



# Decision

**Matter of:** Economic Systems, Inc.

**File:** B-423747; B-423747.2

**Date:** August 22, 2025

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James S. DelSordo, for the protester.

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## DIGEST

Protest allegation that the agency unreasonably limited sources is dismissed where the protester is not an interested party to raise the allegation.

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## DECISION

Economic Systems, Inc. (EconSys), of Vienna, Virginia, protests the intended sole-source issuance of a purchase order to Government Retirements and Benefits, Inc. (GRB), of Alexandria, Virginia, under request for quotations (RFQ) No. 1766993, issued by the Department of the Interior, National Park Service (NPS), for software licenses to the GRB platform. EconSys argues that the intended sole-source purchase order to GRB is improper because EconSys offers a product with identical functionality.

We dismiss the protest.

## BACKGROUND

On July 8, 2025, the NPS issued a notice, titled “Sole Source Notification (Not a Request for Information or Quote),” explaining that it intended to issue a purchase order to renew licenses for GRB’s Full Platform software. Req. for Dismissal, exh. 1, eBay Cover Page at 1; Req. for Dismissal, exh. 2, Limited Sources Justification at 1. The GRB platform is a trademarked retirement benefits system platform that supports agency human resource employees, as well as provides employees at-large with personalized statements of their current benefits. Limited Sources Justification at 1. The licenses would renew for a 1-year period. *Id.*

The notice cited Federal Acquisition Regulation (FAR) subsection 8.405-6(a)(1)(i)(B) as authority to restrict competition. Limited Sources Justification at 1. The notice explained that GRB is the only source capable of providing the GRB platform, which the agency has used for over 12 years and has over 25,000 employee profiles saved within the system. *Id.* at 2. The notice also explained that other platforms, while similar, would require significant adaptation to meet the agency's needs. *Id.*

The notice also cited FAR subsection 8.405-6(a)(1)(i)(C) as alternative authority to restrict competition. Limited Sources Justification at 2. The notice explained that the agency's requirement is a logical follow-on to the original order placed to procure the GRB platform. *Id.* Further, the notice explained that changing to a new system would be costly and disruptive to agency employees. *Id.*

While the notice explained the various difficulties, challenges, and expenses associated with utilizing a different platform, it advised "[t]his requirement will be posted on GSA [General Services Administration] ebuy as a special notice and potential sources may respond." Limited Sources Justification at 2. The notice repeated this invitation in the following paragraph:

7. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made.

The market analysis will be ongoing to determine if comparable products have been developed which will suit our need. This requirement will be posted on GSA eBuy as a special notice [] so that potential sources may respond.

*Id.* at 3. The notice also included a requested close date of July 25, 2025. eBuy Cover Page at 1. Additionally, the notice also included the following advisement:

This is notification of a sole source action to [GRB]. This is posting the justification and intent to award a sole source action. This is not a request for quote and is not a request for information, but a public announcement of the intent to sole source.

*Id.*

On July 22, EconSys filed this protest with our Office.

## DISCUSSION

EconSys asserts that the agency's decision to limit sources to GRB is unreasonable. First, EconSys argues that the agency's determination that only one source can provide the services is inaccurate because it offers a platform that provides the same functionality as the GRB platform. Protest at 7. Second, EconSys challenges the

agency's determination that limiting sources is more efficient and economical because it argues that it can easily migrate NPS's data, including employees' information, into its platform. *Id.* at 7-8. Further, EconSys argues that the agency cannot rely on FAR subsection 8.405-6(a)(1)(i)(C) because the previous order was not issued pursuant to full competition. *Id.* at 9. Finally, EconSys argues that the agency has unreasonably adopted a brand name requirement for this acquisition. *Id.* at 10-11.

As an exhibit supporting its protest, EconSys filed a declaration from one of its employees. Protest, exh. 1, Decl. of EconSys Employee. The employee explains that EconSys's product can satisfy the agency's needs as articulated in the limited sources justification. *Id.* at 1. For example, the employee states that EconSys's platform provides data security, employee dashboard, and electronic reporting functionalities. *Id.* at 2-3. The employee also states EconSys can easily migrate the data into its platform. *Id.* at 5.

Prior to submitting its report, NPS requested dismissal of the allegations. Principally, NPS contends that the notice did not invite firms to submit capability statements and that, as a result, EconSys's protest is untimely because it was filed more than 10 days after the notice was posted. Req. for Dismissal at 2. Alternatively, NPS argues that, even if the notice invited responses, EconSys is not an interested party because the firm never submitted a capability statement. *Id.* at 3-4.

EconSys responds that its protest is timely because the notice sought capability statements, and therefore, it could submit a protest prior to the July 25 closing date. Resp. to Req. for Dismissal at 2-3. EconSys also argues that it is an interested party because, while it did not submit a capability statement directly to the agency, the declaration attached to its protest was delivered to the agency on July 22 through the GAO bid protest process. *Id.* at 4.

Before we resolved the request for dismissal, EconSys filed a "supplemental protest." It repeats its assertion that its protest constituted a capability statement and contends that the agency rejected such capability statement when the agency noted, as part of the request for dismissal, that the protester's information was "incomplete at a glance." Supp. Protest at 3. The protester also repeats its allegations that the agency unreasonably determined that only one source can provide the services, that the agency cannot use FAR subsection 8.405-6(a)(1)(i)(C) as a basis to limit competition, and that the agency has unreasonably adopted a brand name requirement for this acquisition. *Id.* at 7-12.

