

Engel, Llewelyn

From: Moses, Jana (CIV) <Jana.Moses@usdoj.gov>
Sent: Friday, April 26, 2024 2:36 PM
To: Hopkins, Tara; Engel, Llewelyn; Eric.Crusius@hklaw.com; Graham, Daniel
Cc: Neel, Sam; Shaffer, Jonathan
Subject: AirBoss v. United States, No. 23-999 (Fed. Cl.)

[External Email]

Good afternoon.

The Government intends to file a status report today apprising the court of the timeline for corrective action that HHS has initiated, as follows:

1. By May 10, 2024, HHS will make a new competitive range determination and notify offerors who are in the competitive range.
2. By the end of May 2024, HHS will issue an amendment to the solicitation to offerors in the competitive range. As part of the amendment, HHS intends to revise the current shelf-life requirements, further clarify the current sleeve length and device registration requirements, allow offerors to submit solicitation questions, and allow offerors to submit revised proposals.
3. By the end of July 2024, HHS will evaluate revised proposals and make a new award decision.

Additionally, the Government will propose that the court suspend all future deadlines in this case until the agency finalizes the corrective action. The current administrative record would not include any documents that memorialize this round of decision making and, once the corrective action is complete, the legal issues currently before the court may be resolved.

Please advise whether you consent or object to this proposal. I plan to file this by 5pm EST.

Thank you,
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