



Decision

Matter of: Mission Analytics, LLC

File: B-423592

Date: September 9, 2025

Michael Winters for the protester.
Hadiya Abdullahi, Esq., Defense Logistics Agency, 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

Protest challenging agency's cancellation of a solicitation and terms of a subsequent solicitation is dismissed where protest was filed more than 10 days after the closing date for receipt of quotations, which constituted initial adverse agency action on the protester's pending agency-level protest raising the same issues.

DECISION

Mission Analytics, LLC, a service-disabled veteran-owned small business (SDVOSB) of Falls Church, Virginia, protests the Defense Logistic Agency's (DLA) decision to cancel request for quotations (RFQ) No. SPE7M5-24-T-862W (862W) for 13 antennas identified by national stock number 5985-01-649-0339, which was set aside for SDVOSBs, and then resolicit the requirement under RFQ No. SPE7M1-25-Q-0824 (0824), as a small business set-aside. The protester contends that the cancellation and set-aside were unreasonable.

We dismiss the protest.

BACKGROUND

The agency issued the initial RFQ on September 12, 2024, pursuant to the simplified acquisition procedures of Federal Acquisition Regulations (FAR) part 13. Agency Report (AR), Tab 1, RFQ 862W at 1, 30. The solicitation provided for a total set-aside award based on a tiered evaluation method, limited to SDVOSBs and small business concerns, in accordance with Defense Logistics Acquisition Directive (DLAD)

procurement note L17.¹ *Id.* at 2. Based on the tiered evaluation method, the agency was first to make an award to an eligible SDVOSB concern, and, in the event no eligible quotation at a fair market price from an SDVOSB was received, award the contract to a small business concern. See DLAD Procurement Notes Effective Sept. 6, 2024 at 51. As relevant to this protest, the agency estimated the value of the requirement as \$125,161.14. AR, Tab 2, Price Estimate at 1.

After evaluating quotations, the agency found that all of the technically acceptable quotations, including Mission's, quoted prices above the simplified acquisition threshold of \$250,000, which prevented DLA from making award using FAR part 13 simplified acquisition procedures. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 3; see *also* FAR 2.101. As a result, on April 11, 2025, the contracting officer decided to cancel RFQ 862W and resolicit the requirement under RFQ 0824 pursuant to the special emergency procurement authority (SEPA) of 41 U.S.C. § 1903, which authorizes agencies to raise the simplified acquisition threshold above the current levels for certain acquisitions.² AR, Tab 5, SEPA Justification Memorandum; AR, Tab 6, RFQ 0824. The new solicitation was set aside for small business concerns and established an April 25 deadline for the receipt of quotations. COS/MOL at 3; AR, Tab 6, RFQ 0824 at 5.

On April 21, Mission filed an agency-level protest, challenging both the cancellation of the initial RFQ 862W and the set-aside provision of RFQ 0824. AR, Tab 7, Agency-Level Protest. Mission alleged that the agency improperly cancelled the solicitation and that RFQ 0824 should have been set aside for SDVOSBs, as the "invocation of SEPA does not appear to be a[] clear basis for cancellation of the SDVOSB RFQ." *Id.* at 1.

The agency did not suspend or otherwise modify the April 25 deadline for the receipt of quotations under RFQ 0824. COS/MOL at 4. On May 21, the agency denied Mission's protest. AR, Tab 8, Agency-Level Protest Decision at 1. In support of its denial, DLA explained that a "contracting agency need only establish a reasonable basis to support

¹ DLAD procurement notes "prescribe [the] policy" applicable to DLA solicitations and awards. See DLAD Procurement Notes Effective Sept. 6, 2024 at 1, available at [DLAD_Procurement_Notes-Effective_9-6-24.pdf](#) (last visited Aug. 15, 2025).

² Section 1903 of title 41 of the United States Code provides that special emergency procurement authority may be used:

with respect to a procurement of property or services by or for an executive agency that the head of the executive agency determines are to be used . . . in support of a contingency operation. . . .

