



Decision

Matter of: The JAAW Group, LLC

File: B-424133

Date: February 2, 2026

Joel Ward for the protester.

William Jack, Esq., Dickinson Wright, PLLC, for Vikas LLC, the intervenor.

Robert B. Neill, Esq., Cali Y. Kim, Esq., Carter Cassidy, Esq., and Katharine Calderon, Esq., Department of the Army, for the agency.

Jungi Hong, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the evaluation of protester's proposal is dismissed as untimely where it was not filed at GAO within 10 days of the denial of its agency-level protest, and the protester's request for reconsideration of the agency-level protest did not toll the time required to file a protest with GAO after initial adverse agency action.

DECISION

The JAAW Group, LLC (JAAW), a small business of Sandy, Utah, protests the issuance of a General Services Administration (GSA) Federal Supply Schedule (FSS) purchase order to Vikas LLC, a small business of Hampton, Virginia, under request for quotations (RFQ) No. W9124G25RA001, issued by the Department of the Army for live, virtual, constructive gaming support services for the Directorate of Simulation. The protester contends the agency did not provide JAAW with a debriefing as required by the Federal Acquisition Regulation (FAR) and improperly evaluated its proposal.

We dismiss the protest.

BACKGROUND

The Army issued the solicitation on March 6, 2025, with a closing date of April 7. RFQ at 1. The purchase order was issued to Vikas on September 19, 2025. Req. for Dismissal (RFD) at 1; RFD, exh. 17, Awarded Order. On September 22, pursuant to section 8.405-2(d) of the FAR, the agency provided JAAW with a brief explanation of the basis for award. RFD, exh. 7, Brief Explanation at 1. Following receipt of the brief

explanation, JAAW filed an agency-level protest on the same day. RFD, exh. 8, Agency-Level Protest. In its agency-level protest, JAAW contended the brief explanation constituted an insufficient debriefing under the FAR, and the protester challenged the rating of marginal the agency assigned its quotation under the technical approach factor. *Id.* at 1-2. On September 25, the contracting officer (CO) denied JAAW's agency-level protest. RFD, exh. 10, Agency-Level Protest Decision.

Following receipt of the agency's decision, the protester submitted a "rebuttal" to the contracting officer on September 28. RFD, exh. 11, Email from JAAW at 1 ("I have attached a rebuttal for your consideration."). The rebuttal requested reconsideration and "retraction" of the denial of JAAW's agency-level protest. RFD, exh. 12, Req. for Recon. at 1. On September 30, the contracting officer responded, stating "[i]f there is no shutdown," the agency would give a "further debrief consistent with [FAR] Part 15," and asserting that the debrief was "discretionary and not required." RFD, exh. 13, Email from CO at 1. On December 1, the contracting officer provided JAAW with a written debriefing, addressing follow-up questions the protester had submitted on September 30. RFD, exh. 14, Debrief Email at 1; exh. 15, Debrief at 1-3. This protest followed on December 4, 2025.

DECISION

The protester raises a number of allegations, but the gravamen of JAAW's challenge is that the Army (1) failed to provide a timely "mandatory" debriefing pursuant to section 16.505 of the FAR, and (2) improperly evaluated the protester's proposal. Protest at 2. The agency, joined by the intervenor, requests dismissal of the protest, asserting that the protest is untimely. RFD at 4-11.

Initial Adverse Agency Action

Our Bid Protest Regulations contain strict rules for the timely submission of protests. Our timeliness 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. *Dominion Aviation, Inc.--Recon.*, B-275419.4, Feb. 24, 1998, 98-1 CPD ¶ 62 at 3. Under these rules, a protest based on other than alleged improprieties in a solicitation must be filed no later than 10 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, if a timely agency-level protest was previously filed, any subsequent protest to GAO must be filed within 10 days of actual or constructive knowledge of initial adverse agency action, provided the agency-level protest was timely filed in accordance with our regulations. 4 C.F.R. § 21.2(a)(3).

There is no dispute that JAAW submitted an agency-level protest to the Army on September 22, and the record confirms the Army issued a decision denying JAAW's protest on September 25. RFD, exh. 8, Agency-Level Protest; exh. 10, Agency-Level Protest Decision. The term "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

there. 4 C.F.R. § 21.0(e); *Frontier Techs.*, B-420878, Aug. 9, 2022, 2022 CPD ¶ 209 at 2. Here, the agency's decision, issued on September 25, denying JAAW's agency-level protest constitutes "adverse agency action." *Id. supra* at 2-3 (dismissing as untimely protest filed with our Office more than 10 days after denial of agency-level protest); *RTI Techs., LLC*, B-401075, Apr. 15, 2009, 2009 CPD ¶ 86 at 2-3. Therefore, to be timely, JAAW was required to file its protest by no later than October 6, ten calendar days after JAAW learned of the Army's initial adverse agency action. 4 C.F.R. § 21.2(a)(3); *Silver Investments, Inc.*, B-419028, Oct. 26, 2020, 2020 CPD ¶ 332 at 5.

