



Decision

Matter of: Economic Systems, Inc.--Reconsideration

File: B-423747.3

Date: January 28, 2026

James S. DelSordo for the requester.
Robert D. Banfield, Esq., Department of the Interior, for the agency.
Christopher Alwood, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where the requester has not shown that our prior decision contained an error of fact or law warranting reversal or modification.

DECISION

Economic Systems, Inc. (EconSys), a small business of Vienna, Virginia, requests reconsideration of our decision in *Economic Sys., Inc.*, B-423747, B-423747.2, Aug. 22, 2025, 2025 CPD ¶ 199, in which we dismissed its protest of the intended issuance of a sole-source purchase order to Government Retirements and Benefits, Inc. (GRB), of Alexandria, Virginia, under request for quotations (RFQ) No. 1766993. That RFQ was issued by the Department of the Interior, National Park Service (NPS), for software licenses to the GRB retirement benefits systems platform. EconSys argues that our decision contains errors of fact that warrant reconsideration.

We deny the request for reconsideration.

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 (LSJ) at 1. The GRB platform is a trademarked retirement benefits system platform that supports agency human resource employees and provides employees with personalized statements of their current benefits. Req. for Dismissal, exh. 2, LSJ at 1.

The LSJ cited Federal Acquisition Regulation (FAR) subsections 8.405-6(a)(1)(i)(B) and (C) as authority to restrict competition, stating that GRB is the only source capable of providing the trademarked GRB platform, and, also, that the requirement is a logical follow-on to the original order for the platform. *Id.* at 1-2. The LSJ explained that while other, similar platforms exist, they would require significant adaptation, time, and technical support to meet the agency's needs. *Id.* at 2. The LSJ advised "[t]his requirement will be posted on [General Services Administration] ebuy as a special notice and potential sources may respond." *Id.* at 2-3. The eBuy notice also included a closing date of July 25, 2025. Req. for Dismissal, exh. 1, eBuy Cover Page at 1.

On July 22, 2025, EconSys filed a protest with our Office, challenging the agency's decision to limit sources to GRB. *Economic Sys.*, *supra* at 1-2. As relevant here, the agency requested dismissal of the protest, arguing the protester was not an interested party to challenge the LSJ because it had not submitted a statement of interest with a capability statement to the agency prior to filing the protest.¹ Req. for Dismissal at 3-4. EconSys responded that it provided the agency a capability statement in the form of a declaration "which accompanied [the] protest and was delivered to the contracting officer on July 22, 2025." Resp. to Req. for Dismissal at 3-5.

Our decision explained that "pleadings submitted as part of a GAO protest do not constitute the submission of a capability statement." *Economic Sys.*, *supra* at 5. We therefore found that the protester was not an interested party to challenge the agency's procurement decision because it had failed to submit a capability statement in response to the agency's LSJ before filing the protest with our Office. *Id.* at 5-6 (*citing CC Software, Inc.*, B-421566, July 5, 2023, 2023 CPD ¶ 151 at 5).

This request for reconsideration followed.

DISCUSSION

EconSys requests reconsideration of our decision dismissing its protest and contends that the decision contained errors of fact. Req. for Recon. at 3. In this regard, the requester asserts that our Office's conclusion that EconSys failed to submit a capability statement to the agency was "factually inaccurate and misstates the terms" of the sole-source notice and LSJ. *Id.* EconSys contends that the declaration it included as an exhibit to its protest, which it emailed directly to the contracting officer, qualifies as a capability statement. *Id.* at 5-6. The requester therefore asserts that it qualified as an interested party, under our Bid Protest Regulations, to challenge the sole-source award. *Id.* at 5-6.

Under our regulations, to obtain reconsideration, the requesting party must set out the factual and legal grounds upon which reversal or modification of the decision is deemed

¹ The agency also argued that the protest was untimely, however, our Office declined to dismiss the protest on this basis. *Economic Sys.*, *supra* at 4.

warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.14(a). We will reverse a decision upon reconsideration only where the requesting party demonstrates that the decision contains a material error of law or facts. *AeroSage, LLC--Recon.*, B-417529.3, Oct. 4, 2019, 2019 CPD ¶ 351 at 2 n.2; *Department of Justice; Hope Village, Inc.--Recon.*, B-414342.5, B-414342.6, May 21, 2019, 2019 CPD ¶ 195 at 4. The repetition of arguments made during our consideration of the original protest and disagreement with our decision do not meet this standard. *Alion Sci. & Tech. Corp.--Recon.*, B-420778.3, Dec. 27, 2022, 2023 CPD ¶ 39 at 5-7.

