

Office of Dispute Resolution for Acquisition
Federal Aviation Administration
Washington, D.C. 20590

PROTESTER/CONTRACTOR: _____
CONTRACT/SIR No.: _____
ODRA Docket No.: _____

**APPLICATION FOR ACCESS TO MATERIALS UNDER PROTECTIVE
ORDER FOR IN-COUNSEL**

1. I, _____ hereby apply for access to protected materials covered by the protective order issued in connection with this **[protest/contract dispute]**.
2. I am in-house counsel for _____, a party to this **[protest/contract dispute]**.
3. I am a member of the bar(s) of _____; my bar membership number(s) is/are _____.
4. My professional relationship with the party I represent in this **[protest/contract dispute]** and its personnel is strictly one of legal counsel. I am not involved in competitive decisionmaking as discussed in U.S. Steel Corp. v. United States, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of the party I represent, any entity that is an interested party to this protest, or any other firm that might gain a competitive advantage from access to the material disclosed under the protective order. I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, for example, provide advice concerning or participate in decisions about marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected material could provide a competitive advantage.
5. I have attached a detailed narrative providing the following information:
 - a) my position and responsibilities as in-house counsel, including my role in providing advice in procurement related matters;
 - b) the person(s) to whom I report, and their position(s) and responsibilities;

- c) the number of in-house counsel at the office in which I work, and their involvement, if any, in competitive decisionmaking and in providing advice in procurement related matters;
- d) my relationship to the nearest person involved in competitive decisionmaking (both in terms of physical proximity and corporate structure); and
- e) measures taken to isolate me from competitive decisionmaking and to protect against the inadvertent disclosure of protected material to persons not admitted under the protective order.

6. I identify here (by writing "none" or listing names, position, and responsibilities) any member of my immediate family who is an officer or holds a management position with an interested party in the protest or with any other firm that might gain a competitive advantage from access to the material disclosed under the protective order:

7. I identify here (by writing "none" or identifying the name of the forum, case number, date, and circumstances) instances in which I have been denied admission to a protective order, or had admission revoked, or been found to have violated a protective order issued by an administrative or judicial tribunal: _____

8. I identify here (by writing "none" or listing the protest name and file number) any pending application for admission to a protective order issued by the FAA Office of Dispute Resolution: _____

9. I have read the protective order issued by the FAA Office of Dispute Resolution in this [**protest/contract dispute**], and I will comply in all respects with that protective order and will abide by its terms and conditions in handling any protected material filed or produced in connection with the protest.

10. I acknowledge that any violation of the terms of the protective order will make any certification made hereunder a fraudulent statement subject to 18 U.S.C. § 1001, and may result in the FAA Office of Dispute Resolution referring this Application to the appropriate United States Attorney for disposition, and the FAA Office of Dispute Resolution exercising other retaliatory measures, including but not limited to referral of the violation to appropriate bar associations or other disciplinary bodies, and restricting my practice before the FAA Office of Dispute Resolution. I further acknowledge that a party whose protected information is improperly disclosed shall be entitled to all remedies under law or equity, including breach of contract.

CERTIFICATION

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including any attached statements) are true and correct.

Signature: _____

Date Executed: _____

Typed Name and Title:

Name of Employer: _____