



Decision

Matter of: Frontline Support Solutions

File: B-424179

Date: February 25, 2026

Bronson I. Lerma for the protester.

Travis Drost, Esq., and Wade L. Brown, Esq., Department of the Army, for the agency. Suresh S. Boodram, Esq., and Evan D. Wesser, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest alleging that the agency unreasonably treated vendors unequally when the agency failed to publish a recording of the agency's preproposal conference is denied where the agency had already published all information necessary to the procurement.

DECISION

Frontline Support Solutions, LLC, a service-disabled veteran-owned small business of San Antonio, Texas, protests its exclusion from consideration for award under request for proposals No. W9113M-25-S-C006-0001, issued by the Department of the Army, U.S. Army Contracting Command – Redstone Arsenal for rotary-wing flight training. The protester contends that the agency's failure to distribute a recording of a preproposal conference undermined competition and competitively disadvantaged the protester.

We deny the protest.

BACKGROUND

On September 8, 2025, the agency issued a notice of intent on SAM.gov to solicit a contract to provide annual training for 900-1500 rotary wing pilots.¹ Agency Report

¹ SAM.gov is the current governmentwide point of entry 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. Federal Acquisition Regulation (FAR) 2.101; *Excelsior Ambulance Serv., Inc.*, B-421948, Sept. 27, 2023, at 2 n.1.

(AR), Tab 8, Sept. 8 SAM.gov Notice at 1, 3. The requirement is part of the agency's Initial Entry Rotary Wing training program at Fort Rucker, Alabama, known as Flight School Next. *Id.* at 3. The agency issued the final solicitation for the requirement on SAM.gov on December 1. See AR, Tab 13, SAM.Gov Posting, Dec. 1, 2025 at 1-2.

The agency notified offerors that this procurement was being conducted in accordance with the Army's Commercial Solutions Opening (CSO) authority pursuant to 10 U.S.C. § 3458 and Defense Federal Acquisition Regulation Supplement subpart 212.70. Under these authorities, contracting officers may competitively select proposals for innovative commercial items, technologies, or services received in response to a general solicitation, similar to a broad agency announcement, based on a review of proposals by scientific, technological, or other subject-matter expert peers. Contracting officers must treat items, technologies, and services acquired using a CSO as commercial products and commercial services and make award on a fixed-price basis. Contracting officers may utilize various award instruments including but not limited to: Federal Acquisition Regulation (FAR) covered contracts pursuant to FAR part 12, Commercial Procedures; any fixed-price or fixed-price incentive contract types specified under FAR part 16; and non-FAR covered agreements such as transaction agreements under 10 U.S.C. §§ 4022, 4023. See *generally* AR, Tab 12, Draft CSO Solicitation at 3. Relevant here, the final solicitation contemplated the award of a single fixed-price indefinite-delivery, indefinite-quantity contract to be issued in accordance with FAR part 12. AR, Tab 14, C4S Document at 4.

The solicitation, or call for solutions (C4S), included relevant information for offerors including background information about the agency's acquisition approach and the purpose of the Flight School Next program, award guidelines and eligibility requirements, and proposal preparation and formatting instructions. See *generally* AR, Tab 14, C4S Document at 3; see *also* AR, Tab 20, Statement of Objectives (SOO) at 1 (providing additional information including relevant program background and the agency's objectives and requirements). The agency also amended the RFP to include questions and answers from vendors (C4S Q&A). AR, Tab 15, Dec. 9 SAM.gov Posting at 2, 6; AR see *generally* Tab 19, C4S Q&A at 8-10. To evaluate proposals, the agency is to utilize a four-phase evaluation process. AR, Tab 14, C4S Document at 6. The agency reserved the right to eliminate an offeror at each phase of the evaluation process. *Id.* The four phases of the evaluation process are: (1) a quad chart and solution brief; (2) a presentation; (3) a request for a commercial solution proposal (CSP); and (4) a CSP validation demonstration. *Id.* at 7-8. Only the first phase is relevant to this protest.

