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Decision

Matter of: AtechGov, LLC

File: B-423738

Date: November 17, 2025

W. Brad English, Esq., Hunter M. Drake, Esq., Taylor R. Holt, Esq., and Emily J. Chancey, Esq., Maynard Nexsen, PC, for the protester.
Adam Humphries, Esq., U.S. Department of Agriculture, for the agency.
Christine Martin, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that the agency violated procurement regulations by issuing a solicitation directly to select vendors is denied where the record shows the agency's actions were consistent with applicable procurement regulations.
 2. Protest that the agency unreasonably failed to extend the due date for quotation submissions is denied where the protester has not shown the agency acted unreasonably.
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DECISION

AtechGov, LLC, of Bethesda, Maryland, protests the agency's actions in connection with request for quotations (RFQ) No. 12SAD125Q0007, issued by the U.S. Department of Agriculture (USDA) for information technology (IT) support services. The protester contends that the agency improperly issued the RFQ to a select number of vendors that did not include AtechGov and unreasonably failed to extend the due date for quotation submissions.

We deny the protest.

BACKGROUND

USDA's Rural Development (RD) division's mission is to improve economic security and quality of life in rural America by providing a variety of programs to assist Americans in rural areas. USDA Rural Development, Welcome to USDA Rural Development, <https://www.rd.usda.gov/about-rd> (last visited November 14, 2025). These programs

include offering loans, grants, and loan guarantees to create jobs, and support essential services and economic development. *Id.* One of the division's offices is the business center, a centralized business hub focused on customer service and business administration. USDA Rural Development, Business Center, <https://www.rd.usda.gov/about-rd/offices/business-center> (last visited November 14, 2025). The business center maintains an IT systems portfolio that includes programs and applications that support RD's core programs. Agency Report (AR), Tab 3.2, RFQ, Performance Work Statement (PWS) at ¶¶ 2. These programs and applications include financial applications that monitor grants and loan intake, origination, servicing, and reporting, and non-financial applications that support business and operational needs. *Id.* The business center requires IT support to assist it with managing the IT systems portfolio. *Id.* at ¶ 1.

On January 11, 2025, USDA posted a request for information (RFI) to the System for Award Management (SAM.gov) website, the governmentwide point of entry, to ascertain how many potential vendors could provide the desired IT support services for RD's business center. AR, Tab 8.1, Market Research Report at 1. The agency received responses from 40 potential sources, 39 of which were from section 8(a) small businesses,¹ including AtechGov. *Id.* The agency determined that, of these 39 small businesses, at least five could meet the agency's requirements. *Id.* at 2. On April 29, USDA posted a solicitation to SAM.gov to fulfill its requirements but canceled it on May 23 due to a change in acquisition strategy. Contracting Officer's Statement (COS) at 1.

On June 17, the agency reissued the RFQ as a competitive set-aside for section 8(a) small businesses to establish a blanket purchase agreement (BPA) with federal supply schedule (FSS) contractors, pursuant to FAR section 8.405-3, to procure IT support services for RD's business center. AR, Tab 3.1, RFQ at 1, 10; PWS at ¶¶ 1-2. Section 8.405-3 of the FAR prescribes the ordering procedures for establishing BPAs with FSS contractors for services requiring a statement of work and where the acquisition value exceeds the simplified acquisition threshold (SAT).² Pursuant to FAR subsection 8.405-3(b)(2)(v)(B), which provides agencies the option to send a solicitation directly to vendors, the agency elected to issue the RFQ directly to four vendors holding FSS contracts with 8(a) status that the agency believed could meet its requirements. COS at 1-2. The protester was not one of these four vendors. *Id.* at 2

¹ Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a), authorizes the Small Business Administration (SBA) to enter into contracts with government agencies and to arrange for performance through subcontracts with socially and economically disadvantaged small business concerns. Federal Acquisition Regulation (FAR) 19.800. This program is commonly referred to as the 8(a) business development program (or simply "8(a) program").

² The SAT is \$250,000. FAR 2.101 (Definition of "Simplified Acquisition Threshold.") The RFQ is projected to exceed the SAT. Protester's Resp. to the Req. for Dismissal, exh. 2, AtechGov's Resp. to the RFI at 8.

