

Memorandum

**U.S. Department
of Transportation**

**Transportation Security
Administration**

Subject: **ACTION: Delegation of Authority**

Date: **September 16, 2002**

From: **The Associate Under Secretary for Finance and Administration
Transportation Security Administration**

To: **The Director, Federal Aviation Administration
Office of Dispute Resolution for Acquisition**

Under Public Law 107-71, Aviation and Transportation Security Act (Nov. 19, 2002; 115 Stat. 597), I delegate to the Director, Federal Aviation Administration (FAA) Office of Dispute Resolution for Acquisition ("ODRA") the following authority in all dispute resolution actions involving designated solicitations issued and contracts awarded by the United States Department of Transportation, Transportation Security Administration ("TSA"), as follows:

- a. To administer individual procurement related protests and contract disputes and to appoint ODRA Dispute Resolution Officers and Special Masters to administer all or portions of such protests and contract disputes;
- b. To grant or deny motions for dismissal or summary relief submitted to the ODRA by parties to protests or contract disputes;
- c. To stay an award or the performance of a contract temporarily, pending the resolution of a bid protest, where he finds compelling reasons justifying such a stay;
- d. To dismiss protests and contract disputes, based on voluntary withdrawals by the parties that have instituted such proceedings;
- e. To dismiss protests and contract disputes, where the parties to such proceedings have achieved a settlement;
- f. 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.

g. 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 proceedings and contract disputes, 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 TSA source selection information the disclosure of which might jeopardize future TSA procurement activities;

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

i. To designate ODRA Dispute Resolution Officers to engage with TSA 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 filed;

j. To take all other reasonable steps deemed necessary and proper for the management of the TSA Dispute Resolution System and for the resolution of protests and contract disputes, in accordance with the TSA Acquisition Management System, the ODRA Procedural Regulations (14 C.F.R. Parts 14 and 17), and applicable law; and

k. To issue findings and recommendations to the Under Secretary of the Transportation Security Administration for final Agency decisions in all such matters.

The Director of the ODRA may re-delegate the authority set forth above, in whole or in part, to an ODRA Dispute Resolution Officer or Special Master whom he may appoint for the resolution of a TSA bid protest or contract dispute.

Transportation Security Administration

Federal Aviation Administration

_____/s/_____
Robert Gardner

_____/s/_____
Anthony N. Palladino

Issued this 16th day of September, 2002