In phase one, offerors were required to submit by December 15 quad charts and solutions briefs in accordance with the provided instructions. *Id.* at 7. In addition to setting technical requirements (e.g., page limits, font and spacing requirements), the C4S instructions provided specific guidance on preparing both the quad charts and solutions briefs. With respect to the quad charts, the agency required offerors to provide Microsoft PowerPoint slides addressing the following areas:

<p style="text-align: center;">Alignment with Objectives</p> <ol style="list-style-type: none"> 1. Describe your proposed academic training model. 2. Describe your proposed flight training model. 	<p style="text-align: center;">Innovation</p> <ol style="list-style-type: none"> 1. Describe the innovation or technological advancements proposed in your solution.
<p style="text-align: center;">Alignment with Requirements</p> <ol style="list-style-type: none"> 1. Describe the make and model of the helicopter(s) proposed. 2. Describe how your proposed aircraft align with the technical requirements. 	<p style="text-align: center;">Schedule</p> <ol style="list-style-type: none"> 1. Describe your build-up and transition strategy. 2. Describe your maintenance strategy.

AR, Tab 14, C4S Document at 15.

As to the solution briefs, offerors were asked to provide an overview of their respective solutions and how they meet the objectives in the C4S. Offerors were directed to show or describe how their proposed solutions represent application of innovative commercial technologies and services or adaptations/modifications of existing commercial product technologies and services to the C4S. Offerors were further directed to describe the unique aspects of their solutions and the proposed work as it relates to C4S, and to discuss significant schedule and performance milestones. *Id.* at 14.

As also relevant to this protest, the agency’s December 1 SAM.gov posting notified offerors that it was going to host an in-person “pre-solution conference” on Thursday, December 4. AR, Tab 13, Dec. 1 SAM.gov Posting at 3. The conference was to include “a complete review of the CSO, C4S, SOO and a discussion of each of the four Phases of Submissions and Evaluations.” *Id.* Most notably, the agency’s December 1 notice also provided that the conference was to be recorded and that “[o]nce the recording, transcripts, and slides are approved through required channels, all three will be posted to SAM.gov for all to have access.” *Id.* On December 8, the contract specialist posted a recording of the conference to the Defense Visual Information Distribution Service (DVIDS) website due to technical issues with posting the recording to SAM.gov. AR, Tab 18, Agency Email Chain at 2-3. However, the contract specialist did not post the recording, or any other material from the conference, to SAM.gov. *Id.*; Memorandum of Law (MOL) at 5.

The protester submitted a timely submission by the December 15 deadline. AR, Tab 6, Notice of Assessment at 1; MOL at 3. On December 18, the agency notified the protester that its proposal was not selected under phase one of the evaluation and, thus, the protester was excluded from further participation in the subsequent phases

and from potential award consideration.² AR, Tab 6, Notice of Assessment at 1-2. On December 24, the protester filed the instant protest with our Office.

DISCUSSION

The protester's primary contention is that the agency undermined competition when it failed, notwithstanding its prior representation, to post the preproposal conference recording and associated materials to SAM.gov. Specifically, the protester argues that the agency's representation that it would publish the materials on SAM.gov and its subsequent failure to do so represented an impermissible unequal treatment of offerors that competitively disadvantaged offerors that did not attend the preproposal conference, including the protester. Comments at 2-3.

The agency counters that the preproposal conference did not provide any information necessary for submission of proposals that was not also included in the attachments to the SAM.gov posting such as the C4S and the C4S Q&A. MOL at 6-7. The agency, therefore, argues that the protester suffered no competitive disadvantage from the agency's failure to post the recording and that the agency satisfied the minimum requirements for fairness. *Id.* at 5, 8. For the reasons that follow, we find no basis on which to sustain the protest.³

² The agency did not select the protester's phase one proposal because it did not demonstrate: (1) technical merit; (2) a comprehensive understanding of the Army's requirements; and (3) the potential to meet the Army's needs because it did not provide sufficient details to show a full understanding of the Army's requirements or that the protester has a full solution to successfully execute the Army's objectives. AR, Tab 6, Notice of Assessment at 1.

