



Decision

Matter of: Mission Analytics, LLC

File: B-423165.5

Date: February 20, 2026

Michael Winters, for the protester.

Jared M. Levin, Esq., Department of Veterans Affairs, for the agency.

Charmaine A. Stevenson, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's corrective action in response to earlier protests to terminate the awarded contract and perform market research, review its requirements, and proceed appropriately to fulfill its requirements is denied where the record shows that the agency reasonably concluded that the prior solicitation was defective and instead fulfilled its requirements using the federal supply schedule.

DECISION

Mission Analytics, LLC, a service-disabled veteran-owned small business (SDVOSB) of Falls Church, Virginia, protests additional corrective action taken by the Department of Veterans Affairs (VA) following our decision in *Mission Analytics, LLC*, B-423165, Jan. 28, 2025. In that decision, our Office denied Mission Analytics' first protest objecting to the proposed corrective action by the VA in response to agency-level protests filed by Mission Analytics regarding request for quotations (RFQ) No. 36C26224Q1803 for video display monitors. In this second protest, Mission Analytics contends that "[n]one of the corrective action[s] had ANY chance of providing relief to the protester." Protest at 2.

We deny the protest.

BACKGROUND

The procurement at issue here was for 15 new commercial-grade monitors and compatible mounting brackets for installation at the VA's greater Los Angeles healthcare facilities in California. Contracting Officer's Statement (COS) at 1. The agency first issued the RFQ on September 5, 2024, as an SDVOSB set-aside, pursuant

to the procedures of Federal Acquisition Regulation (FAR) parts 12 (Acquisition of Commercial Products and Commercial Services) and 13 (Simplified Acquisition Procedures) for NEC Display Solutions M861 or Equal video display monitors and mounting brackets. *Mission Analytics, LLC, supra* at 1. The agency made award to Aviate Enterprises, Inc. on September 19, and Mission Analytics filed an agency-level protest on September 24. *Id.* at 2.

The VA stated it would take corrective action in response to Mission Analytics' agency-level protest by terminating the contract award to Aviate Enterprises and reviewing its requirements in order to proceed in a manner appropriate with that review. *Id.* The agency did not state that it intended to cancel the solicitation; nevertheless Mission Analytics filed a second agency-level protest, challenging the agency's "intent to cancel" rather than make an award to Mission Analytics. *Id.* The VA denied that protest, explaining that the agency had erroneously concluded that a waiver of the Small Business Administration's non-manufacturer rule (NMR) applied to the procurement and thus it should not have been set aside for SDVOSBs in the first place. *Id.* Mission Analytics then filed a protest with our Office. We denied the protest because we agreed that the solicitation was defective and concluded the protester had failed to demonstrate that the agency's corrective action was unreasonable. *Id.* at 5.

Subsequently, Mission Analytics filed a request for reconsideration, which our Office denied because the protester did not demonstrate any error of fact or law that would have altered the outcome of the decision. *Mission Analytics, LLC--Recon.*, B-423165.2, Apr. 15, 2025. We then dismissed a second request for reconsideration because that filing was legally insufficient and also failed to demonstrate an error of fact or law. *Mission Analytics, LLC--Recon.*, B-423165.3, June 11, 2025 (unpublished decision).

Meanwhile, the record shows that on November 12, 2024, the agency posted a request for information (RFI) to SAM.gov¹ seeking information regarding the fulfillment of the requirements of the RFQ that had resulted in termination of the contract awarded to Aviate Enterprises. COS at 1; see Dkt. No. 6, RFI 36C26225Q0112. Based on responses to the RFI, the contracting officer "determined that the NMR could not be satisfied and the solicitation would not be set aside for any type of small businesses." COS at 1. The agency elected to procure the requirement using the Federal Supply Schedule (FSS) and issued a new solicitation on an unrestricted basis through the General Services Administration's eBuy website on March 17, 2025. *Id.* at 1-2. Mission Analytics does not have an FSS contract.

¹ SAM.gov is the current governmentwide point of entry (GPE) which serves as the single point where government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be accessed electronically by the public. FAR 2.101; *Navarre Corp.*, B-423602, Aug. 14, 2025, at 1 n.1.

On August 18, 2025, Mission Analytics filed a third request for reconsideration with our Office. In this filing, supported by emails between Mission Analytics and the contracting officer dated August 1-18, the protester disputed that the agency properly cancelled the solicitation and questioned our dismissal of its prior requests for reconsideration. We dismissed this third request for reconsideration because Mission Analytics, again, did not demonstrate that there were errors of fact in our Office's prior decisions. *Mission Analytics, LLC--Recon.*, B-423165.4, Nov. 24, 2025 (unpublished decision).

