



Decision

Matter of: High Plains Computing, Inc.--d/b/a HPC Solutions--Reconsideration

File: B-422934.2

Date: April 10, 2025

Rodger Cree for the protester.

Peter S. Kozlowski, Esq., Department of Veterans Affairs, for the agency.

Kasia Dourney, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is dismissed where the requester has not shown that our prior decision contained either errors of fact or law or information not previously considered that warrants reversal or modification of the decision.

DECISION

High Plains Computing, Inc., doing business as HPC Solutions (HPC), a service-disabled veteran-owned small business (SDVOSB) located in Denver, Colorado, requests reconsideration of our decision in *High Plains Computing, Inc.--d/b/a HPC Sol's.*, B-422934, Dec. 6, 2024, 2024 CPD ¶ 298, in which we denied HPC's protest of a task order award to Veterans EZ Info Inc., of San Diego, California, under request for proposals (RFP) No. 36C10B24Q0283. That task order was issued by the Department of Veterans Affairs (VA) to provide various information technology support services for Office of Information and Technology community care product line products. HPC argues that our decision contains errors of fact and law that warrant reconsideration.

We dismiss the request for reconsideration because it fails to establish any factual or legal errors that would warrant reconsideration of our underlying decision. Instead, the requester either raises allegations that are not for review by our Office, fails to state a valid basis for reconsideration, or reiterates arguments raised and rejected during the underlying protest.

BACKGROUND

The agency issued the solicitation on May 14, 2024, as a set-aside for SDVOSBs, to holders of the General Services Administration's (GSA) multiple award schedule (MAS)

information technology professional service (GSA MAS 54151S) contract. Agency Report (AR), Tab 5, RFP at 1, 129. The RFP contemplated the award of a hybrid fixed-price, time-and-materials (T&M), and cost-reimbursable task order for development, testing, integration, deployment services, and operations and maintenance support to the VA's Office of Information and Technology. *Id.* at 30.

As explained in the protest decision,¹ the solicitation provided that award would be made to the offeror whose proposal represented the best value to the agency, considering three evaluation factors: technical, past performance, and price. *Id.* at 135. As relevant to the protest, a rating of acceptable or higher under the technical factor was necessary to be considered for award. *Id.*

The VA received five proposals in response to the solicitation, including proposals from HPC and Veterans EZ Info. Contracting Officer's Statement ¶ 7. The agency assigned HPC's technical proposal two deficiencies and one significant weakness and evaluated it as unacceptable. *Id.* ¶ 17.

In contrast, the agency evaluated Veterans EZ Info's proposal as good under the technical factor. See AR, Tab 7, Source Selection Document at 3. Additionally, Veterans EZ Info's proposed price of \$158,350,284 was less than half of HPC's proposed price of \$450,040,375. *Id.* Accordingly, the source selection authority found that Veterans EZ Info's proposal, which was the highest technically rated and lowest priced, represented the best value to the agency, and issued the task order to the firm. *Id.* at 8. On September 15, HPC filed a protest of the award with our Office.

In our decision denying the protest in part and dismissing it in part, we concluded that our Office did not have jurisdiction to consider HPC's challenge to Veterans EZ Info's small business status. *High Plains Computing, Inc.--d/b/a HPC Sols.*, *supra* at 3. We also dismissed HPC's challenge to the agency's evaluation of the awardee's price proposal for failure to state a valid basis for protest. *Id.* at 3-5. Finally, our Office dismissed the protester's allegation of an improper technical evaluation of its proposal as untimely, and for failing to demonstrate competitive prejudice. *Id.* at 5-6. This request for reconsideration followed.

DISCUSSION

HPC alleges that our decision is based on various errors of fact and law. The requester takes issue with six specific "error[s]"² allegedly transpiring during the protest

¹ For additional background on the procurement, see *High Plains Computing, Inc.--d/b/a HPC Sols.*, *supra*.

