IN THE UNITED STATES COURT OF FEDERAL CLAIMS (BID PROTEST)

NIGHTWING INTELLIGENCE)
SOLUTIONS, LLC,)
Plaintiff,))
V.) No. 25-112C
THE UNITED STATES,) (Judge Somers))
Defendant,)
)
and)
LEIDOS, INC.,)
Defendant-Intervenor.)

DEFENDANT'S STATUS REPORT

Pursuant to the Court's Order dated April 9, 2025 (ECF No. 40), defendant, the United States, hereby provides a status report regarding the status of the procurement at issue in this bid protest.

The Department of Homeland Security (DHS) has undertaken a review of the Agile Cybersecurity Technical Security (ACTS) contract at issue in this protest and determined that the agency's requirements with respect to its IT and cybersecurity service needs have significantly changed in light of organizational changes and changes in priorities, unrelated to the protest, that have occurred since the ACTS solicitation was issued.

As a result of this review and determination, DHS has terminated for convenience the ACTS IDIQ contract and associated transition planning task order awarded to defendantintervenor, Leidos, Inc., effective May 8, 2025. The agency does not intend to make another contract award under the ACTS solicitation but is conducting acquisition planning to determine the best means of fulfilling its future requirements. Leidos was notified of the termination on May 8, 2025. Plaintiff, Nightwing Intelligence Solutions, LLC, was informed of the termination on May 9, 2025.

In light of the agency's termination of the ACTS contract and its intent to engage in new acquisition planning, it is the Government's position that this protest is now moot and we intend to file a motion to dismiss to that effect if the protest is not voluntarily dismissed.

Respectfully submitted,

YAAKOV M. ROTH Acting Assistant Attorney General

PATRICIA M. McCARTHY Director

<u>s/ Douglas K. Mickle</u> DOUGLAS K. MICKLE Acting Deputy Director

s/ Reta E. Bezak RETA E. BEZAK Senior Trial Counsel Commercial Litigation Branch Civil Division Department of Justice Ben Franklin Station P.O. Box 480 Washington, D.C. 20044 (202) 305-5633 reta.e.bezak@usdoj.gov

Attorneys for Defendant

OF COUNSEL:

CHRISTIAN M. BUTLER Senior Attorney, Acquisition & Procurement DHS Office of the General Counsel, General Law Division Acquisition & Procurement Law

May 9, 2025