Our Office, however, was closed from October 1 through November 12 due to a government shutdown that resulted from a lapse in GAO's appropriation. A notice to this effect was posted to the Electronic Protest Docketing System (EPDS) website on October 1. On that same day, EPDS sent an email to all active EPDS accounts, notifying users of the shutdown and provided 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.

October 1 EPDS Notice.¹

The notice remained on EPDS until the government shutdown ended, and our agency resumed operations on November 13. Consistent with the earlier notice, EPDS sent an email at 6:20 a.m. Eastern Time on November 13, notifying all users with active accounts of the following: "Effective Thursday, November 13, GAO has resumed

¹ This guidance is line with our regulations, which provides that when GAO is closed for all or part of the last day of the 10-day period, the period extends to the next day on which the agency is open. 4 C.F.R. § 21.0(d).

normal operations.” November 13 EPDS Notice. Under these circumstances, to be timely, JAAW was required to file its protest by November 13—the first business day that our Office was open after the shutdown. 4 C.F.R. § 21.0(d); October 1 Notice. The protester, however, did not file its protest until December 4, more than 10 days after the protester knew, or should have known, of the basis for protest. Therefore, the protest is untimely. 4 C.F.R. § 21.2(a)(3); *Silver Investments, Inc, supra* at 5.

Review of Agency-Level Protest

Next, with respect to the protester’s request for reconsideration of the denial of its agency-level protest, we find that it has no bearing on the timeliness of the protest filed at GAO. Section 33.103 of the FAR specifies procedures for filing and resolving agency-level protests and provides that protesters may request an “independent review of their protest at a level above the contracting officer.” FAR 33.103(d)(4). This option is available as “an alternative to consideration by the contracting officer of a protest or is available as an appeal of a contracting officer decision on a protest.” *Id.* In this regard, the FAR specifically provides:

If there is an agency appellate review of the contracting officer’s decision on the protest, *it will not extend GAO’s timeliness requirements.*

Therefore, any subsequent protest to the GAO must be filed within 10 days of knowledge of initial adverse agency action [4 C.F.R. § 21.2(a)(3)].

Id. (emphasis added).

Here, to the extent that JAAW’s reconsideration request can be considered an appeal of the contracting officer’s denial of the agency-level protest, this appeal does not toll the time for filing with GAO, because the request does not change the fact that the initial adverse agency action occurred when the Army denied JAAW’s agency-level protest on September 25. *Id.*; see *MLS-Multinational Logistic Servs., Ltd.*, B-415782, B-415782.2, Mar. 7, 2018, 2018 CPD ¶ 105 at 5-6 (finding protest untimely as protester’s appeal for independent review pursuant to FAR section 33.103(d)(4) did not toll the time for filing at GAO). In short, JAAW’s decision to pursue its protest at the agency did not alter its responsibility to conform to our filing requirements, regardless of whether the agency-level protest would receive independent review pursuant to FAR section 33.103(d)(4).²

² The record reflects that the agency did not provide an independent review at a level above the contracting officer. Regardless, even if the Army had provided an independent review, the FAR is clear that a request for such a review does not toll our timeliness requirements. FAR 33.103(d)(4); *MLS-Multinational Logistic Servs., Ltd,* *supra* at 5.

Subsequent Debriefing

Finally, the protester contends that its protest is timely because it was filed within 10 days of the written debriefing it received from the contracting officer on December 1. Resp. to RFD at 2-3. In the protester's view, because the Army provided a written debriefing responding to the protester's request for reconsideration of the agency-level protest, the required debriefing exception to our timeliness rules applies and JAAW's protest is timely when it was filed within 10 days of the provided debriefing. *Id.* The agency asserts the protest is still untimely because, among other reasons, the debriefing provided to the protester on December 1 was discretionary, and not a required debriefing under part 15 or subpart 16.5 of the FAR. RFD at 6-8.

As discussed above, our regulations require that protests other than those based on alleged solicitation improprieties must be filed not later than 10 days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2). An exception exists, however, for protests challenging a procurement conducted on the basis of competitive proposals where a debriefing, if requested, is required, such as the negotiated procurement under FAR part 15 and, in some circumstances, subpart 16.5. In such cases, our regulations expressly provide that "any protest basis which is known or should have been known either before or as a result of the debriefing . . . shall not be filed before the debriefing date offered to the protester, but shall be filed not later than 10 days after the date on which the debriefing is held." *Id.* Underlying this exception to our timeliness rules is the obligation for the agency to provide a required debriefing, which does not apply here. FAR 8.405(d); *USGC Inc., B-400184.2 et al.*, Dec. 24, 2008, 2009 CPD ¶ at 9 n.8 (explaining that procurements conducted under FAR subpart 8.4 do not require debriefings).