² The requester also complains that its protest was reassigned to another GAO attorney during the course of the protest. Req. for Recon. at 3. The internal matters of our Office, including the routine, workload-based reassignment the protester complains of
(continued...)

development process and in the underlying decision. See Req. for Recon., *generally*. HPC argues, among other things, that our Office failed to take action after the VA threatened HPC in the agency report and released “HPC’s official protest correspondence to an unauthorized third party.” *Id.* at 1-2. Further, the requester contends that our underlying decision improperly dismissed, as untimely, HPC’s allegations challenging the agency’s technical evaluation and failed to review the awardee’s low and unbalanced pricing. *Id.* at 3.

Under our Bid Protest Regulations, to obtain reconsideration, a requesting party either must demonstrate that our prior decision contains errors of fact or law, or present new information not previously considered, that would warrant reversal or modification of our earlier decision. 4 C.F.R. § 21.14(a); *Bluehorse Corp.--Recon.*, B-413929.2, B-413929.4, May 16, 2017, 2017 CPD ¶ 149 at 4. The repetition of arguments made during our consideration of the original protest and disagreement with our decision do not meet this standard. *Epsilon Sys. Sols., Inc.--Recon.*, B-414410.3, Sept. 20, 2017, 2017 CPD ¶ 292 at 3. GAO will not consider a request for reconsideration that does not contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.14(a). GAO will summarily dismiss any request for reconsideration that fails to state a valid basis for reconsideration or is untimely. 4 C.F.R. § 21.14(c).

First, the requester complains about certain agency statements made in the agency report, which HPC contends it took “as a threat” of “adverse action against HPC on future contract considerations.” Req. for Recon. at 1. As an example, the requester notes the VA’s statement in its agency report that:

an offeror has the burden of submitting a clearly written proposal, and where a proposal fails to clearly convey required information, the offeror runs the risk of an adverse Agency evaluation.

Id. HPC alleges that it “notified GAO on October 16, 2024 and November 8, 2024” of this “not standard verbiage” but “GAO never responded.”³ *Id.*

We reject the allegation that the statement at issue contains any inappropriate language. Instead, it merely quotes a common evaluation principle repeatedly recognized by our Office. See, e.g., *Two Knights Def., LLC*, B-421053, Dec. 16, 2022, 2023 CPD ¶ 4 at 9; *SysVets, LLC*, B-415694, Feb. 13, 2018, 2018 CPD ¶ 75 at 3-4. As

here, do not provide a basis to grant reconsideration as they have no nexus to solicitations for, or the award of, federal procurements for property or services which is the basis for our Office to resolve bid protests. See 4 C.F.R. § 21.1(a).

³ While this issue was not discussed in our underlying protest decision, the requester contacted our Office about this issue and raised this allegation in its comments on the agency report. See Comments at 1.

such, this contention does not allege a violation of procurement statute or regulation that we could have resolved in our underlying decision. Accordingly, HPC has failed to allege a cognizable basis for reconsideration of our decision.

Second, HPC contends that our Office failed to take action after the VA released “HPC’s official protest correspondence to an unauthorized third party,” and instead responded that it had no jurisdiction to entertain this issue. *Id.* at 1-2. The requester notes that the correspondence was “addressed to GAO” and was “uploaded to a GAO system.” *Id.* at 2. The requester has not asserted, however, that this alleged release of information relates to the award or proposed award of a contract, or a solicitation or cancellation of a solicitation which is the basis for our Office to resolve protests. Accordingly, the requester has not alleged a valid basis of protest. 4 C.F.R. § 21.1(a). In addition, since the requester does not challenge our conclusion about our Office’s jurisdiction, the requester’s disagreement with our decision to take no action on an invalid basis of protest, does not establish any error that would warrant the reversal or modification of our earlier decision. 4 C.F.R. § 21.14(a).

