

to the opposing party by virtue of allowance of the amendment, [or] futility of amendment” may justify the denial of a motion for leave to amend. *See Mitsui Foods, Inc. v. United States*, 867 F.2d 1401, 1403-04 (Fed. Cir. 1989) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

In this case, Plaintiff requests leave to cite to the relevant procurement statutes that are alleged as being violated by the Government. These statutes were referenced elsewhere in the July 12, 2016 Complaint but were not contained within the Counts. Plaintiff has shown no bad faith or undue delay in making this amendment. Allowing Plaintiff to make this amendment would not unduly prejudice the Government or the Defendant-Intervenor. Finally, allowing this amendment would not be futile, because this case is ongoing.

Pursuant to Rule 15(a)(2) of the Rules of the United States Court of Federal Claims, the court **grants** Plaintiff’s September 29, 2016 Motion For Leave To File An Amended Complaint.

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Judge