

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST

PERNIX SUKUT PACIFIC LLC, and)
SECURE CONSTRUCTORS SERVICES,)
LLC/CB&I FEDERAL SERVICES LLC,)
Plaintiffs,) Nos. 16-750C, 16-806C
v.) Judge Horn
THE UNITED STATES,)
Defendant.)

**DEFENDANT'S NOTICE OF CORRECTIVE
ACTION AND CONSENT MOTION TO AMEND ORDER**

Defendant, the United States, respectfully provides notice that the Naval Facilities Engineering Command, Pacific (NAVFAC, or agency) intends to take corrective action in this case by cancelling Request for Proposal N62742-15-R-1314 (the solicitation). NAVFAC intends to take this action on or before July 25, 2016. Defendant also respectfully requests that all deadlines set forth in the Court's June 30, 2016 Scheduling Order, ECF No. 14, be stayed in light of the agency's intended corrective action. After NAVFAC initiates corrective action, the United States will file a motion to dismiss the protests filed by plaintiffs Pernix Sukut Pacific LLC (PSP) and Secure Constructors Services, LLC/VB&I Federal Services LLC (SCS) for lack of subject matter jurisdiction due to mootness. We have conferred with counsel for both protestors, and all parties agree that this is the best course of action.

Following cancelling of the solicitation, NAVFAC will issue a new solicitation in its place that includes new and additional language clarifying what is required for an offeror to "clearly demonstrate" that an affiliate entity will have "meaningful involvement" in the offeror's performance under this contract, such that a past

construction effort performed by that affiliate entity may be considered as part of the offeror's experience for the purposes of evaluating the offeror's phase one proposal under this solicitation.

In anticipation of taking the corrective action described above and filing the appropriate motion to dismiss, the United States respectfully requests that the Court stay all current deadlines in this case, including the July 22, 2016 deadline for the parties to file the joint stipulations of fact. If for any reason the United States has not filed a motion to dismiss by July 25, 2016, we respectfully propose to file with the Court a status report, and, upon consultation with PSP and SCS, a proposed schedule.

Respectfully submitted,

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July 20, 2016

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