

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
BID PROTEST**

Amazon Web Services, Inc.,

Plaintiff,

v.

United States,

Defendant.

No. 13-506

Judge Thomas C. Wheeler

**IBM CORPORATION'S  
UNOPPOSED MOTION TO INTERVENE**

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims, IBM Corporation, doing business as IBM U.S. Federal (“IBM”), respectfully moves to intervene as of right in the above-captioned case. Counsel for IBM is authorized to represent that Plaintiff and Defendant do not oppose this motion.

In support of its motion, IBM states as follows:

(1) IBM is an actual offeror under Request for Proposals No. 2012-12041000001 (“RFP”) issued by the Central Intelligence Agency (“CIA” or “Agency”) for the provision of Commercial Cloud Services (“C2S”).

(2) The CIA initially awarded a contract under the RFP to Plaintiff, Amazon Web Services Inc. (“AWS”). IBM filed a protest with the Government Accountability Office (“GAO”), and GAO sustained IBM’s protest on two grounds.

(3) Following GAO’s decision, the Agency determined it was appropriate to revise the RFP, solicit new proposals from IBM and AWS, and make a new award decision. As a result, IBM has a substantial chance of receiving award of the C2S contract.

(4) Plaintiff AWS now seeks to enjoin the Agency from executing its corrective action.

(5) Under RCFC 24(a)(2), IBM, as an actual offeror with a substantial chance of receiving the C2S contract, is entitled to intervene as a matter of right because IBM has an interest relating to the subject matter of this action and is “so situated that disposing of the action may as a practical matter impair or impede [IBM’s] ability to protect its interest . . . .” RCFC 24(a)(2).

(6) Alternatively, this Court should exercise its discretion to permit IBM to intervene pursuant to RCFC 24(b) because IBM’s claims and defenses are based on the same questions of fact and law as the main action. RCFC 24(b)(1)(B). Permitting IBM to intervene will not cause delay, and will ensure that the Court has a complete and accurate picture of the facts and circumstances of this case, including the substantial and irreparable harm that IBM will suffer if the Court grants the injunctive relief sought by AWS.

WHEREFORE, IBM requests that the Court grant this motion to intervene.

Respectfully submitted,

s/ Jason A. Carey

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Dated: July 25, 2013

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
BID PROTEST**

Amazon Web Services,

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v.

United States,

Defendant.

No. 13-506

Judge Thomas C. Wheeler

**ORDER**

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims, IBM Corporation, doing business as IBM U.S. Federal (“IBM”), has moved to intervene in this action. Having considered its Motion, as well as all other relevant materials, including the lack of objection by Plaintiff and Defendant, it is hereby

ORDERED that the Motion is GRANTED.

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Wheeler, J.

Dated: July \_\_\_\_, 2013