

The Court clarifies that it intended only to enjoin the Department of Education from cancelling the solicitation based on the administrative record that it submitted in this proceeding. The Court’s Order “merely restores the posture of the process before the illegal cancellation.” Parcel 49C L.P. v. United States, 31 F.3d 1147, 1154 (Fed. Cir. 1994). The Department of Education “retains the power to proceed with the award process or to terminate the award process” for any legal, sufficiently supported reason. Id.

Accordingly, the Government’s motion for clarification is GRANTED. The Court’s September 14, 2018 Order is amended as follows: It is ORDERED that the United States of America, the United States Department of Education, and their officers, agents, servants, employees, and representatives are permanently ENJOINED, pursuant to RCFC 65(d), from cancelling Solicitation No. ED-FSA-16-R-0009 on the basis of the administrative record that the Department of Education relied on to justify its May 3, 2018 cancellation decision.

IT IS SO ORDERED.

s/ Thomas C. Wheeler
THOMAS C. WHEELER
Judge