On July 17, AtechGov contacted the contracting officer to advise that the firm, an FSS contract holder, had become aware that a new RFQ was issued directly to four vendors. The protester asked the agency to provide it a copy of the RFQ and extend the deadline for quotation submissions beyond its current due date of July 21. AR, Tab 9.5, Protester's Email to the Agency; COS at 2. The agency responded the same day, providing a copy of the RFQ, but not inviting the protester to submit a quotation and denying the protester's request to extend the due date.³ AR, Tab 9.5, Agency's Email to the Protester. This protest followed.⁴

DISCUSSION

AtechGov contends that the agency's decision to send the RFQ to only four vendors was an unreasonable limitation on competition and violated procurement regulations. AtechGov asserts that the agency's market research showed that at least five small businesses could meet the agency's requirements and therefore the agency should have either posted the solicitation to the General Services Administration's eBuy website or sent the RFQ to more than four vendors. Comments at 3-4.

The agency responds that it was not required to post the RFQ to eBuy or send it to more than the four vendors it chose. The agency asserts that when it issues a solicitation to FSS contract holders for the establishment of a BPA, and the solicitation includes a statement of work for requirements above the SAT, FAR subsection 8.405-3(b)(2)(v) gives it the discretion to either post the solicitation to eBuy or send it directly to vendors. The agency further asserts that FAR subsection 8.405-3(b)(2)(v)(B) requires only that it send the RFQ to as many schedule contractors as practicable, consistent with market research, to reasonably ensure quotations are received from at least three contractors that can fulfill the requirements. The agency contends that it complied with the requirements of this section of the FAR as the agency conducted market research and, consistent with that research, sent the RFQ to four vendors who can meet its requirements. Memorandum of Law (MOL) at 3-4, 5.

AtechGov counters that the agency did not issue the RFQ to as many schedule contractors as practicable because the agency's market research demonstrated that at least five small businesses could meet its requirements, and therefore the agency unreasonably and arbitrarily chose to send it to the select four. Comments at 3.

We find that the protester has not demonstrated that the agency violated procurement regulations, and that the record shows the agency acted in accordance with FAR

³ The agency chose to provide AtechGov a copy of the RFQ even though it is not required to by FAR section 8.405-3. FAR 8.405-3; COS at 3. Though not applicable here, we note that FAR subsection 8.405-2(c)(4) requires the ordering activity to provide a copy of the RFQ to any schedule contractor who requests it. FAR 8-405-2(c)(4).

⁴ To date no award has been made.

subsection 8.405-3(b)(2)(v)(B). Where parties disagree as to the interpretation of a regulation, our analysis begins with the language of the disputed provision. *Coast to Coast Computer Prods., Inc.*, B-419624.2, June 28, 2021, 2021 CPD ¶ 237 at 10. If the regulation has a plain and unambiguous meaning, the inquiry ends with that plain meaning. *Id.*

As relevant here, FAR subsection 8.405-3(b)(2)(v) provides the following regarding a proposed BPA among FSS contract holders that includes a statement of work and exceeds the SAT:

(v) *If the estimated value of the BPA exceeds the simplified acquisition threshold.* The ordering activity contracting officer-

- (A) Shall post the RFQ on eBuy to afford all schedule contractors offering the required supplies or services under the appropriate multiple-award schedule an opportunity to submit a quote; or
- (B) Shall provide the RFQ, which includes the statement of work and evaluation criteria, to as many schedule contractors as practicable, consistent with market research appropriate to the circumstances, to reasonably ensure that quotes will be received from at least three contractors that can fulfill the requirements. When fewer than three quotes are received from schedule contractors that can fulfill the requirements, the contracting officer shall document the file. The contracting officer shall prepare a written determination explaining that no additional contractors capable of fulfilling the requirements could be identified despite reasonable efforts to do so. The determination must clearly explain efforts made to obtain quotes from at least three schedule contractors.

FAR subsection 8.405-3(b)(2)(v).

As shown above, FAR subsection 8.405-3(b)(2)(v)(B) expressly gives the agency the discretion to send the RFQ directly to “as many schedule contractors as *practicable*,” so long as it was consistent with market research appropriate to the circumstances and reasonably ensured that quotations would be received “*from at least three contractors that can fulfill the requirements.*” FAR 8.405-3(b)(2)(v)(B) (emphasis added).

