



## Decision

**Matter of:** AlphaSpaces--Reconsideration

**File:** B-423971.3

**Date:** May 4, 2026

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Dinseh Atreya, for the protester.

Colonel Justin A. Silverman, Esq., and Siobhan K. Donahue, Esq., Department of the Air Force, for the agency.

Mary G. Curcio, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Request for reconsideration is dismissed where protester repeats arguments made during consideration of the protest; raises arguments that could have been but were not raised during consideration of the protest; and does not identify any errors of fact or law, or information not previously considered, that provide a basis for reconsideration.

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### DECISION

AlphaSpaces, of Cupertino, California, requests reconsideration of our decision in *AlphaSpaces*, B-423971, B-423971.2, Jan. 21, 2026, in which we dismissed its protest challenging the elimination of its proposal from the competition under request for proposals (RFP) No. FA8811-24-R-0002, issued by the United States Space Force for the delivery of National Security Space Launch (NSSL) phase 3 lane 2 launch services. We dismissed the protest as untimely.

We dismiss the request for reconsideration.

### BACKGROUND

The agency issued the solicitation on October 4, 2023, using the negotiated contracting procedures of Federal Acquisition Regulation (FAR) part 15 for launch services to deliver multiple national security space missions as part of the NSSL program.

*AlphaSpaces*, B-423971, B-423971.2, Jan. 21, 2026, at 1, 2. AlphaSpaces submitted a timely proposal in response to the solicitation. Req. for Dismissal at 1.<sup>1</sup>

On January 29, 2024, the contracting officer notified AlphaSpaces that its proposal was eliminated from the competition because it did not meet the solicitation's minimum gate requirement for an approved launch system certification plan in accordance with the new entrant certification guide. Req. for Dismissal, attach. 1, Unsuccessful Offeror Notice at 1. The notice informed AlphaSpaces that if it wanted a pre-award debriefing, it was required to submit a written request within three days of receipt of the notice. *Id.*

AlphaSpaces did not timely request a pre-award debriefing, and on February 13 the agency offered to provide AlphaSpaces with a post-award debriefing when the procurement was completed. On February 15, AlphaSpaces sent an email to the agency agreeing to receive a post-award debriefing. Req. for Dismissal, attach. 3, Feb. 13-15, 2024, Emails at 1. In the February 15 email, AlphaSpaces included a request to keep its proposal active for award and asserted that the agency erroneously concluded that its proposal did not meet minimum gate requirements. *Id.*

Subsequently, the agency made three contract awards, and on April 11, 2025--over a year after AlphaSpaces' email agreeing to receive a post-award debriefing--provided AlphaSpaces with a post-award debriefing. Req. for Dismissal at 2; Req. for Dismissal, attach. 4, April 4, 2025, Email at 1. Following the debriefing, AlphaSpaces sent multiple emails to the agency, which included several questions. Req. for Dismissal, attach. 6, April 15-16, 2025, Emails at 5. In these emails, AlphaSpaces stated that it "appealed" the source selection and requested that the agency sign a contract with AlphaSpaces. *Id.*

On April 16, the contracting officer responded to AlphaSpaces' questions. The contracting officer explained that AlphaSpaces' proposal was eliminated from further consideration because it failed to meet the solicitation's minimum gate requirement to propose a launch system that either is certified in accordance with the NSSL's New Entrant Certification Guide (NECG) or has an NSSL-approved certification plan. *Id.* at 1. The contracting officer further informed AlphaSpaces that the debriefing was concluded, that there would be no further response to these or additional questions, and that this would be the contracting officer's last communication to AlphaSpaces. *Id.*

More than five months later, on September 29, AlphaSpaces filed its protest with our Office. AlphaSpaces argued that the evaluation of its proposal was unreasonable and that the agency improperly eliminated the proposal from the competition. The agency requested that we dismiss the protest as untimely because it was filed more than ten days after April 16 when AlphaSpaces' post-award debriefing was concluded. The protester objected to the agency's request for dismissal asserting that its submission of subsequent emails to the agency "extend[ed] the timelines for the Agency to work with

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<sup>1</sup> Citations in the decision are to the documents submitted during consideration of AlphaSpaces' protest (B-423971, B-423971.2).