On August 28, Mission Analytics filed yet another agency-level protest that further challenged the agency's implementation of corrective action, particularly its market research and decision to conduct the procurement using the FSS. The agency denied this protest on October 2. On November 13, Mission Analytics filed the instant protest.² We initially dismissed this November 13 filing in our decision in B-423165.4 as yet another request for reconsideration that did not demonstrate there were errors of fact or law in our prior decisions addressing this procurement, but later reinstated it because it was properly filed as a protest of the agency's corrective action and in response to the denial of the agency-level protest.³

DISCUSSION

The protester raises several arguments that are, as discussed below, predicated on facts about which Mission Analytics is mistaken and otherwise unsupported by law. Generally, the protester's objection to the agency's corrective action is that it does not provide the protester with an opportunity to continue to compete for the agency's requirement. See Dkt. No. 6, Resp. to Corrective Action and Notice of Additional Bases of Protest, Aug. 28, 2025 (Email from Protester to Contracting Officer, Aug. 18, 2025) at 7 ("An [agency's] corrective action CANNOT include moving the requirement to a vehicle that is unavailable to the protester."). We have considered all the arguments raised by the protester and find that none provide a basis to sustain the protest.

² GAO was closed from October 1 through November 12, 2025, due to a lapse in appropriations. On November 13, following enactment of legislation that included funding for GAO, our Office resumed normal operations. We consider any protests where the deadline to file fell during the lapse in appropriations as timely filed if they were filed on the first day GAO resumed normal operations. Mission Analytics filed its protest on November 13, 2025, at 5:30:27 p.m. Eastern Time. We consider protests filed prior to 5:31:00 p.m. Eastern Time to be filed on that same day and therefore consider Mission Analytics protest to be timely filed. See *Government Acquisitions, Inc.*, B-408426, B-408426.2, Sept. 17, 2013, at 7-8.

³ The protester also made two additional filings on December 19, 2025. See Electronic Protest Docketing System (Dkt.) Nos. 6 and 7 (stating the attached documents "would be included in the forthcoming Agency Report."). The agency report did not include the documents filed by the protester, nevertheless we have considered them in our review of the record.

Contracting officers in negotiated procurements have broad discretion to take corrective action where the agency determines that such action is necessary to ensure a fair and impartial competition. *360 IT Integrated Solutions; VariQ Corp.*, B-414650.19 *et al.*, Oct. 15, 2018, at 6. The details of implementing corrective action are within the sound discretion and judgment of the contracting agency, and we will not object to any particular corrective action, so long as it is appropriate to remedy the concern that caused the agency to take corrective action. *MSC Industrial Direct Co., Inc.*, B-411533.2, B-411533.4, Oct. 9, 2015, at 5. Thus, agencies are afforded the discretion to determine how to appropriately remedy their reasonable concerns, absent a showing that this discretion is being abused in some way. *360 IT Integrated Solutions; VariQ Corp.*, *supra*.

The protester first contends that the corrective action taken by the agency in November 2024 *i.e.*, the agency's publication of its RFI or the implementation of its FSS procurement, "was not disclosed to either the protester or GAO." Protest at 1. We dismiss this allegation because it is legally insufficient.

As noted, in response to Mission Analytics' first protest of the agency's corrective action, our Office concluded "the protester fails to establish that the agency's intended corrective action--conducting additional market research, reviewing its requirements, and revising the RFQ--is somehow unreasonable." *Mission Analytics*, B-423165, *supra* at 5. This conclusion was based on the fact that both the protester and agency believed the RFQ was defective for a variety of reasons, although they disagreed as to how, but including the agency's position that the solicitation stated that it would accept offers of the brand name or equal monitor in violation of the NMR.⁴ We noted in our decision that when denying Mission Analytics' second agency-level protest on October 29, the senior procurement executive at the VA explained:

[B]ecause the RFQ identified the product of a large business as an acceptable item for offerors to quote for this procurement, the solicitation does not accurately reflect [the] VA's requirements for this procurement. Absent an NMR waiver, [the] VA cannot accept the product of a large business for procurements, like this one, where the NMR applies. [. . .] Further, SDVOSB concerns who relied upon the solicitation's representation that they could offer to provide the brand-name product specified in the solicitation were placed at a competitive disadvantage as

⁴ Regarding the small business NMR, ordinarily, when a procurement that has an assigned manufacturing or supply North American Industry Classification System (NAICS) code is set aside for small business, a small business vendor must be the manufacturer or producer of the end item being procured to be eligible to provide manufactured products or other supply items under the procurement. 13 C.F.R. § 121.406(a)(1). The RFQ identified NAICS code 334118, manufacturing computer peripheral equipment, as applicable to the procurement. B-423165 AR, Exh. 2, RFQ at 4.

