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Decision

Matter of: United Defense, LLC

File: B-423577

Date: August 13, 2025

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DIGEST

Protest that the agency improperly failed to amend the solicitation following an alleged change to its requirements is denied where the record shows that the agency's requirements have not changed.

DECISION

United Defense, LLC, of Hampton, Virginia, challenges the terms of request for proposals (RFP) No. W911S025RA001, issued by the Department of the Army for intelligence support services for the Training and Doctrine Command (TRADOC) deputy chief of staff for intelligence. The protester alleges that the agency improperly failed to amend the solicitation after its requirements changed.

We deny the protest.

BACKGROUND

The RFP was issued on January 3, 2025, as a total small business set-aside pursuant to Federal Acquisition Regulation (FAR) part 15 to obtain intelligence support services to assist the TRADOC deputy chief of staff for intelligence at Fort Eustis in Newport News, Virginia. Agency Report (AR), Tab 16, Conformed RFP at 1, 80; AR, Tab 9, Performance Work Statement (PWS) at ¶ 1.3. It is TRADOC's mission to understand, visualize, describe, and assess the operational environment (OE) to reduce risk and prevent surprise. PWS at ¶ 1.2.1. The operational environment "is the aggregate of the conditions, circumstances, and influences that affect" the capabilities and decisions of

the commander, and encompasses air, land, maritime, space, and cyberspace domains, and other factors. *Id.* at ¶ 1.2. The contractor is to assist TRADOC with its mission by performing a wide variety of intelligence support services and tasks. Many of these tasks are to be performed at TRADOC headquarters (HQ) at Fort Eustis.¹ *Id.* at ¶ 5.2.

The RFP contemplated the award of a hybrid fixed-price, cost, and time-and-materials contract. Conformed RFP at ¶ M.1.2. Award would be made to the offeror providing the best value to the government considering price and two non-price factors: technical approach and past performance. *Id.* at ¶ M.2.3. As relevant here, the technical approach factor required in part that offerors provide a management and staffing approach that demonstrated an understanding of the personnel requirements and an ability to hire, train, and retain an adequate number of personnel with the experience, qualifications, and clearances necessary to perform. *Id.* at ¶ M.3.2.3.1. Additionally, offerors were required to compensate staff in accordance with wage requirements as stated in the RFP pursuant to the service contract act (SCA) and applicable Department of Labor wage determinations for Virginia. AR, Tab 13, RFP, attach. 5, Wage Determination at 2.

Technical proposals would receive a technical rating and a risk rating for a combined technical/risk rating. Conformed RFP at ¶ M.3.2.4. Price would be evaluated for reasonableness and balance. *Id.* at ¶ M.3.4.1.

The protester submitted a timely proposal on February 25. Memorandum of Law (MOL) at 1. To date, a contract award has not yet been made. During the course of the procurement, on April 30, the secretary of Defense issued a memorandum to senior pentagon leadership providing broad policy guidance regarding certain transitions and changes within the Army. On May 1, the secretary of the Army and the chief of staff of the Army jointly issued a letter to Army leaders reflecting the same policy goals. These documents stated in part that the Army would consolidate the Army Futures Command (AFC) and TRADOC into one HQ. *Id.*; AR, Tab 18, Memorandum From Secretary of Defense – Army Transformation and Acquisition Reform at 3; AR, Tab 19, Letter From Secretary of the Army to Army Leaders – Army Transformation Initiative at 1. Neither the memorandum nor the letter state where the new HQ will be, and nor do they provide details or a timeline for the consolidation. *Id.* Additionally, neither document was issued publicly. Req. for Dismissal at 5; MOL at 6.² The AFC HQ is in Austin, Texas. U.S. Army, Army Futures Command, <https://www.army.mil/futures> (last visited Aug. 13, 2025).

¹ Services were also to be performed at Fort Leavenworth, in Leavenworth County, Kansas, and in Washington, D.C. PWS at ¶ 5.2.