Third, HPC disagrees with our dismissal as untimely of certain allegations pertaining to the evaluation of its technical proposal. Req. for Recon. at 2 (referring to “subnote 5” in the decision). The requester contends that “GAO and VA improperly used the date of the Unsuccessful Letter vice the Brief Explanation letter.” *Id.* The requester asserts that it timely filed its initial protest on September 15, within six days of its receipt of the agency’s brief explanation for award. *Id.*

As our Office explained in the underlying protest decision, HPC’s allegations that the VA failed to assign numerous strengths to the protester’s proposal were raised for the first time in response to the agency’s request for dismissal. *See High Plains Computing, Inc.--d/b/a HPC Sols., supra* at 5-6 n.5. Since this was more than 10 days after HPC knew the basis for these allegations from the agency’s brief explanation for award, which did not identify any strengths in the evaluation of HPC’s proposal, they were untimely. *Id.*; *see also* 4 C.F.R. § 21.2(a)(2). In other words, HPC knew on September 15, at the time it filed its protest, that its proposal had not received any strengths, *see generally* Protest, exh. A.1, Initial Technical Evaluation, yet HPC waited for 15 days, *i.e.*, until September 30, to challenge this fact with our Office. *Id.* As such, these allegations were untimely, and we properly dismissed them.

At any rate, again, HPC only repeats the arguments it made during the protest development process, which our Office considered and ultimately rejected. *See High Plains Computing, Inc.--d/b/a HPC Sols., supra*. As such, the requester’s apparent disagreement with our decision does not meet the standard for granting a request for reconsideration. *See Epsilon Sys. Sols., Inc.--Recon., supra*; 4 C.F.R. § 21.14(a).

Fourth, HPC complains that our decision did not “address all protest points” nor “compare [the] agency letter to [the] RFP instructions.” Req. for Recon. at 2. In this regard, the requester alleges that one of its proposed software tools was blocked by the

VA CyberSecurity Operations Center due to potential security issues;⁴ according to HPC, that fact points to “possible bias against HPC.” *Id.* The requester contends that despite being “brought up multiple times,” that aspect of the protest was “never addressed by GAO.”⁵ *Id.* Additionally, HPC asserts that we failed to review a “probable [organizational conflict of interest] issue with [the] technical lead.” *Id.* HPC essentially alleges that the technical lead was biased against HPC because HPC had fired the technical lead’s former supervisor.⁶

As noted above, GAO will not consider a request for reconsideration that does not contain a detailed statement of the factual and legal grounds which warrant reversal or modification of our prior decision. 4 C.F.R. § 21.14(a). Moreover, GAO will summarily dismiss any request for reconsideration that fails to state a valid basis for reconsideration or is untimely. 4 C.F.R. § 21.14(c).

Here, HPC fails to explain how one of its tools “being blocked” by the VA indicates possible bias against HPC. Req. for Recon. at 2. The requester also does not articulate what type of “compar[ison of the] agency letter to [the] RFP instructions” it expected from our Office. *Id.* As such, HPC’s allegations here fail to state a valid basis for reconsideration, and we dismiss them as legally insufficient. See 4 C.F.R. § 21.14(c).

Similarly, with respect to the alleged bias, HPC does not describe how the work history of the technical lead on this procurement (being formerly supervised by an individual who would later be terminated by HPC) supported a finding of bias. Government officials are presumed to act in good faith, and a protester’s contention that procurement

⁴ HPC did not assert this issue in its actual protest but instead, mentioned it in exhibit A attached to the protest, which “outlined [HPC’s] issues/concerns” related to the agency’s evaluation of its proposal. Protest at 1; *Id.*, exh. A.1, Initial Technical Evaluation at 5.

⁵ Notably, however, our decision explained that in order to avoid revealing specific information related to the protester’s technical approach, we would not name any particular tools described in HPC’s proposal but instead, use a more general terminology throughout the decision. See *High Plains Computing, Inc.--d/b/a HPC Sols.*, *supra* at 3 n.3. Additionally, our decision advised that the protester disputed only a subset of the agency findings regarding its technical approach which formed the bases for HPC’s deficiency. *Id.* at 6 n.6. As such, even assuming that HPC’s arguments about Asana being blocked had merit, the requester has not addressed the other tools, and therefore, has not challenged the underlying factual bases for the assessment of the deficiency, making its objection to the deficiency legally insufficient. *Id.*

