



Decision

Matter of: Oready LLC--Reconsideration

File: B-424096.2

Date: January 5, 2026

Michael Faro, for the requester.
William B. Blake, Esq., Department of the Interior, for the agency.
Nathaniel S. Canfield, Esq., and Evan D. Wesser, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is dismissed as untimely where it was filed more than 10 days after the basis for the request was known or should have been known, and the requester has not shown that the Electronic Protest Docketing System experienced a technical failure, or was otherwise not available, during normal system operating hours when it attempted to file its request for reconsideration.

DECISION

Oready LLC, a small business of Las Vegas, Nevada, requests reconsideration of our decision in *Oready, LLC*, B-424096, Dec. 11, 2025 (unpublished decision), in which we dismissed as untimely a protest challenging the award of a contract under request for quotations (RFQ) No. 140L3925Q0086, issued by the Department of the Interior, Bureau of Land Management, for online auction services. The requester contends that our decision failed to account for the agency's refusal to provide additional information regarding the contract award, which the requester argues created a new, distinct, and independently timely protest accrual date. Alternatively, the requester contends that its protest should have been considered under the good cause and significant issue exceptions to our timeliness rules.

We dismiss the request as untimely filed.

BACKGROUND

The agency issued the RFQ pursuant to the commercial products and commercial services procedures of Federal Acquisition Regulation (FAR) part 12. *Oready, supra* at 1; see *also* B-424096 Electronic Protest Docketing System (EPDS or Dkt.) No. 7,

RFQ.¹ On September 24, 2025, the agency provided the requester an “award email,” which provided details regarding the evaluation of the requester’s quotation and provided the grounds for the underlying protest, which challenged the agency’s evaluation of quotations and best-value tradeoff analysis. *Oready, supra* at 1; Protest, exh. C, Email Correspondence at 3-4. As the September 24 email provided the basis for the protest and the debriefing exception to our timeliness rules did not apply, the protest deadline was 10 days after September 24. *Oready, supra* at 1. That date, October 4, was a Saturday, and the protest filing deadline therefore was Monday, October 6. *Oready, supra* at 1; *see also* 4 C.F.R. § 21.0(d).

Due to a lapse in appropriation, however, GAO was closed on October 6. *Oready, supra* at 1. A notice announcing the closure was posted to the EPDS website on October 1. *Id.* On that same day, EPDS sent an email to all active EPDS accounts, notifying users of the shutdown and providing the following guidance:

2. Beginning at noon on October 1, 2025, the Electronic Protest Docketing System (EPDS) will not be operational, and will be inaccessible during the time our Office is closed. Accordingly, no protest-related documents may be filed or accessed through EPDS during the period of time that GAO is closed.
3. GAO will toll protest decision deadlines for a period of time equal to the length of time that GAO is closed.
4. Deadlines for the filing of new protests that fall on a day that GAO is closed are extended to the first day that GAO resumes operations. This extension operates in the same manner as when a deadline falls on a weekend or federal holiday.
5. Because EPDS will not be operational and the parties will be unable to access protest documents during a shutdown, any other filing deadline for an agency or private party (to include supplemental protest deadlines) that falls on a day that GAO is closed is extended by one day for every day that GAO was closed. For example, if GAO is closed starting on October 1, 2025, and reopens on October 6, an agency report due on October 3, would now be due October 8.

Id. at 1-2

The notice remained on the EPDS website until GAO resumed operations on November 13. *Id.* at 2. Consistent with the earlier notice, EPDS sent an email at

¹ In response to our request, the agency submitted the RFQ and its performance work statement for inclusion in the record in the underlying protest.

6:20 a.m. Eastern Time on November 13 notifying all users with active accounts that “[e]ffective Thursday, November 13, GAO has resumed normal operations.” *Id.*

The requester filed the underlying protest on November 18. *Id.* Because it constituted a new protest, the deadline for filing it was the first day that GAO resumed operations, *i.e.*, November 13. *Id.* Consequently, we dismissed the protest as untimely filed. *Id.*

This request for reconsideration followed.