² Neither the request for dismissal nor the MOL assert that the protester, or any other offeror, should have been aware of the memorandum or letter.

Since the announcement, multiple news organizations reported that the new HQ will be in Austin, Texas. *See for example* 13newsnow, Military News, TRADOC HQ to move to Austin, Texas; operations to remain in Hampton Roads, <https://www.13newsnow.com/article/news/national/military-news/nearly-1000-people-work-at-tradoc-headquarters-as-army-moves-hq-to-texas/291-fb49f5b2-5e55-471d-b67a-227a718e5d31com> (published May 22, last visited on Aug. 13, 2025).³ To date, the Army has not amended the RFP or requested revised proposals from offerors.

On May 28, the protester sent a letter to the Army raising concerns about the consolidation and the effect it would have on the instant procurement.⁴ Protest at 4. The protester filed this protest on May 30.

DISCUSSION

The protester asserts that the agency improperly failed to amend the RFP pursuant to FAR section 15.206(a). The protester contends that the guidance issued by the secretary of Defense and senior Army leadership, and reported on by various news outlets, shows that the agency's needs have changed; that is, the agency no longer requires services at Fort Eustis because the TRADOC HQ is moving to Austin, Texas. The protester notes that the RFP requires offerors to propose a staffing approach that is based on the labor pool in Virginia and the applicable wage rates. By extension, offerors' prices are based in part on these wage rates and are therefore affected by the performance location. The protester asserts that the change in performance location materially effects offerors' staffing approaches and prices, and therefore the Army is required to amend the RFP and allow offerors to submit revised proposals to reflect the change in the performance location. Protest at 4-5; Comments at 9.

The protester also asserts that the Army has already initiated the consolidation of TRADOC and AFC. The protester points to an internal executive order (EXORD), EXORD [DELETED], issued on [DELETED] by Army Headquarters (HQDA), that directs the beginning of the consolidation process as further evidence that the Army's needs have changed. Specifically, the protester asserts that it directs a corresponding EXORD to be published by [DELETED]; and that Army staff are to [DELETED]; and that Army staff are to [DELETED]. Comments at 6.

The Army acknowledges that the memorandum, letter, and news articles show that the Army intends to consolidate TRADOC and AFC but nevertheless insists that its requirements have not changed at this time. To support this claim, the Army provided statements from the contracting officer, the mission and installation contracting commander (MICC) of Fort Eustis-Novosel, and the deputy chief of staff for intelligence for TRADOC, all attesting that the current requirements have not changed and that

³ Neither the memorandum nor the letter mention Texas or any location in Texas.

⁴ This letter, and a briefing to the protester's congressional representatives, were sent by the protester's joint-venture partner Threat Tec, LLC. Protest at 4.

these individuals have not received any detailed guidance regarding a timeline or plan to implement the consolidation. The agency further asserts that the protester has provided no evidence to contradict these statements or that shows that the agency has any information regarding a timeline for the TRADOC-AFC merger. MOL at 8-9.

The Army further responds that EXORD [DELETED] only directs that consolidation planning begin and provides deadlines for planning milestones, but does not contain any details, timeline, or other information that would impact the requirements in the procurement at issue. Agency's Resp. to First Obj. at 4; Agency's Resp. to Sec. Obj. at 3; MOL at 14-15. The Army asserts what while EXORD [DELETED] mentions a corresponding EXORD that was to be published by [DELETED], the contracting officer and the requiring activity are unaware of any additional EXORD published by HQDA by that date regarding this matter. Agency's Resp. to Sec. Obj. at 5. The Army concludes that it intends to proceed with contract award based on the current terms of the RFP.

We agree with the agency that the protester has failed to demonstrate that the agency's requirements have changed. Pursuant to FAR section 15.206(a), an agency is required to amend a solicitation when, either before or after the receipt of proposals, the agency changes its requirements, or the solicitation's terms and conditions. Generally, where an agency's requirements materially change after a solicitation has been issued, it must issue an amendment to notify offerors of the changed requirements and afford them an opportunity to respond. FAR 15.206(a); *Sigmattech, Inc.*, B-417589, *et al.*, Aug. 27, 2019, 2019 CPD ¶ 306 at 4. The object of this requirement is to avoid award decisions not based on the agency's most current views of its minimum needs. *Sigmattech, supra*.

