

**In the United States Court of Federal Claims**

No. 18-1880C

(Filed: July 12, 2019)

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ORACLE AMERICA, INC.,

*Plaintiff,*

v.

THE UNITED STATES,

*Defendant,*

and

AMAZON WEB SERVICES, INC.,

*Intervenor.*

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ORDER

Pending in this pre-award bid protest are the parties’ cross-motions for judgment on the administrative record. The court held oral argument on the parties’ cross-motions on July 10, 2019. Following argument, the court indicated to the parties that we would issue an order stating our decision on the motions with a supporting opinion to follow shortly thereafter. The court now orders the following.

Because the court finds that Gate Criteria 1.2 is enforceable, and Oracle concedes that it could not meet that criteria at the time of proposal submission, we conclude that it cannot demonstrate prejudice as a result of other possible errors in the procurement process. We conclude as well that the contracting officer’s findings that an organizational conflict of interest does not exist and that individual conflicts of interest did not impact the procurement were not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Plaintiff’s motion for judgment on the administrative record is therefore denied. Defendant’s and intervenor’s

respective cross-motions for judgment on the administrative record are granted.

Entry of final judgment is deferred pending the issuance of our supporting opinion.

s/Eric G. Bruggink  
ERIC G. BRUGGINK  
Senior Judge