DISCUSSION

Our Bid Protest Regulations contain strict rules for the timely submission of protests, comments, and requests for reconsideration; specifically, a request for reconsideration must be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 21.14(b). 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. A request for reconsideration that fails to meet our timeliness requirements will not be considered. 4 C.F.R. § 21.14(c).

We issued our decision dismissing the underlying protest on December 11, 2025. The requester has not alleged that the basis for its request for reconsideration derives from anything other than our decision, and it therefore was required to file its request within 10 days of the issuance of that decision. That date was Sunday, December 21, making the reconsideration request filing deadline Monday, December 22. See 4 C.F.R. § 21.0(d).

As reflected in EPDS, the requester filed its request for reconsideration at 6:28 p.m. Eastern Time on December 22. See Dkt. No. 1. Our regulations state that “[a] document is *filed* on a particular day when it is received in EPDS by 5:30 p.m., Eastern Time.” 4 C.F.R. § 21.0(g). Because the request for reconsideration was filed after 5:30 p.m. Eastern Time on December 22, it is deemed to have been filed on December 23. It is therefore untimely, and we will not consider it.

On December 26, the requester filed a notice recognizing that it had filed its request for reconsideration after the filing deadline and asking that we nevertheless consider the request for reconsideration because the requester had experienced difficulties accessing EPDS before 5:30 p.m. on December 22. Notice of EPDS Technical Difficulties.

The EPDS instructions provide that:

(a) In General. GAO will endeavor to maintain the availability of EPDS Monday through Friday from 8:00 a.m. to 5:30 p.m. eastern time, excluding Federal holidays or when GAO’s Headquarters are otherwise

closed (hereinafter, normal system operating hours). In the event that a Filer is unable to file a document in EPDS due to a technical failure of EPDS during normal system operating hours, the following procedures in paragraph (b) shall apply. . . .

(b) Submissions to GAO When EPDS is Unavailable. If EPDS is unavailable during normal system operating hours, a Filer should:

- i. Contact GAO to ascertain EPDS's operating status.
- ii. Make its submission to protests@gao.gov, with courtesy copies to the other parties. . . .

* * *

EPDS Instructions, Section VII, 22(a), (b).

The requester has not established that EPDS experienced a technical failure, or was otherwise not available, during normal system operating hours when it attempted to file its request for reconsideration. In that regard, GAO has confirmed that EPDS was available and not experiencing any technical failures or difficulties on December 22 when the requester was attempting to file its request. We received multiple filings between 5:00 and 5:30 p.m. Eastern Time on December 22, and, moreover, the requester did not follow the instructions set forth above regarding contacting GAO to ascertain EPDS's operating status and submitting its request *via* email to protests@gao.gov.

We further note that, according to screenshots the requester attached to its notice of technical difficulties, the requester attempted to access EPDS at 5:26 p.m. Eastern Time on December 22, only 4 minutes before the filing deadline. See Notice of EPDS Technical Difficulties, exh. 1 at 1.² Thus, the requester's inability to file appears to have been caused not by any EPDS technical failure, but, rather, by the requester's own lack of diligence. See *Optimo Info. Tech., LLC--Recon.*, B-419956.351, July 24, 2023, 2023 CPD ¶ 178 at 4 ("In short, the inability of protester's counsel to timely file was not due to any problem with EPDS; rather, it was due to counsel's imprudent decision to log in to the system only a few minutes before the filing deadline.").

Additionally, even if we were to have found the reconsideration request timely, the request fails to satisfy the standard for granting reconsideration. Although, as discussed above, the factual basis for the underlying protest was the agency's

² As explained by the requester, the timestamps captured in its screenshots were on a computer set to Pacific Standard Time. Notice of EPDS Technical Difficulties. Accordingly, the timestamp of 2:26 p.m. reflects that the requester attempted to access EPDS at 5:26 p.m. Eastern Time.

September 24 “award email,” the requester points to a subsequent exchange with the agency as giving rise to a later date on which the requester knew or should have known of its grounds for protest. In particular, the requester asserts that, on November 17, it requested a brief explanation of the agency’s award decision. Req. for Recon. at 2. On November 18, the agency responded that it had already provided a brief explanation in the September 24 email and would not provide any further explanation or documents. *Id.* The requester contends that this November 18 response “confirmed for the first time that Oready could not obtain the explanation and evaluation record necessary to understand and responsibly plead the specific evaluation/tradeoff defects at issue, and it therefore triggered a separate accrual date[.]” *Id.* at 3.