After reviewing the pleadings, we disagree with the agency that the protest is untimely; however, we agree that the protester is not an interested party. We address the arguments in turn.

## Timeliness

Our Bid Protest Regulations contain strict rules for the timely submission of protests, which reflect the dual goals of giving parties a fair opportunity to present their cases and resolving protests expeditiously without disrupting or delaying the procurement process. These rules require that a protest based on other than alleged improprieties in a solicitation be filed no later than 10 days after the protester knew or should have known its basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2).

Where a protester seeks to challenge an agency's intention to limit sources and issue a purchase order on a sole-source basis, the timeliness of a protest depends on whether the notice invited responses from potential sources. See *Tyonek Eng'g and Agile Mnfg., LLC*, B-419775 *et al.*, Aug. 2, 2021, 2021 CPD ¶ 263 at 8. If the sole-source notice requests that potential alternate sources submit expressions of interest and demonstration of capabilities, then the protester must timely submit the requisite capability statement, and the agency must have rejected the statement, as a prerequisite to timely protesting to our Office. *Id.*; *CC Software, Inc.*, B-421566, July 5, 2023, 2023 CPD ¶ 151 at 4. If the sole-source notice does not invite expressions of interest or capability statements, then any protest challenging the limiting of sources must be filed within 10 days of the posting of the notice. *Tyonek Eng'g and Agile Mnfg., LLC, supra*.

After reviewing the notice, we conclude that it invited expressions of interest or capability statements because it repeatedly sought responses from potential vendors. The justification document states "[t]his requirement will be posted on GSA ebuy as a special notice and potential sources may respond," and repeated this invitation in a subsequent paragraph. Limited Sources Justification at 2, 4. Additionally, the notice provided a response due date of July 25, 2025. e-Buy Cover Page at 1. While the notice did advise that it was neither an RFQ nor a request for information "but a public announcement of the intent to sole source," we do not view that statement as precluding expressions of interest or capability statements because it merely clarifies the general form of the notice. Moreover, notices of intent to sole-source often request expressions of interest or capability statements. See, e.g., *Perimeter Solutions LP*, B-423321, B-423321.2, May 6, 2025, 2025 CPD ¶ \_\_ at 4 (explaining that the agency's notice of intent to award a sole-source contract invited interested vendors to submit capability statements).

Thus, we disagree with the agency that the protest is untimely because, as this notice invited responses, any protest challenging the limiting of sources did not need to be filed within 10 days of when the notice was posted or July 18. Rather, a protest challenging the agency's notice of intent to limit competition was required to be filed before the closing date of the agency's request for expressions of interest or capability statements. Accordingly, we reject the agency's argument that protest is untimely.

## Interested Party

While we conclude that the protest is not untimely for the reasons advanced by the agency, we agree with NPS that the protester is not an interested party to pursue its challenge. Where, as here, an agency has issued a notice of intent to make a sole-source award and requested capability statements from interested firms, our Office has found that, to be an interested party to challenge the sole-source award, a firm must, at a minimum, submit a timely capability statement showing that the firm is both interested in and capable of performing the requirement. *CC Software, Inc.*, *supra* at 5.

The agency explains that EconSys never submitted a capability statement. Indeed, NPS states “[t]he protester never provided a statement of interest or otherwise notified the Agency of its disagreement with GRB being the only available source for the licenses before filing the protest.” Req. for Dismissal at 4. Further, the agency explains that it did not subsequently receive a statement of interest after the protest was filed; rather, the only information received was that which was included with the protest.<sup>1</sup> *Id.* As a result, we find that the agency has facially demonstrated that EconSys never submitted a capability statement directly to the agency prior to the close of the July 25, response period.

For its part, the protester does not dispute the agency’s position; rather, EconSys argues that its protest (and attached declaration) serves as its capability statement, and that the statement was therefore provided to the agency in advance of the July 25, deadline through GAO’s protest process. Resp. to Req. for Dismissal at 3-4. We disagree with the protester’s argument. Our bid protest forum does not exist to transmit documents between an interested vendor and an agency; instead, our purpose is limited to deciding challenges to whether an agency’s actions with respect to a specific procurement are reasonable and in accordance with applicable procurement laws and regulation. Thus, we conclude that pleadings submitted as part of a GAO protest do not constitute the submission of a capability statement.<sup>2</sup> As such, the protester did not submit a capability statement to the agency prior to the July 25 close of the response period in order to establish its interested party status. Accordingly, the protester is not

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<sup>1</sup> As to this information, the agency explained “if the statement in the sole source justification invited [statements] of interest, [EconSys] did not provide any such information except in the protest, which the [a]gency concluded was incomplete at a glance.” Req. for Dismissal at 4.

<sup>2</sup> The fact that the agency may have responded that the information about the protester’s platform contained in the protest was “incomplete at a glance,” see Req. for Dismissal at 4, does not change our position that the protest filing does not constitute a capability statement.

an interested party to challenge the agency's procurement, and we dismiss the protest on this basis.

The protest is dismissed.

Edda Emmanuelli Perez  
General Counsel