Here, the record shows that the Army intends to consolidate TRADOC and AFC at some point as evinced by the documents referenced herein. However, the record does not show that the Army has any information or expectations at this time that its current requirement has changed.

EXORD [DELETED], titled "[DELETED]," was issued on [DELETED] by HQDA internally. It included several directives related to the consolidation of TRADOC and AFC, among many other directives not relevant to this protest. For example, one relevant directive was that a "[DELETED]." AR, Tab 27, Army EXORD [DELETED] at 7. EXORD [DELETED] also included directives to both commanders of TRADOC and the AFC to "[DELETED]." *Id.* at 17. EXORD [DELETED] further directed that "[DELETED]." *Id.* at 20.

While EXORD [DELETED] shows the Army has begun addressing the consolidation, these directives taken together with the statements provided by the contracting officer, the MICC, and the deputy chief of staff for intelligence show that the Army is only in the planning stages of this consolidation. The record shows that no concrete action has been taken, and no specific details are available upon which the Army could base a change to the terms of the RFP.

The contracting officer stated that she has reviewed the secretary of Defense's memorandum and the secretary of the Army and the chief of staff for the Army's letter, and consulted with her supervisor, office director, and the deputy chief of staff for intelligence. Contracting Officer's Statement (COS) at 1. She stated that the current guidance is broad, and policy based and as a result the associated details regarding timeline and implementation are not yet available. *Id.* She also stated that she has reviewed EXORD [DELETED] and that it only directs initiation of the planning process. *Id.*

The MICC of Fort Eustis-Novosel supervises several senior contracting officers. AR, Tab 3, MICC Memorandum at 1. The MICC stated that the strategic policy guidance that has been received so far "is the first step in a long planning process, which may potentially include a timeline of decisions in the future and [EXORDs] to methodically carry out" the broad policy guidance. *Id.* at 1. The MICC further stated that "there is currently no timeline or executable schedule upon which the agency could reasonably rely on to make any such amendment to the solicitation." *Id.* The MICC also stated that the agency intends to move forward with the RFP as it is because it currently reflects the needs of the agency. *Id.* The MICC reiterated that the Army has received no implementation guidance, planning guidance, EXORD, or any other form of decisional authority that would necessitate a change to the current requirements. *Id.* Finally, the deputy chief of staff for intelligence for TRADOC stated that as of June 25, he had not received any order, guidance, or direction from any higher HQ regarding the consolidation of TRADOC and AFC. He stated that as a result, the current requirement has not changed. AR, Tab 4, TRADOC Deputy Chief of Staff for Intelligence at 1.

The only response the protester provides to these statements is that the contracting officer's statement is "argumentative and [does] not depict an objective, accurate narrative of this protest." Comments at 4 n.1. The protester does not otherwise contest these statements and has not presented any evidence to contradict them.

As a result, we conclude that there is no basis upon which to find that the Army's requirements have changed at this time. *Sigmattech, supra* at 5; see *Systems Research and Applications Corporation*, B-407224.3, Dec. 17, 2012, 2012 CPD ¶ 352 at 8-9 (denying protest asserting that the Army should have amended the solicitation to reflect new antiterrorism standards for buildings announced after the submission of proposals where the protester failed to show that the solicitation did not reflect the agency's actual needs in its current form based on the old standards, and the agency was not required to incorporate the new standards); see also *Global Solutions Network, Inc.*, B-298682.2, Dec. 10, 2007, 2007 CPD ¶ 223 at 3 (denying a protest asserting that the Army's needs

had changed where Army personnel reviewed the requirements and determined they still accurately reflected the Army's needs and the protester did not show that the Army's judgment lacked a reasonable basis).

The protest is denied.

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General Counsel