Relevant here, the solicitation was issued through the GSA eBuy website as a FSS procurement under FAR subpart 8.4.³ RFD, exh. 18, eBuy RFQ Screenshot. As such, the requirements to provide a debriefing under the competitive procurement procedures of FAR part 15 do not apply.⁴ *RTI Techs., LLC, supra* at 3. For procurements under the FSS, section 8.405-3(d) of the FAR only requires agencies to provide a "brief

³ The GSA eBuy portal is an online RFQ tool designed to facilitate the submission of quotations for a wide variety of commercial goods and services under GSA schedule and technology contracts. FAR 8.402(d)(1); *Bluewater Mgmt. Grp., LLC, B-414785*, Sept. 18, 2017, 2017 CPD ¶ 290 at 2 n.1.

⁴ While the contracting officer refers to "Part 15" of the FAR when, in response to JAAW's request for reconsideration of the agency-level protest, he agrees to provide the protester with further information, the record confirms that the procurement was conducted under the FSS procedures of FAR subpart 8.4. RFD, exh. 13, Email from CO at 1; exh. 7, Brief Explanation at 1; exh. 18, eBuy RFQ Screenshot. Moreover, the contracting officer explicitly informed JAAW that any debriefing provided was "discretionary and not required." RFD, exh. 13, Email from CO.

explanation of the basis" for award, when requested. FAR 8.405-3(d). Here, the record confirms that the agency provided JAAW with a written brief explanation of award on September 22. RFD, exh. 7, Brief Explanation at 1. Therefore, to the extent the Army provided a "debriefing" responding to protester's questions regarding the denial of JAAW's agency-level protest, that debriefing was discretionary and was not a required debriefing under FAR part 15 or subpart 16.5.⁵ FAR 8.405(d); *The MIL Corp.*, B-297508, B-297508.2, Jan. 26, 2006, 2006 CPD ¶ 34 at 6-7; *SMS Data Prods. Grp., Inc.*, B-423341 *et al.*, May 29, 2025, 2025 CPD ¶ 131 at 3-4 (explaining that FAR subpart 16.5 follows the procedures of FAR section 15.506 concerning post-award debriefings). As such, the debriefing exception to our timeliness rules do not apply and JAAW was required to file its protest to GAO within 10 days of initial adverse agency action in order to be timely.⁶ 4 C.F.R. § 21.2(a)(2), (3).

For all the reasons discussed, to be timely under our rules, JAAW was required to file its protest with GAO within 10 days of the denial of its agency-level protest when the protester had notice of initial adverse agency action. 4 C.F.R. § 21.2(a)(3); *Silver*

⁵ The protester conflates the requirements of FSS procurements conducted under FAR subpart 8.4 with task and delivery order competitions conducted pursuant to FAR subpart 16.5, which are not applicable here. In this connection, JAAW mistakenly relies on section 16.505 of the FAR--which proscribes procedures for issuance of task and delivery orders under indefinitely-delivery contracts--to support the protester's contentions that the Army provided a "mandatory" (*i.e.*, required) debriefing on December 1, and, therefore, JAAW's protest to our Office on December 4 was timely. Protest at 2, 4; Resp. to RFD at 1-4. The protester similarly relies, indiscriminately, on sections 15.505 and 15.506 of the FAR to support the same or similar arguments. Resp. to RFD at 1-4. Because the solicitation was issued pursuant to the FSS procedures under FAR subpart 8.4, we find no merit to the protester's contention that the agency was bound by the procedures and requirements found in FAR part 15 and subpart 16.5. See *ITility, LLC*, B-415274.3, Apr. 2, 2018, 2018 CPD ¶ 134 at 4-5.

⁶ In any event, even if the debriefing had been required under FAR part 15, the protest would still be untimely. The debriefing exception to our timeliness rules is provided under section 21.2(a)(2) of our regulations. Here, JAAW elected to file an agency-level protest first with the Army; therefore, the timeliness requirements of section 21.2(a)(3) of our regulations apply under these circumstances. Relevant here, section 21.2(a)(3) contains no exception to our timeliness rules based upon the request and receipt of a required debriefing. *Compare* 4 C.F.R. § 21.2(a)(2) *with* 21.2(a)(3). That is, a debriefing, required or not, does not toll the requirement that a protest be filed within 10 days of adverse action on an agency-level protest. *RTI Techs., LLC, supra* at 3.

Investments, Inc., supra at 5. Because the protest was received by our Office on December 4, the protest is untimely and will not be considered.

The protest is dismissed.

Edda Emmanuelli Perez
General Counsel