



Federal Aviation Administration
Office of Dispute Resolution for Acquisition (ODRA)

Memorandum

**U.S. Department of
Transportation**

**Federal Aviation
Administration**

Subject: ACTION: Delegation of Authority

Date: July 29, 1998

From: The Administrator

To: The Chief Counsel and Associate Chief

Counsel, Director, Office of Dispute

Resolution for Acquisition

Under 49 U.S.C. §106(f)(2), 49 U.S.C. §§ 46101, *et seq.*, and Pub. L. No. 104-50, I delegate to the Chief Counsel and to the Associate Chief Counsel/Director, Office of Dispute Resolution for Acquisition ("ODRA") the authority of the FAA decisionmaker in all dispute resolution actions involving solicitations issued and contracts entered into after April 1, 1996, as follows:

- a. To administer individual protests and contract disputes and to appoint ODRA Dispute Resolution Officers and Special Masters to administer all or portions of individual protests and contract disputes;
- b. To deny motions for dismissal or summary relief which have been submitted to the ODRA by parties to protests or contract disputes;
- c. To grant or deny motions for partial dismissal or partial summary relief submitted to the ODRA by parties to protests or contract disputes, or to order such partial dismissals on its own initiative;
- d. To stay an award or the performance of a contract temporarily, for no more than ten (10) business days, pending an Administrator's decision on more a more permanent stay (This delegation will only be used in cases where the ODRA takes into account the views of both a protester and Agency counsel regarding the possible impact of a stay, finds compelling reasons which would justify a stay, and recommends a stay to the Administrator.);
- e. To dismiss protests or contract disputes, based on voluntary withdrawals by the parties which have instituted such proceedings;
- f. To dismiss protest or contract disputes, where the parties to such proceedings have achieved a settlement;
- g. To issue procedural and other interlocutory orders aimed at proper and efficient case management, including, without limitation, scheduling orders, subpoenas, sanctions orders for failure of discovery, and the like.
- h. To issue protective orders aimed at prohibiting the public dissemination of certain information and materials provided to the ODRA and opposing parties during the course of protest or contract dispute proceedings, including, but not limited to, documents or other materials reflecting trade secrets, confidential financial information and other proprietary or competition-sensitive data, as well as confidential Agency source selection information the disclosure of which might jeopardize future Agency procurement activities;

i. To utilize alternative dispute resolution (ADR) methods as the primary means of dispute resolution, in accordance with established Department of Transportation and FAA policies for using ADR to the maximum extent practicable;

j. To designate ODRA Dispute Resolution Officers to engage with Agency program offices and contractors in voluntary mutually agreeable ADR efforts aimed at resolving acquisition related disputes at the earliest possible stage, even before any formal protest or contract dispute is formally filed with the ODRA;

k. To take all other reasonable steps deemed necessary and proper for the management of the FAA Dispute Resolution System and for the resolution of protests or contract disputes, in accordance with the Acquisition Management System and applicable law.

The Chief Counsel and Associate Chief Counsel/Director of the ODRA may redelegate the authority set forth above, in whole or in part, to an ODRA Dispute Resolution Officer or to a Special Master. The Federal Aviation Regulations shall be amended to incorporate this delegation of authority.

I am not delegating hereby final decision authority, other than for dismissals arising from settlements or voluntary withdrawals; nor final authority to stay awards or contract performance.

_____/s/
JANE F. GARVEY
ADMINISTRATOR

Issued this 29 day of July, 1998