SDVOSBs who offered to provide the brand-name product that the solicitation requested could not be eligible for contract award.

Id. at 3. Importantly, our decision also noted that the agency had advised Mission Analytics in its September 26 denial of Mission Analytics' first agency-level protest as follows:

As a result of the protest, the Contracting Officer has reviewed the procurement and has determined that there were errors in the procurement. The Contracting Officer has also determined that the solicitation does not accurately reflect [the] VA's requirements for this procurement. The Contracting Officer has determined that corrective action is necessary to correct these deficiencies. To this end, [the] VA will terminate the contract award to Aviate Enterprises, Inc. for the subject procurement. [The] VA will also review its requirements for this procurement and will proceed in a manner appropriate to the results of that review. Because this corrective action results in the termination of the contract award decision that forms the basis for your protest, the protest is rendered moot, and this protest is considered closed.

Id. at 2-3.

Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds for the protest, and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(c)(4), (f). These requirements contemplate that protesters will provide, at a minimum, credible allegations that are supported by evidence and are sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action. *Navarre Corp., supra* at 2.

The protester's argument that the agency did not provide specific notice of the November 2024 RFI to GAO or the protester is legally insufficient. Our Office does not require that agencies provide regular updates on the status of their implementation of corrective action, and there is no duty in statute or regulation that an agency provide such updates to a protester. On the contrary, a contracting officer satisfies the regulatory requirement to notify all potentially interested firms--including the protester--of its contract actions by posting information to SAM.gov, the current GPE. FAR 5.003; *see e.g., Boswell & Dunlap, LLP*, B-416623, Oct. 10, 2018, at 2 (protest that agency denied protester, the incumbent contractor, an opportunity to compete because it did not directly notify the incumbent contractor of the follow-on solicitation, is dismissed where the agency posted the solicitation on the GPE).

Here, the posting of the RFI on November 12, 2024, to SAM.gov, the current GPE, provided public notice to the protester that the agency was conducting the market research the VA previously stated as its corrective action and would thereafter proceed

in a manner appropriate with the results of its review.⁵ Accordingly, the argument that the agency did not advise GAO or the protester of the RFI fails to state a valid basis of protest, and we dismiss it.

As relates to its challenge to the agency's cancellation of the RFQ and failure to make award to Mission Analytics, the protester argues that the agency "skewed their market research by not bringing the RFI to the attention of the protester or the prior awardee," even though the agency already knew that Mission Analytics was an SDVOSB capable of meeting all the requirements and terms and conditions of the contract. Protest at 1. The protester also contends that the agency failed to set aside the new solicitation in violation of FAR subsection 19.502-2(a), and that Mission Analytics was prejudiced because the new solicitation did not provide it an opportunity to participate in the corrective action.⁶ *Id.*

Here, the record shows that the agency did not cancel the RFQ but instead considered the termination of the previously awarded contract to have completed the prior procurement such that no further action to cancel the RFQ was required. Nevertheless, the protester focuses its arguments on whether cancellation of the RFQ ever occurred. Specifically, between August 1-6, 2025, the VA and Mission Analytics engaged in the following exchange:

⁵ As compared to the RFQ, the RFI identified the same VA buildings where the installations were to occur and required three additional video display monitors and mounting brackets. The RFQ stated the agency's requirements were as follows:

- Bldg. 20 will require 4 monitors and 4 mounting brackets, SACC.
- Bldg. 527 will require 6 monitors and 6 mounting brackets, WLA.
- Bldg. 218 will require 1 monitor and 1 mounting bracket, WLA.
- Bldg. 500 will require 2 monitors and 2 mounting brackets, WLA.
- LAACC will require 2 monitors and mounting brackets.

B-423165 AR, Exh. 2, RFQ at 3. The RFI stated the VA's requirements as follows:

- SACC, Bldg. 20, will require 5 monitors and 5 mounting brackets.
- WLA, Bldg. 527 will require 7 monitors and 7 mounting brackets.
- WLA, Bldg. 218 will require 1 monitor and 1 mounting bracket.
- WLA, Bldg. 500 will require 2 monitors and 2 mounting brackets.
- LAACC, will require 3 monitors and 3 mounting brackets.

Dkt. No. 6, RFI 36C26225Q0112 at 1-2.

⁶ For acquisitions above the micro-purchase threshold but below the simplified acquisition threshold, FAR subsection 19.502-2(a) requires an agency to set aside that acquisition for small businesses unless the contracting officer determines that there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of fair market prices, quality, and delivery. FAR 19.502-2(a).