As an initial matter, we note that the requester raises the same general arguments in its request for reconsideration as it raised in response to the agency's request for dismissal. *Compare* Req. for Recon. with Resp. to Req. for Dismissal at 3-5. Our Office specifically considered these arguments and concluded that EconSys had not submitted a capability statement to the agency before filing its protest, explaining that pleadings submitted as part of a GAO protest do not constitute the submission of a capability statement. *Economic Sys.*, *supra* at 5. Neither the requester's repetition of its previous arguments, nor its disagreement with our conclusion, provide a basis for reconsideration, and we therefore dismiss these arguments. *Alion Sci. & Tech. Corp.--Recon.*, *supra* at 7.

Further, even if we were to consider the requester's specific arguments (as to why its declaration constituted a capability statement), we would nonetheless find no merit to them. In its request for reconsideration, the requester objects to our decision's statement that "[o]ur bid protest forum does not exist to transmit documents between an interested vendor and an agency." Req. for Recon. at 5. The requester contends that, because it sent the declaration at issue directly to the contracting officer, it "did not rely on the Comptroller General to transmit documents." *Id.* The requester further notes that the sole-source notice and LSJ did not contain requirements specifying the format, content, or submission instructions governing a statement of interest and capability statement. *Id.* at 3. The requester argues that, in the absence of such requirements, the declaration it sent to the contracting officer--which discussed how the firm could meet the agency's needs--qualified as a capability statement. *Id.* at 3-5.

The requester's focus on whether the declaration sufficiently demonstrates EconSys's capability to perform the requirement, and the method of the declaration's transmission to the contracting officer, is misplaced. As our decision explained, pleadings submitted as part of a GAO protest do not constitute the submission of a capability statement. *See Economic Sys.*, *supra* at 5. In this regard, an exhibit created in support of a protest pleading, which is only submitted to the agency through the protest process, does not adequately apprise the agency that it is meant as a response to the agency's notice (rather than a request to our Office to protest the agency's actions).

Here, the record is clear that the document relied upon by the requester is an exhibit to a protest filed with our Office, and not a capability statement or statement of interest intended to convince NPS to compete its requirement. For example, the document begins "BEFORE THE GOVERNMENT ACCOUNTABILITY OFFICE Protest of

Economic Systems, Inc.” Protest, exh. 1, Senior Manager Decl. at 1 (emphasis removed). Similarly, the document states “[t]his declaration is provided in support of a protest before the Government Accountability Office.” *Id.* Further, EconSys’s email to NPS submitting the declaration does not state that any of the attached documents are a capability statement or a statement of interest in response to the notice of intent to sole-source. Req. for Recon., exh. 4, EconSys Email to NPS. To the contrary, the email is titled “Protest of Economic Systems, Inc.” and requests that the agency “see the attached protest filed this morning at the GAO.” *Id.*

On this record, we see no basis to conclude that EconSys submitted a capability statement to the agency. While it may be the case that the information in the declaration could have constituted a capability statement if properly submitted to the agency first, that does not change the fact that the declaration was not a capability statement directed to the agency requesting its procurement consideration. The requester failed to submit any such statement to the agency outside the protest process before filing a protest with our Office.² Accordingly, we conclude that no material error has been shown. The requester’s disagreement with our conclusion does not provide a basis for reconsideration. *Alion Sci. & Tech. Corp.--Recon.*, *supra* at 7.

The request is denied.

Edda Emmanuelli Perez
General Counsel

² We note that even if we were to agree with the protester that the declaration in support of its protest comprised a capability statement, which we do not, under that scenario, the protester’s initial protest would be premature. As our Office has explained, if a sole-source notice requests that potential alternate sources submit expressions of interest and capability demonstrations, then a protest with our Office will not be timely until the protester has submitted a timely capability statement and the agency has provided a negative response. *Tyonek Eng’g and Agile Mfg., LLC*, B-419775 *et al.*, Aug. 2, 2021, 2021 CPD ¶ 263 at 7 n.8. Here, the protester filed its protest with our Office before sending an email with the attached declaration to the agency. *Compare* B-423747, Electronic Protest Docketing System No. 1 (protest filed at 10:37 a.m. Eastern Time on July 22, 2025) *with* Req. for Recon. exh. 4, EconSys Email to NPS (sent at 10:46 a.m. on same date). Accordingly, even if the requester had been an interested party, its protest would nonetheless have been premature because the agency had not had the opportunity to consider the capability statement before the protest was filed.