

In the United States Court of Federal Claims

No. 13-969 C

Filed: January 26, 2014

SRA INTERNATIONAL, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

and

COMPUTER SCIENCES CORPORATION,

Defendant-Intervenor.

FINAL ORDER

On January 13, 2014 the court issued an Opinion denying the Government’s Motion To Dismiss, concluding that “the [General Services Administration’s November 25, 2013 Determination and Findings for Waiver of Organizational Conflict of Interest Rules (hereinafter the “Waiver”)] in this case was not made ‘in connection with’ the issuance of the Task Order, but was an independent discretionary agency action and therefore, 41 U.S.C. § 4106(f)(1) does not bar the court from adjudicating whether the Waiver otherwise violated APA standards.” *SRA Int’l, Inc. v. United States*, No.13-969, 2014 WL 171012, *8 (Fed. Cl. Jan. 13, 2014). The court’s January 13, 2014 Opinion requested, in light of the exigent circumstances presented by this case, that the United States Government Accountability Office (“GAO”) issue an advisory opinion as to whether the Waiver violated Administrative Procedure Act standards and, if so, to adjudicate the merits of the August 26, 2013 protest no later than close of business, January 23, 2014, *i.e.*, as if the Waiver had not issued. *Id.*; *see also* 4 C.F.R. § 21.11 (The “GAO may, at the request of a court, issue an advisory opinion on a bid protest issue that is before the court.”).

On January 31, 2014, the GAO responded and determined that the Waiver decision was not arbitrary or capricious. In addition, the GAO advised that, had the Waiver not been issued,

the GAO would have found SRA's unequal access to information allegations to be untimely. The GAO response is attached as Exhibit A.

On February 3, 2014, in a telephone conference with the parties, the Government requested that the court grant a motion to dismiss. In light of the GAO's January 31, 2014 response, the court grants the Government's February 3, 2014 Motion To Dismiss, as SRA's remaining claims are moot.

The Clerk of the Court is ordered to enter judgment in favor of the Government. In addition, the January 26, 2014 Temporary Restraining Order is dissolved.

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Judge