41 U.S.C. § 1903. Under FAR section 2.101, the term "simplified acquisition threshold" is defined as "\$800,000 in the case of a contract to support a contingency operation that is awarded and performed, or purchase to be made, in the United States."

a decision to cancel an RFQ.” *Id.* at 1. The agency further stated that as long as the solicitation is “[b]elow the [simplified acquisition threshold],” as RFQ 0824 is here, “the contracting officer has the discretion to proceed under a total small business set-aside without first considering a socioeconomic set-aside” contracting program, “such as the SDVOSB Program.” *Id.* (citing FAR 19.203(b), (c)).

This protest followed.

DISCUSSION

Mission repeats the arguments raised in its agency-level protest, contending that the agency improperly cancelled the initial RFQ and unreasonably resolicited the requirement, setting the subsequent RFQ aside for small businesses instead of SDVOSBs. Protest at 1; Comments at 2-3. The agency defends its cancellation decision, explaining that none of the vendors that submitted technically acceptable quotations offered prices below the simplified acquisition threshold, “rendering [the vendors] ineligible for award under FAR Part 13 simplified acquisition procedures.” COS/MOL at 3. DLA also argues that Mission’s allegations challenging the small business set-aside provision of RFQ 0824 are untimely and asks our Office to dismiss that protest ground.³

We dismiss both of the protester’s allegations because they are untimely.

Our Bid Protest Regulations contain strict rules for the timely submission of protests that 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. *Lifecare Mgmt. Partners*, B-297078, B-297078.2, Nov. 21, 2005, 2006 CPD ¶ 8 at 10-11. Under these regulations, when a protest first has been filed with a contracting activity, any subsequent protest to our Office must be filed within 10 calendar days of “actual or constructive knowledge of initial adverse agency action” to be considered timely. 4 C.F.R. § 21.2(a)(3). Adverse agency action means any action or inaction on the part of a contracting agency that is prejudicial to the position taken in a protest filed with the agency--expressly including the “opening of bids or receipt of proposals.” 4 C.F.R. § 21.0(e).

Here, Mission’s April 21 agency-level protest challenged the agency’s cancellation of the initial RFQ in conjunction with the agency’s subsequent issuance of RFQ 0824 as a small business set-aside. As such, the agency’s decision to proceed with the April 25 closing date for the submission of quotations under RFQ 0824 served as initial adverse

³ Although DLA does not argue that Mission’s challenge to the cancellation of RFQ 862 is similarly untimely, as discussed below, we find that because that allegation was raised more than 10 days after an initial adverse agency action on Mission’s pending agency-level protest challenging the same issue, that protest ground is also untimely. Accordingly, we dismiss it.

agency action on Mission's pending agency-level protest challenging both actions.⁴ In other words, the agency's decision to move forward with the new solicitation, notwithstanding the protester's contention that the agency was required to proceed with the prior solicitation, put the protester on notice that DLA was not taking the desired corrective action. Therefore, to be timely, any subsequent protest to our Office had to be filed within 10 days of the closing date for RFQ 0824 (that is, by May 5). Because Mission waited until June 2, 2025, to file this protest with our Office, it is now untimely, and we dismiss it. See *Marathon Med. Corp.*, B-422168.2, Feb. 14, 2024, 2024 CPD ¶ 172 at 4 (protest challenging solicitation defects is dismissed as untimely when filed more than 10 days after closing date for receipt of quotations, which constituted initial adverse agency action on the protester's pending agency-level protest raising the same issues); see also *MLS-Multinational Logistic Servs., Ltd.*, B-415782, B-415708.2, Mar. 7, 2018, 2018 CPD ¶ 105 at 4 (same).

The protest is dismissed.

Edda Emmanuelli Perez
General Counsel

⁴ The protester disputes that April 25 was the "date of implied initial adverse action by the agency," alleging that "the solicitation remains open with no official closing date, and the agency has taken no action on the solicitation." Comments at 5. Mission has not, however, asserted that the solicitation was amended to extend the closing date or otherwise provided any support for that contention, nor do we see any such support in the record. Additionally, even though the agency has withheld the award, our timeliness standard clarifies that the deciding factor for a timely subsequent GAO protest is whether the protester was on notice that the agency failed to take the desired corrective action in response to the agency-level protest. *DAI, Inc.*, B-408625, B-408625.2, Nov. 6, 2013, 2013 CPD ¶ 259 at 3.