



## Decision

**Matter of:** A2A Integrated Logistics, Inc.

**File:** B-423433

**Date:** May 20, 2025

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Anthony L. Bryant for the protester.

Natica Chapman Neely, Esq., Department of Veterans Affairs, for the agency.

Jacob M. Talcott, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest challenging the agency's award of a contract and the rejection of the protester's quotation by the agency's server is dismissed where the protest was filed more than 10 days after the protester knew or should have known the basis for its protest.

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### DECISION

A2A Integrated Logistics, Inc., a service-disabled veteran-owned small business of Fayetteville, North Carolina, protests the award of a contract under request for quotations (RFQ) No. 36C24425Q0297, issued by the Department of Veterans Affairs (VA), for media systems and hardware, digitizing/document scanning software licenses, and onsite training services for the VA Wilkes-Barre Medical Center in Wilkes-Barre, Pennsylvania. The protester contends that its quotation represented the best value to the agency. The protester also contends that the agency's server improperly rejected its quotation.

We dismiss the protest because prior to protesting to our Office, the protester filed an agency-level protest and that protest was not timely filed.

Our Bid Protest Regulations contain strict rules for the timely submission of protests. These rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. *Verizon Wireless*, B-406854, B-406854.2, Sept. 17, 2012, 2012 CPD ¶ 260 at 4. Under these rules, a protest based on alleged improprieties in a solicitation must be filed prior to bid opening or the time established for receipt of proposals, 4 C.F.R. § 21.2(a)(1), and all other protests must be filed no later than 10 calendar days after the protester knew, or should have known, of the basis for protest,

whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, a matter initially protested to the contracting agency will be considered timely by our Office only if the initial agency protest was filed within the time limits provided by the Regulations for filing a protest with our Office unless the contracting agency imposes a more stringent time for filing, in which case the agency's time for filing will control. 4 C.F.R. § 21.2(a)(3).

As relevant here, the solicitation provided that the closing date for quotations was February 10, 2025; the agency announced award on February 19. Req. for Dismissal, exh. 1, RFQ at 1; Req. for Dismissal at 2. On February 20, the protester emailed the contracting officer, stating that the protester was unable to submit its quotation. Req. for Dismissal, exh. 3, Agency Email at 1. The agency responded to the protester on March 12 and explained that it had not received the protester's quotation. *Id.* The protester then filed an agency-level protest that same day; the agency dismissed the agency-level protest as untimely on March 27. Req. for Dismissal, exh. 4, Agency-Level Protest at 1; Req. for Dismissal, exh. 5, Agency Dismissal at 4-5. The protester filed this protest with our Office on April 1.

The protester challenges the agency's award of a contract and the rejection of the protester's quotation by the agency's server. Protest at 1-2. Concerning the challenge to the award of the contract, we dismiss this argument as untimely because the protester challenged the award more than 10 calendar days after it knew, or should have known, of the basis for protest. In this regard, the agency made award on February 19; the protester, however, did not formally challenge the award until it filed its agency-level protest on March 12. Req. for Dismissal at 2. Accordingly, the protest ground is untimely.

We also dismiss as untimely the protester's argument that the agency's server improperly rejected its quotation. The protester objects to dismissal on the basis that the agency's "lack of response made it impossible to follow dispute protocols." Resp. to Req. for Dismissal at 2. In this regard, the protester contends that it emailed the agency on February 20 and explained that the agency's server had rejected the protester's submission of its quotation. Protest at 1. The agency, however, did not respond to this email until March 12. Req. for Dismissal at 2. The protester then filed an agency-level protest that same day, explaining, among other things, that the agency's server "blocked [their] timely submitted response." Req. for Dismissal, exh. 4, Agency-Level Protest at 1. According to the protester, its agency-level protest was timely because it was filed within 10 days of the agency's response on March 12. Protest at 2.

We disagree with the protester that the time for filing its agency-level protest was within 10 days of the agency's response on March 12; instead, the time for filing was within 10 days of when the protester first learned of the rejection of its quotation by the agency's server. In this regard, a firm's attempt to address its concerns with the contracting officer prior to filing an agency-level protest does not extend the time for filing an agency-level protest. See Federal Acquisition Regulation (FAR) 33.103(e); see *also Texnokpatikh*, B-245835.2, Feb. 6, 1992, 92-1 CPD ¶ 153 at 1 (stating that the protester "should have known" that the agency would not implement the requested amendments

before the deadline for filing a protest and therefore, should have filed its protest before that time).<sup>1</sup> In its email to the agency on February 20, the protester explained that its “bid failed to reach [the agency] due [to] a technical error.” Req. for Dismissal, exh. 3, Agency Email Response. As the deadline to file its protest neared, the protester knew or should have known that the agency did not intend to address the issue raised in its email within the time for filing a protest. Accordingly, because the protester did not file its agency-level protest within 10 days of when it learned of this purported technical issue, its protest with our Office is untimely.

The protest is dismissed.

Edda Emmanuelli Perez  
General Counsel

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<sup>1</sup> Although FAR section 33.103(b) provides that, “[p]rior to submission of an agency protest, all parties shall use their best efforts to resolve concerns raised by an interested party at the contracting officer level,” protesters still must file a protest in accordance with the timeliness rules FAR section 33.103(e).