



Decision

Matter of: z SofTech Solutions, Inc.

File: B-423306.9; B-423306.16

Date: April 3, 2026

Leticia Alexander for the protester.

Jennifer L. Howard, Esq., and Stephen T. O’Neal, Esq., National Aeronautics and Space Administration, for the agency.

Jacob M. Talcott, Esq., and Heather Weiner, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency’s elimination of protester’s proposal from the competition for failing to submit the required past performance volume is dismissed where the protest was not filed within 10 calendar days of actual or constructive knowledge of initial adverse agency action.

2. Protest challenging the agency’s elimination of protester’s proposal from the competition for failing to meet other solicitation’s requirements is dismissed where the protester fails to provide a factually and legally sufficient basis for protest.

DECISION

z SofTech Solutions, Inc., a small business of Atlanta, Georgia, protests the elimination of its proposal from the competition under request for proposals (RFP) No. 80TECH24R0001, issued by the National Aeronautics and Space Administration (NASA), for information technology products, cloud solutions, cybersecurity, and related services. The protester contends that the agency unreasonably eliminated its proposal from two categories of the competition.

We dismiss the protest.

BACKGROUND

NASA issued the solicitation on May 23, 2024, in accordance with Federal Acquisition Regulation (FAR) part 15, for the Solutions for Enterprise-Wide Procurement (SEWP) VI, a governmentwide acquisition contract, which contemplates awards to

multiple offerors across three categories of requirements (A, B, and C) with no ceiling on the number of awards.¹ RFP at 117. The solicitation provided for the submission of proposals in three volumes (offer volume, past performance volume, and mission suitability volume) and established the following phased evaluation process: phase one (offer volume), phase two (past performance volume), and phase three (mission suitability volume). *Id.* at 96, 118-123. Upon the completion of each phase of the evaluation, the agency would notify the offeror whether its proposal was selected to proceed to the next phase of the competition or eliminated from the competition. *Id.* at 118. The due date for receipt of proposals was February 24, 2025, and the protester timely submitted a proposal on that date. Supp. Protest, exh. A-2, Email Confirmation of Proposal Submission, at 14.

The agency notified the protester of the elimination of its proposal from the competition under category C on July 9, 2025, and under category A on February 9, 2026. See Req. for Dismissal at 1-2. With regard to the elimination under category C, the agency informed the protester that its proposal was ineligible for award due to its failure to submit the past performance volume. Req. for Dismissal, exh. 2, Resp. to Agency-Level Protest at 1. In response, the protester filed an agency-level protest on September 9, arguing that the agency's evaluation of the protester's proposal, and its subsequent elimination from the competition under category C, was unreasonable. Req. for Dismissal, exh. 1, Agency-Level Protest at 1-2. On September 17, the agency dismissed the protest as untimely because, according to the agency, it was filed more than 10 days after the protester knew or should have known the basis for protest. Req. for Dismissal, exh. 2, Resp. to Agency-Level Protest at 1. In reaching its conclusion, the agency explained that the protester learned on July 9 of the elimination of its proposal from the competition under category C but did not file its agency-level protest until September 9.² *Id.* Upon receipt of the agency's decision, the protester emailed the agency, objecting to the agency's decision and stating that it intended to file a protest with our Office. See Req. for Dismissal, exh. 3, Sept. 17 Email at 1.

On February 9, the agency informed the protester that its proposal was eliminated from the competition under category A. Req. for Dismissal at 2. According to the protester,

¹ The parties identify two categories under which the protester's proposal was eliminated from the competition: category C and category A. See Req. for Dismissal at 2; Protest at 4. While the specific requirements of these categories are not relevant to this decision, we address them separately because, as discussed below, the protester learned of the elimination of its proposal under these categories at different points in time, which is relevant to the timeliness of its protest.

² In its response to the agency's request for dismissal, the protester asserts that it did not receive notice of its elimination from the competition until September 9, 2025. Resp. to Req. for Dismissal at 3. In any event, even if the protester was not notified of the elimination until September 9, the instant protest still is untimely because, as discussed in the remainder of this decision, it was not filed within 10 days of the initial adverse agency action on September 17. 4 C.F.R. § 21.2(a)(3).

the agency eliminated its proposal from the competition under category A due to “insufficient [contract line item numbers (CLINs)] and pricing.” Protest at 4. The protester then filed the subject protest with our Office on February 18, 2026. *Id.*

DISCUSSION

The protester challenges the agency’s decision to eliminate its proposal under both category C and category A. Subsequent to the filing of this protest, the agency submitted a request for dismissal. In its request for dismissal, the agency argues that our Office should dismiss the protest in its entirety because the protester’s challenge to the elimination of its proposal under category C is untimely, and its challenge to the elimination of its proposal under category A fails to state a factually and legally sufficient basis for protest. Req. for Dismissal at 1-5. For the reasons discussed below, we agree that, under the circumstances here, dismissal is appropriate.

Elimination under Category C

The protester challenges the elimination of its proposal from the competition under category C because, according to the protester, the agency’s evaluation of its past performance was unreasonable. Protest at 4.

Our Bid Protest Regulations contain strict rules for the timely submission of protests. Where a protest first has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 10 calendar days of “actual or constructive knowledge of initial adverse agency action.” 4 C.F.R. § 21.2(a)(3). The term “adverse agency action” means any action or inaction by a contracting agency that is prejudicial to the position taken in a protest filed there. 4 C.F.R. § 21.0(e).

