources of the FAA, conduct a new competition under a new solicitation that includes the appropriate NAIC standards, and all mandatory clauses and provisions unless deviations are obtained in strict accordance with the AMS and the ODRA's Findings and Recommendations; and,

(C) 75 days from the date of service of the Final Order in this Protest, file a publicly releasable report with the ODRA and Arctic regarding the status of its corrective action.

This is the final Agency Order in this matter. Any review of this Order shall be sought in accordance with 49 U.S.C. §46110 and the ODRA Procedural Rule, 14 C.F.R. §17.43 (2012), within sixty (60) days of service of this Order.

Issued for the FAA Acting Administrator  
this 8<sup>th</sup> day of March 2013

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