

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

AMAZON WEB SERVICES, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 19-1796C
)	(Judge Patricia E. Campbell-Smith)
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
MICROSOFT CORPORATION,)	
)	
Intervenor-Defendant.)	

DEFENDANT’S UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME

Pursuant to Rules 6(b), 6.1, and 52.2(c) of the Rules of the United States Court of Federal Claims and the Court’s order dated April 17, 2020 (ECF No. 203), defendant, the United States, respectfully requests an enlargement of time of 30 days, to and including September 16, 2020, for the United States Department of Defense (DoD) to issue its remand decision, for the filing of a joint status report, and for proceedings in this case to remain stayed. The remand and stay period is currently set to end on August 17, 2020, with a joint status report due the same day. This is defendant’s first request for an enlargement of time for this purpose. Counsel for plaintiff, Amazon Web Services, Inc. (AWS), has indicated that AWS does not oppose this motion. Likewise, counsel for intervenor-defendant, Microsoft Corporation (Microsoft), has indicated that Microsoft does not oppose this motion.

During the remand, DoD has identified areas of concern with respect to the revised proposals received from both offerors, resulting in multiple solicitation amendments, rounds of proposal revisions, and exchanges with the offerors. As we previously reported, on April 21,

2020, DoD issued Amendment 0007 to Solicitation No. HQ003418R0077, which, among other things, modified some of the language concerning Factor 5, Price Scenario 6. Subsequently, on April 28, 2020, DoD issued Amendment 0008 to the solicitation, answering questions about Amendment 0007 and further modifying some of the solicitation language. Amendment 0007 permitted offerors to submit revised proposals by May 5, 2020. AWS and Microsoft each submitted revised proposals prior to that deadline. On May 4, 2020, AWS submitted a pre-award, agency-level protest to the contracting officer, seeking clarification regarding some of the terms of Amendments 0007 and 0008. On May 14, 2020, DoD issued Amendment 0009 to the solicitation, modifying some of the language of the solicitation amendments, and permitting offerors to either submit revised proposals in light of the clarification to the solicitation language, or affirm that its May 5, 2020 proposals aligned with the clarification in Amendment 0009. Both AWS and Microsoft timely responded to Amendment 0009.

As we explained in our previous report of June 16, 2020, ECF No. 214, DoD then identified the need for an additional solicitation amendment, and issued Amendment 0010 on June 25, 2020. Amendment 0010 permitted limited proposal revisions, which were due by July 9, 2020. Both AWS and Microsoft timely responded to Amendment 0010. In evaluating each offeror's final proposal revisions, however, DoD has recently identified the need to reopen limited discussions related to certain aspects of the offerors' pricing proposals. After permitting offerors to submit questions, DoD anticipates requiring final proposal revisions by August 12, 2020.

Following the submission of such revisions, DoD will complete its pricing evaluation, and will provide both technical and pricing reports and briefings to the Source Selection

Advisory Council and the Source Selection Authority. Once the Source Selection Authority makes an award decision, that decision will be vetted through DoD's peer review process, followed by the preparation of award documents and the award notification.

Throughout the duration of the remand, DoD has proceeded diligently in obtaining necessary information from offerors and evaluating their submissions. DoD anticipates that the re-evaluation process will be complete by early September. We respectfully request a 30-day enlargement, to and including September 16, 2020, to reduce the likelihood of the need for additional enlargement requests should further unanticipated delays occur. We further respectfully request that the Court enlarge the time to file the next joint status report required by the Court's April 17, 2020 order (ECF No. 203). As we anticipate that remand proceedings will be concluded in the next 30 days, we respectfully request that the Court require the filing of the next joint status report within five days after the conclusion of the remand proceedings.

Respectfully submitted,

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