

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

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**ORDER**

**FAA Order  
Number:** OIRA-17-798

**Matter:** Protest of E2M Engineering

**Docket Nos.:** 17-OIRA-00786

**Date Served:** June 27, 2017

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**ORDER**

The Mike Monroney Aeronautical Center (“Center”) issued Solicitation DTFAAC-17-R-00106 to obtain proposals to provide engineering support services under an indefinite delivery / indefinite quantity contract with a ceiling of over \$400 million dollars. The Center initially eliminated E2M Engineering (“E2M”) from the competition after finding its structure as a joint venture did not meet the particular set-aside requirements of the Solicitation. E2M filed a protest (“Initial Protest”) to argue that the Center based its decision on an improper interpretation of the Solicitation. The Center addressed the Initial Protest by issuing Amendment 002 to the Solicitation and extending the closing date for proposals. A few hours after the closing of the extended period for proposals under Amendment 002, E2M filed a Supplemental Protest alleging that the Center’s amended Solicitation was overly restrictive and failed to promote small business.

In the attached Findings and Recommendations, the Office of Dispute Resolution for Acquisition (“ODRA”) finds that Amendment 002 constituted full corrective action for the Initial Protest and recommends that it be denied. It further finds that the Supplemental Protest was untimely under 14 C.F.R. § 17.15(a)(2) (2016) and recommends that it be dismissed.

For the reasons stated therein, I adopt and incorporate the attached Findings and Recommendations of the ODRA and deny the Initial Protest in its entirety. I similarly dismiss the Supplemental Protest. 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 (2016), within sixty (60) days of service of this Order.

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Michael P. Huerta  
Administrator

Issued this 26 day of June, 2017