Our Office has addressed the number of schedule of contractors that are considered “practicable” in FAR subsection 8.405-2(c)(3)(iii)(A)--the language in which is identical to the language in FAR subsection 8.405-3(b)(2)(v)(B). FAR subsection 8-405-2(c)(3)(iii) provides as follows regarding the procedures for issuing a solicitation to FSS contractors that includes a statement of work and exceeds the SAT:

- (iii) The ordering activity contracting officer shall-

- (A) Post the RFQ on eBuy to afford all schedule contractors offering the required services under the appropriate multiple-award schedule(s) an opportunity to submit a quote; or
- (B) Provide the RFQ to as many schedule contractors as practicable, consistent with market research appropriate to the circumstances, to reasonably ensure that quotes will be received from at least three contractors that can fulfill the requirements. When fewer than three quotes are received from schedule contractors that can fulfill the requirements, the contracting officer shall prepare a written determination to explain that no additional contractors capable of fulfilling the requirements could be identified despite reasonable efforts to do so. The determination must clearly explain efforts made to obtain quotes from at least three schedule contractors.

FAR subsection 8-405-2(c)(3)(iii).

Our decision in *Technical Professional Services, Inc.*, B-410640, Jan. 20, 2015, 2015 CPD ¶ 48, explained that the word “practicable” in the section cited above is followed by an explanatory clause. Specifically, an agency that elects not to post a FSS solicitation including a statement of work that is above the SAT on eBuy is required to solicit “as many schedule contractors as practicable, consistent with market research appropriate to the circumstances, to reasonably ensure that quotes will be received from at least three contractors that can fulfill the requirements.” *Technical Professional Services, supra* at 3.

Similarly, the word “practicable” in FAR subsection 8.405-3(b)(2)(v)(B) is followed by the same explanatory clause that explains in part that the agency will have issued the solicitation to as many schedule contractors as practicable if it has ensured that at least three contractors will provide quotations. This is the plain and unambiguous meaning of FAR subsection 8.405-3(b)(2)(v)(B) and AtechGov does not provide us with any legal support that would call into question this interpretation, and we are not aware of any. As a result, we conclude that the record shows the agency’s decision to issue the RFQ to four vendors that it believed could meet its requirements is consistent with the requirements of FAR subsection 8.405-3(b)(2)(v)(B) and AtechGov has not established that otherwise.

AtechGov also asserts that the agency unreasonably failed to extend the due date for quotation submissions. AtechGov states that it was not aware that the agency had issued the RFQ until July 16, and it contacted the agency the following day on July 17, to inquire about the RFQ and request additional time to submit a quotation. AR, Tab 9.5, Protester’s Email to the Agency. The protester asserts that agencies are required to give vendors sufficient time to prepare a quotation and the agency’s decision not to extend the due date of July 21 was unreasonable. The protester contends that it was impossible to prepare an adequate quotation in only four days and notes that the other four vendors were given a month to respond. Comments at 3-4.

The agency responds that it was not required to extend the due date for quotation submissions and the protester has not provided any legal support for its contention, and therefore the protester has failed to show the agency acted unreasonably. MOL at 4.

The protester has not demonstrated that the agency acted unreasonably. Subpart 8.4 of the FAR does not set a minimum amount of time an agency must give vendors to respond to an RFQ. Instead, agencies must provide a reasonable and sufficient amount of time for vendor responses; what is reasonable and sufficient depends on the facts and circumstances of each case. *Diversity Marketing & Communications, LLC*, B-412196.2, Mar. 9, 2016, 2016 CPD ¶ 84 at 5. Here, the agency chose a procurement strategy that required it to send the RFQ to at least three contractors that could fulfill its requirements and gave them a month to submit quotations. COS at 1-2; AR, Tab 3.1, RFQ at 1. The protester's argument implies that it was the agency's design that the protester have only four days to submit a quotation and therefore the agency created an unreasonable length of time for it to respond. However, it was simply a result of the protester contacting the agency four days before the due date to inquire about the RFQ and request a copy. We note again that the agency was not required to provide the protester with a copy of the RFQ, and in any case the agency was under no obligation to extend the due date simply because the protester became aware of the RFQ.

Although the four vendors the agency contacted directly received one month to respond, that length of time was afforded to them as a result of the agency's procurement strategy, which we have concluded above was conducted in accordance with procurement regulations. The protester has not provided us with any legal support for its contention that an agency is required to extend the due date for a vendor who later learns of an RFQ it was not sent directly. Additionally, the protester does not provide us with any specific reason why it could not have submitted a quotation within four days but only generally asserts that it was impossible. As a result, we conclude the protester has not demonstrated that the agency acted unreasonably or otherwise inconsistent with applicable procurement regulations. *Warden Associates, Inc.*, B-291440, B-291440.2, Dec. 27, 2002, 2002 CPD ¶ 223 at 4.

The protest is denied.

Edda Emmanuelli Perez
General Counsel