As we have stated, a party’s assertion of new arguments or presentation of information that could have been, but was not, presented during the initial protest fails to satisfy the standard for granting reconsideration. *Minburn Tech. Grp., LLC--Recon.*, B-422027.2, Feb. 22, 2024, 2024 CPD ¶ 57 at 4. Failure to make all arguments or submit all information available during the initial protest undermines the goals of our bid protest forum--to produce fair and equitable decisions based on consideration of all parties’ arguments on a fully developed record--and cannot justify reconsideration of our prior decision. *Amentum Parsons Logistics Servs. LLC--Recon.*, B-422697.14, Sept. 18, 2025, 2025 CPD ¶ 224 at 6. We further have explained that in order to provide a basis for reconsideration, additional information not previously considered must have been unavailable to the requesting party when the initial protest was being considered. *Timberline Helicopters, Inc.--Recon.*, B-414507.2, Aug. 1, 2017, 2017 CPD ¶ 251 at 2.

The requester, for the first time, attached the agency’s November 18 response as an exhibit to the request for reconsideration. See Req. for Recon., exh. B. The agency’s response bears a timestamp of 8:28 a.m. on November 18. See *id.* Even if that timestamp reflects Pacific Time, see n.2 *supra*, the agency’s response was available to the requester at the time it filed the underlying protest at 5:06 p.m. Eastern Time on November 18, see B-424096 Dkt. No. 1, when the agency filed its request for dismissal on November 24, see B-424096 Dkt. No. 4, and when the requester filed its response to that request on December 2, see B-424096 Dkt. No. 5. Thus, even if our Office were to consider the agency’s denial of the request for a second or more detailed brief explanation as somehow creating an independent basis for establishing timeliness, the requester failed to timely allege such alternative basis. This argument, raised for the first time on reconsideration, therefore fails to satisfy the standard for granting reconsideration.³

³ Further, the requester makes no argument that applicable procurement law or regulation required the agency to provide a debriefing or any further explanation to the requester, or that the requester otherwise could not have filed a timely protest based on the agency’s initial brief explanation while it continued to pursue a further, voluntary explanation from the agency. In this regard, we have repeatedly explained that a firm may not delay filing a protest until it is certain that it is in a position to detail all of the possible separate grounds of protest. See, e.g., *International Bus. Machines Corp.*,
(continued...)

The same principle applies to the requester's second argument, which is that the EPDS notice regarding filing deadlines was ambiguous, and that the protest therefore should have been considered pursuant to the good cause and significant issue exceptions to our timeliness rules.⁴ To whatever extent application of those exceptions might have been appropriate,⁵ the requester could have but failed to raise this argument in response to the agency's request for dismissal of the underlying protest.

The request for reconsideration is dismissed.

Edda Emmanuelli Perez
General Counsel

(...continued)

B-417596.10, Mar. 17, 2021, 2021 CPD ¶ 127 at 20; *Centerra Integrated Facilities Servs., LLC*, B-418628, Apr. 23, 2020, 2020 CPD ¶ 155 at 8.

⁴ Our Office may consider the merits of an untimely protest where good cause is shown or where the protest raises a significant issue of widespread interest to the procurement community. 4 C.F.R. § 21.2(c). In order to prevent our timeliness rules from becoming meaningless, exceptions are strictly construed and rarely used. *Vetterra, LLC*, B-417991 *et al.*, Dec. 29, 2019, 2020 CPD ¶ 15 at 3.

⁵ While the requester states that it “reasonably relied on the day-for-day logic tied to the fact that filing through EPDS was impossible for the duration of the closure[.]” Req. for Recon. at 4, the EPDS guidance was unequivocal that new protests, such as the protest at issue here, were due on “the first day that GAO resumes operations.” The day-for-day extension applied only to “any other filing deadline[.]” Accordingly, even if ambiguity in the EPDS guidance might warrant application of a timeliness exception, the guidance was not ambiguous regarding the due date for a new protest.