Protester: Can you please provide the current status of RFQ 36C26224Q1803? SAM.gov doesn't show any change since the 20 [September] Award Notice.

VA: The award resulting from the solicitation you are referring to was terminated on 9-26-2024. This requirement no longer exists.

Protester: I know the award was terminated. What happened [to] the underlying RFQ?

VA: The solicitation was associated with the award 36C26224P2388, once we created the contract award, the solicitation was completed. We have since terminated the contract, and both the contract and solicitation are no longer valid.

Protester: Please provide the date the solicitation was cancelled.

VA: The solicitation was completed when the contract was initially awarded on 09/20/2024.

Dkt. No. 6, Emails Between Mission Analytics and VA at 2-4. On August 15, the protester again contacted the VA stating that it “appears” the RFQ has been cancelled and requested a date of and rationale for cancellation. *Id.* at 2. On August 18, the agency advised the protester of its corrective action for this procurement, explaining that it had received 16 responses to the RFI and “determined that not only was the VA Rule of Two not satisfied, but also that no small business could comply with the NMR because there was no class waiver from the Small Business Administration (SBA) for the required items nor did any small business manufacture these items.” *Id.* at 1. The VA further advised the requirement was competed using FAR part 8 procedures and a contract awarded on April 28, to Focus Camera, LLC. *Id.*

Despite this communication, the protester's arguments are based on what it considers to be the agency's apparent cancellation of the RFQ. See Comments at 2 (“Thus, to date, there has been no acknowledgement by either Agency or GAO that the initial solicitation was cancelled, and therefore no action to date on my protest that it had been cancelled. Therefore, this current protest of the cancellation of the initial solicitation is a new protest that has not been previously evaluated and decided by either the agency or GAO.”). While we recognize the agency did not formally cancel the RFQ as a matter of administrative procedure, by terminating the awarded contract and moving forward with a different solicitation issued to FSS contract holders the agency effectively cancelled the RFQ. We will therefore address the protester's arguments as a challenge to cancellation of the RFQ.

An agency has broad authority to decide whether to cancel a solicitation, and to do so, need only establish a reasonable basis. *Henry's Aerial Service, Inc.; Evergreen Flying*

Services, Inc., B-414238.7, B-414238.9, Aug. 10, 2017, at 5. Thus, we have consistently explained that an agency needs only establish a reasonable basis to support a decision to cancel a solicitation. See, e.g., *AeroSage LLC*, B-410648.2, B-410648.3, Mar. 20, 2015, at 3. A reasonable basis for cancellation exists when, for example, an agency concludes that a solicitation does not accurately reflect its needs. *WKF Friedman Enters.*, B-409892.2, Sept. 25, 2014, at 2. Moreover, an agency may properly cancel a solicitation regardless of when the information precipitating the cancellation first surfaces or should have been known. *Daston Corp.*, B-292583, B-292583.2, Oct. 20, 2003, at 3.

In addition, where, as here, a protester has alleged that the agency's rationale for cancellation is but a pretext--that the agency's actual motivation is to avoid awarding a contract on a competitive basis or to avoid resolving a protest--we will closely examine the reasonableness of the agency's actions in canceling the acquisition. *Inalab Consulting, Inc.; Solutions by Design II, LLC*, B-413044 *et al.*, Aug. 4, 2016, at 7. Notwithstanding such closer scrutiny, and even if it can be shown that pretext may have supplied at least part of the motivation to cancel the procurement, the reasonableness standard applicable to cancellation of a solicitation remains unchanged. See *Lasmer Indus., Inc.*, B-400866.2 *et al.*, Mar. 30, 2009, at 4. Cancellation of a procurement is reasonable where the agency determines that it no longer has a requirement for the item solicited, or where the agency discovers an existing contract for its requirement would be more advantageous to the government than continuing with the procurement. *Henry's Aerial Service, Inc.; Evergreen Flying Services, Inc.*, *supra* at 5-6.

The agency argues the protest should be denied because its corrective action complied with applicable acquisition regulations. Memorandum of Law at 9. Specifically, the agency argues that it implemented the proposed corrective action by terminating the contract awarded to Aviate Enterprises and conducting additional market research to analyze "whether the VA Rule of Two and the NMR could be met and to determine an appropriate procurement method for the required monitors and mounts." *Id.* at 9-10.

