

In the United States Court of Federal Claims

No. 21-1186C

(Filed: July 14, 2021)

SIERRA NEVADA CORPORATION,)
)
<i>Plaintiff,</i>)
)
v.)
)
THE UNITED STATES,)
)
<i>Defendant,</i>)
)
and)
)
SIKORSKY AIRCRAFT CORPORATION,)
)
<i>Defendant- Intervenor.</i>)

ORDER AND JUDGMENT

For the reasons explained in the Court's July 1, 2021 decision, Plaintiff's Motion for Judgment on the Administrative Record (ECF No. 23) is **GRANTED**, and Defendant's and Defendant-Intervenor's Cross-Motions for Judgment on the Administrative Record (ECF No. 22, 24) are **DENIED**. *See* ECF No. 44. In that decision, the Court further ordered the government to propose terms of a permanent injunction in consultation with the other parties. *Id.* at 24.

On July 14, 2021, the government filed a status report, proposing permanent injunction terms, which the other parties do not oppose. ECF No. 47.

Accordingly, upon consideration of Plaintiff's request for permanent injunctive relief, the Court adopts the government's unopposed proposed injunctive relief terms, and **ORDERS** as follows:

- (1) The United States Air Force is hereby enjoined from awarding to Sikorsky Aircraft Corporation ("Sikorsky") any delivery orders under the ID/IQ

contract contemplated in the Justification & Approval (“J&A”) approved on January 19, 2021 to perform any new capability upgrades on the Combat Rescue Helicopter (“CRH”) after the earlier of either: (a) the Air Force awarding the orders necessary to commence the first three contemplated capability upgrades (a degraded visual environment (“DVE”) sensor and system, Global Positioning System Anti-Jam/ Anti-Spoof (“GPS-AJ”) capability, and mobile user objective system (“MUOS”)), or (b) the Air Force receiving from Sikorsky the complete Technical Data Package (“TDP”) for the CRH aircraft in accordance with the terms of the CRH production contract.

- (2) The U.S. Air Force shall compete any work to accomplish additional capability upgrades on the CRH aircraft that are not already under contract prior to the earlier of (a) or (b) above, unless an exception to competition under 10 U.S.C. § 2304 applies and a separate J&A authorizing a sole-source award is approved.

The Clerk is directed to enter **JUDGMENT** accordingly.

IT IS SO ORDERED.

s/Matthew H. Solomson
Matthew H. Solomson
Judge