³ The protester initially raised other challenges, which our Office previously dismissed either as untimely or legally and factually insufficient. See Electronic Protest Docket No. 7, Notice of Partial Dismissal. For example, the protester alleged that the phase one evaluation criteria were ambiguous, the response time for phase one proposals was unreasonable, and the competition was disadvantageous to small business concerns. See Protest at 4-6. These challenges to the ground rules of the procurement were untimely raised after award because protests based upon alleged improprieties in a solicitation, which are apparent prior to bid opening or the time set for receipt of initial proposals must be filed prior to bid opening or the time set for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1). We declined, however, to dismiss the protest ground addressed herein because the first time the protester knew or reasonably should have known of its potential bases of protest was when the agency failed to release the pre-proposal materials. Indeed, the agency's official position communicated to parties was that such materials would be posted; the first actions adverse to the protester only arose when the proposal due date passed without the disclosure of such information. As such, this protest was timely filed within 10 days of that date. See 4 C.F.R. § 21.2(a)(2) (for all protests other than those based on alleged solicitation improprieties which are apparent prior to bid opening or the time set for receipt of initial proposals, the protest
(continued...))

Where a protester challenges an agency's actions as creating an unfair competitive advantage, we generally will examine the agency's actions to ensure that the agency acted reasonably and in accordance with procurement laws and regulations. In negotiated procurements, when a protester has challenged an agency's distribution of preproposal conference materials, we have generally considered what is required under FAR part 15 to determine whether the agency acted reasonably.⁴ See *Tel-Instrument Elecs. Corp.*, B-419529, B-419529.2, Apr. 19, 2021, at 6-8. To this end, the FAR provides, in relevant part that:

When specific information about a proposed acquisition that would be necessary for the preparation of proposals is disclosed to one or more potential offerors, that information must be made available to the public as soon as practicable, but no later than the next general release of information, in order to avoid creating an unfair competitive advantage.

FAR 15.201(f).

Applying these guiding principles to the facts at hand, we cannot conclude that the agency acted unreasonably here or that it created an unfair competitive advantage for those firms that attended the pre-proposal conference in person. We first note that the protester was afforded the opportunity to attend the conference in-person. To that end, the facts of this case stand apart from our previous decisions regarding unequal access to information where an agency only discloses information to one offeror and not others. See e.g., *C2C Innovative Sols., Inc.*, B-416289, B-416289.2, July 30, 2018, at 9-10 (sustaining protest where awardee had access to nonpublic information through its performance of a separate task order).

must be filed within 10 days of when the protester knew or reasonably should have known of its basis of protest).

⁴ We note that the agency asserted that its conduct was reasonable based on the requirements of FAR part 15, which are generally only applicable to negotiated procurements. See MOL at 5-6. We have previously concluded CSO procurements are not necessarily subject to FAR part 15 requirements. See *PavCon, LLC*, B-420640, July 5, 2022, at 5 (finding discussions pursuant to FAR part 15 are not required in conjunction with CSO procurements for research and development because FAR part 35 requirements are to be used and FAR part 35 does not require discussions). We need not resolve this question here, however, because regardless of whether FAR part 15 directly applies, we have previously explained that "where an agency as part of a CSO procurement avails itself of negotiated procurement procedures, the agency should treat firms fairly and reasonably in the conduct of those procedures." See *id.* (considering FAR part 15 requirements regarding exchanges with offerors). Thus, whether or not directly applicable, we nevertheless find FAR 15.201's requirements relevant to our analysis here as to whether the Army's conduct was reasonable.

More importantly, we find that the solicitation and its amendments and attachments were complete and contained the information required for offerors to intelligently compete. For example, the record reflects that the solicitation documents described the relevant procurement and programmatic background, the government's requirements, terms and conditions to the RFP, information required to be included in an offeror's proposal, and the four-phase evaluation process. See, e.g., AR, Tab 14, C4S Document; Tab 20, SOO. To this end, the protester points to no essential information contained in the recording (which was publicly available on the DVIDS website as of December 8, 2025), or the conference slides or transcript (which were produced in the AR) that was not also available in the solicitation materials. Nor does the protester highlight information that would have even been competitively advantageous. While the conference materials may have provided some clarification, they were not material where the solicitation provided adequate information to allow offerors to intelligently compete.

The protest is denied.

Edda Emmanuelli Perez
General Counsel