Under the Veterans Benefits, Health Care, and Information Technology Act of 2006, 38 U.S.C. § 8127, and the VA's implementing regulations, the VA is required to set aside acquisitions for SDVOSBs whenever it determines that there is a reasonable expectation of receiving offers from at least two SDVOSBs that are capable of performing the required work and that award can be made at a fair and reasonable price. 38 U.S.C. § 8127(d); VA Acquisition Regulation (VAAR) 819.7005 (commonly referred to as the "rule of two" requirement). *CRAssociates, Inc.*, B-418194, Jan. 23, 2020, at 3-4; *Crosstown Courier Serv., Inc.*, B-410936, Mar. 12, 2015, at 4.

The determination as to whether there is a reasonable expectation of receiving offers from two or more SDVOSBs is a matter of informed business judgment within the contracting officer's discretion; our review generally is limited to ascertaining whether that official abused his or her discretion. *CRAssociates, Inc.*, B-418799, Sept. 10, 2020, at 4. No particular method of assessing the availability of capable SDVOSB concerns is required. Contracting officers may consider procurement history, market surveys,

advice from the agency's small business specialist, technical personnel, and information concerning prospective offerors' business history, capability, or capacity may all provide an adequate basis for a decision to set aside, or not set aside, a requirement for SDVOSBs. *Id.*; *Crosstown Courier Serv., Inc., supra.*

As discussed, the agency performed market research as part of its corrective action by posting the RFI to SAM.gov on November 12, 2024. COS at 1. Based on the responses to the RFI, the agency concluded that there was no reasonable expectation of obtaining offers from two or more small businesses--including from SDVOSBs--because there was no waiver of the NMR for video display monitors under the applicable NAICS code and instead conducted a full and open competition for its requirements using the FSS. *Id.* at 1-2. Although the protester does not have a FSS contract, the record indicates that 35 quotations were received in response to that solicitation, award was made on April 30, 2025, to Focus Camera LLC, a minority-owned small business of Brooklyn, New York, and as of September 28, performance was complete. *Id.*; AR, Exh. 2, Federal Procurement Data System (FPDS) Record of Final Award 36C26225F0421.

On this record, the agency's cancellation of the RFQ, if it had done so (or alternatively, its *de facto* cancellation by proceeding with a different solicitation and award), would have been reasonable. *Henry's Aerial Service, Inc.; Evergreen Flying Services, Inc., supra.* The agency was not required to ensure that its corrective action would permit the protester to continue to compete for its requirements. The protester does not present any argument or evidence--other than its stated capability and desire to fulfill the requirements--the agency's actions were erroneous. In particular, the protester has failed to rebut the agency's finding that no waiver of the NMR applied to this procurement and its conclusion that the procurement should not have been set aside for SDVOSBs or any other small business in the first place. The protester's position that the agency could have simply made award to Mission Analytics is also contrary to its own previous protest arguments that the RFQ was defective. We conclude that to the extent the agency's choice to use the FSS as an available alternative to conduct its procurement was tantamount to cancelling the initial flawed RFQ, the agency's choice was reasonable and supported by its market research. Therefore, these allegations are denied.

The protester also argues the agency doubled the value of the FSS award, which amounts to an inappropriate and illegal sole-source award to Focus Camera. Protest at 1. However, the contracting officer explains that updates to the accounting information in the Federal Procurement Data System initially resulted in the delivery order being counted twice, but that reporting error has since been corrected and confirms that the number and price of the display monitors acquired remained the same and is accurate as currently reflected in FPDS. COS at 2; AR, Exh. 2, FPDS Record of

Final Award 36C2622F0421. Since this argument is premised on a mistake that has since been corrected, we find no merit to this allegation.

The protest is denied.⁷

Edda Emmanuelli Perez
General Counsel

⁷ Throughout its comments, the protester also alleges that the agency acted in bad faith. *E.g.*, Comments at 7-8 (“In summary, the corrective action, which included cancelation of the original RFQ and reissuance as a solicitation on FSS. . . was due to a number of [errors] that were either bad faith or at best sustained negligence.”). Government officials are presumed to act in good faith, and a contention that procurement officials are motivated by bias or bad faith must be supported by convincing proof; our Office will not attribute unfair or prejudicial motives to procurement officials based upon mere inference, supposition, or unsupported speculation. *Levi Mason Trading*, B-421668, Aug. 14, 2023, at 4. The burden of establishing bad faith is a heavy one; a protester must present facts reasonably indicating, beyond mere inference and suspicion, that the agency acted with specific and malicious intent to harm the protester. *Id.* As we have discussed, the agency was not required to specifically inform the protester when it posted the RFI to SAM.gov, and the protester has not demonstrated that any other actions taken by the agency were with specific and malicious intent to harm Mission Analytics. Therefore, we also deny these allegations.