Here, as noted above, the protester filed an agency-level protest on September 9, challenging the elimination of its proposal from the competition under category C. Req. for Dismissal, exh. 1, Agency-Level Protest at 1-2. In response, on September 17, the agency dismissed the protest as untimely. Req. for Dismissal, exh. 2, Resp. to Agency-Level Protest at 1. As such, the initial adverse agency action occurred on September 17, when the agency dismissed the protester’s agency-level protest. See *Frontier Techs.*, B-420878, Aug. 9, 2022, at 2 (stating that agency’s denial of agency-level protest constitutes adverse agency action). Because the protester learned of the initial adverse agency action on September 17, the protester was required to file its protest with our Office no later than 10 calendar days after that date. See 4 C.F.R. § 21.2(a)(3). The protester, however, did not file its protest until February 18, 2026. Accordingly, the protester’s challenge to the agency’s exclusion of its proposal under category C is untimely, and therefore, dismissed.

Elimination under Category A

As mentioned above, the protester also challenges the agency’s elimination of its proposal from the competition under category A. Protest at 4. According to the

protester, the agency eliminated its proposal from the competition under category A due to issues with its pricing and certain CLINs.³ Supp. Protest at 3. Unlike the challenge to the elimination of its proposal under category C, the protester did not learn of the elimination of its proposal under this category until February 9, 2026. Req. for Dismissal at 2. Therefore, z SofTech's protest of February 18, as it concerns category A, was timely filed. The agency, however, requests dismissal of this protest ground on the basis that it is factually and legally insufficient. Req. for Dismissal at 3-5. Specifically, the agency contends that the protest grounds consist only of a "bullet list with seven general items" that are not tied to any facts and do not challenge any actions taken by the agency. *Id.* at 3. In other words, the agency argues that the protest is "so vague and generalized as to lack any probative value." *Id.*

We agree that dismissal is appropriate. Our Bid Protest Regulations require that protests include a detailed statement of the legal and factual grounds of protest and that the grounds be legally sufficient. 4 C.F.R. §21.1(c)(4) and (f). This requirement contemplates 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. *Warfighter Focused Logistics, Inc.*, B-423546; B-423546.2, Aug. 5, 2025, at 4. Protesters must provide more than a bare allegation; the allegation must be supported by some explanation that establishes the likelihood that the protester will prevail in its claim of improper agency action. *Id.*

Here, the protest provides no information to support the assertion that the agency's decision to eliminate the protester's proposal from the competition was unreasonable. Instead, it simply lists the titles of protest grounds, such as "[e]valuation [c]ontrary to [s]olicitation [r]equirements," "[e]valuation [c]ontrary to [question and answer] Q&A [g]uidance," and "[u]nequal [t]reatment/[a]rbitrary [e]valuation," without discussing the underlying facts that purportedly gave rise to these protest grounds or providing a basis to conclude that the agency's evaluation was in any way improper or unreasonable. Protest at 5. As argued by the agency, a bullet list of conclusory allegations, without more, fails to set forth a clear statement articulating a factual and legal basis in support

³ In its request for dismissal, the agency specifies the reasons for the elimination of the protester's proposal under category A. See Req. for Dismissal at 3-4. Specifically, the agency states that the protester's proposal failed to include: (1) United Nations Standard Products and Services Code codes and pricing for the secondary provider as required by the solicitation, (2) pricing for specific technical areas, and (3) CLINs from a secondary provider to meet the minimum fifty CLINs required by the solicitation. *Id.* We note that, in addition to the lack of detail for the protest grounds provided in the protest, the protest also fails to address the reasons given by the agency for the elimination of the protester's proposal from the competition. See Protest at 4-7; see also Resp. to Req. for Dismissal at 1-3.

of the protester's arguments. Req. for Dismissal at 3. As such, we dismiss these allegations for failure to state a valid basis of protest.⁴

The protest is dismissed.

Edda Emmanuelli Perez
General Counsel

⁴ The protester also filed a supplemental protest on February 23, "to submit additional evidence" in support of its initial protest grounds and "raise distinct, severe grounds of protest regarding bad faith, retaliation, lack of authority, unequal discussions, and Procurement Integrity Action violations that the [p]rotester has recently consolidated." Supp. Protest at 2. Our regulations, however, do not contemplate the piecemeal presentation or development of protest issues through later submissions citing examples or providing alternate or more specific legal arguments missing from the earlier allegations of impropriety. See *Star Food Serv., Inc.*, B-408535, Nov. 1, 2013, at 4. We will dismiss a protester's piecemeal presentation of arguments that could have been raised earlier in the protest process. *Id.* To the extent the protester raises in its supplemental protest additional information in support of its initial protest allegations, including the assertion that the agency's evaluation of its proposal under categories A and C was unreasonable, there is no evidence that the information could not have been timely asserted in the initial protest. Accordingly, any such allegation is untimely and will not be considered. *Id.*; 4 C.F.R. § 21.2(a)(2). Similarly, to the extent the supplemental protest raises new allegations--such as bad faith--the record reflects that the protester was on notice of the information providing the basis for these arguments at various points during 2025, and at the latest, as of February 9, 2026. See Supp. Protest. Because the protester failed to raise its supplemental protest within 10 days of February 9 (or earlier in some instances), the supplemental protest issues are untimely. 4 C.F.R. § 21.2(a)(2) (requiring protest issues be filed within 10 days after the basis is known or should have been known). Accordingly, these arguments are untimely and will not be considered.