⁶ Specifically, HPC alleges that the technical lead had formerly been supervised by an individual who departed from the VA and was then employed by HPC, where that individual was subsequently terminated. Req. for Recon. at 2. HPC speculates that this termination, which allegedly occurred before the agency issued the current task order, somehow factored into the technical lead’s evaluation of HPC’s proposal. *Id.*

officials are motivated by bias or bad faith must be supported by convincing proof. *Career Innovations, LLC*, B-404377.4, May 24, 2011, 2011 CPD ¶ 111 at 7-8. Our Office will not consider allegations, such as the ones here, that are based on mere inference, supposition, or unsupported speculation. *Id.* Accordingly, the requester, again, fails to state a valid basis for reconsideration and we dismiss this allegation as well. *Id.*

At any rate, while HPC complains that our decision failed to discuss some of its protest grounds, our Office has previously explained that while we review all issues raised by protesters, our decisions may not necessarily address with specificity every issue raised; this practice is consistent with the statutory mandate that our bid protest forum provide for “the inexpensive and expeditious resolution of protests.” See, e.g., *Alphaport Inc.--Recon.*, B-414086.3, May 23, 2017, 2017 CPD ¶ 154 at 5 (citing *Research Analysis & Maint., Inc.--Recon.*, B-409024.2, May 12, 2014, 2014 CPD ¶ 151 at 6; 31 U.S.C. § 3554(a)(1)). In keeping with our statutory mandate, our Office does not grant reconsideration requests that are based on a requester’s dissatisfaction with a decision that does not address each of its protest issues. *Id.* Accordingly, HPC’s dissatisfaction with our decision, alone, does not satisfy our standard for reconsideration.

As a fifth alleged error identified in our decision, HPC complains about our Office “[u]pholding [the] Agency Response that was against RFQ instructions.” Req. for Recon. at 2. Specifically, HPC contends that the solicitation “did not require [a] response to all of attachment C as VA alleges and GAO agreed with.” *Id.* The requester’s assertion, however, is belied by the record. In this regard, the RFP required that offerors:

propose a detailed technical approach that addresses . . . [c]reating and managing an intake process for DevSecOps execution, based on the CC Sample Backlog (Attachment C). . . . The response shall include the critical skillsets and tools required to accomplish the intake for this specific backlog.

RFP at 131. The solicitation further provided that “[i]f requirements are not clear, detail how will you respond to any ambiguity.” *Id.*

We note that HPC, again, merely repeats its allegations made earlier in the protest. The repetition of arguments made during our consideration of the original protest and disagreement with our decision do not meet our standard for reconsideration. *Epsilon Sys. Sols., Inc.--Recon.*, B-414410.3, Sept. 20, 2017, 2017 CPD ¶ 292 at 3.

Finally, HPC argues that our decision failed to properly review the awardee’s pricing. Req. for Recon. at 3. In this regard, we found that the protester’s assertion that the agency failed to account for the awardee’s unrealistically low price was essentially a claim that the agency had not conducted a price realism analysis, which we noted the agency was not permitted to perform. *High Plains Computing, Inc.--d/b/a HPC Sols.*,

supra at 3-5. The requester contends that our rationale in the underlying decision is “null and void” because “HPC protested the T&M portion of the pricing” and our decision incorrectly stated that “the labor hours were fixed price.” Req. for Recon at 3.

In fact, as discussed above, the solicitation here anticipated award of a hybrid task order, with fixed-price and T&M line items, in addition to cost-reimbursable line item for travel. As such, the requester is correct that not all labor hours here were fixed price. That notwithstanding, this does not change our analysis of the requester’s arguments since T&M line items, similar to fixed price line items, are not subject to a price realism evaluation absent a solicitation provision requiring such an evaluation. See, e.g., *PricewaterhouseCoopers Public Sector LLP*, B-415129.3, July 31, 2018, 2018 CPD ¶ 272 at 2-3 (dismissing protest challenging an agency’s evaluation of the awardee’s low T&M contract price where the solicitation did not provide for a price realism evaluation). Accordingly, we conclude that HPC has not alleged a factual or legal distinction that warrants reconsideration of our decision.

The request for reconsideration is dismissed.

Edda Emmanuelli Perez
General Counsel