AlphaSpaces” and paused the deadline to file a protest with our Office through September 30 while the protester worked to reason with the agency.<sup>2</sup> Resp. to Req. for Dismissal, Nov. 26, 2025, at 4, 7-9. On January 21, 2026, we dismissed AlphaSpaces’ protest as untimely. *AlphaSpaces, supra*.

In our decision, we explained that assuming the facts most favorable to the protester, we considered AlphaSpaces’ February 15, 2024 email objecting to the agency’s decision to exclude AlphaSpaces’ proposal from the competition and requesting that the agency consider the proposal for funding initiatives to be an agency-level protest. *AlphaSpaces, supra* at 5. We explained that under our Bid Protest Regulations, 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. *AlphaSpaces, supra* at 4. However, if a timely agency-level protest was previously filed, any subsequent protest to our Office must be filed within 10 days of actual or constructive knowledge of initial adverse agency action on the agency-level protest. *Id.* Accordingly, to be timely, AlphaSpaces was required to file its protest at GAO within 10 days from initial adverse agency action with respect to AlphaSpaces’ February 15 email. *Id.*

Our decision further explained that while adverse action typically occurs when the agency denies the protest, it may also be undue delay on the part of the agency in responding to the protest. *AlphaSpaces, supra* at 5; see *Technical Data Development, Inc.*, B-261381, June 15, 1995, at 2. We found that the agency’s inaction--not providing the relief requested and not taking any action until April 4, 2025 when it notified AlphaSpaces that it had made award and offered a post-award debriefing--was adverse to the protester’s position in its agency-level protest. We concluded that since AlphaSpaces waited until September 29--many months even after the April 4 notice of award--to file its protest with our Office, the protest was untimely. *AlphaSpaces, supra* at 5.

We further noted that if the agency’s year-long delay in responding to AlphaSpaces’ agency-level protest was not sufficient notice of adverse agency action, the agency’s April 4, 2025 notice of award and April 16 email which affirmed the agency’s decision to eliminate AlphaSpaces’ proposal from the competition, and advised AlphaSpaces that the debriefing was completed, constituted adverse action on the agency-level protest.

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<sup>2</sup> AlphaSpaces sent multiple emails to the agency both before and after the post-award debriefing asserting that the agency’s decision reflected bureaucratic minutiae, that AlphaSpaces’ proposed innovative and superior architecture that provides superior capabilities to the United States Space Force compared to all others, and that the agency’s rejection of its proposal violated the FAR, and various other requirements. See Resp. to Dismissal Req., Dec. 1, 2025, attach. April 10-11, 2025, Emails at 8-14. In the post-debriefing emails AlphaSpaces stated that it is “extending the time until” specified future dates (“Memorial Day 2025,” “end of August 2025,” and “September end 2025,” respectively) “for the US Space Force to sign contracts with AlphaSpaces for NSSL Phase 3 Lane 2.” See *id.* at 7-9.

*AlphaSpaces, supra* at 6 n.6. AlphaSpaces' September 29 protest to our Office, filed more than 5 months later therefore would still be untimely as it was not filed at the latest within 10 days of April 16.

Finally, we pointed out that the protest was untimely even if the protester maintained that it did not intend to submit an agency-level protest through its February 15, 2024 email because it was not filed within 10 days of the conclusion of the post-award debriefing. *AlphaSpaces, supra* at 7, 8. Our regulations provide that where a procurement is conducted on the basis of competitive proposals under which a debriefing is requested and, when requested, is required any protest basis which is known or should have been known either before or as a result of the debriefing, must be filed no later than 10 days after the date on which the debriefing is completed. 4 C.F.R. § 21.2(a)(2). Since the protester did not file its protest with our Office until September 29, well more than 10 days after April 16, the date the debriefing was completed, AlphaSpaces' protest would be untimely even applying the debriefing rules for timeliness.<sup>3</sup> *AlphaSpaces, supra* at 7, 8.

AlphaSpaces requests that we reconsider our decision dismissing its protest as untimely.

Our regulations provide that to obtain reconsideration, the requesting party must set forth the factual and legal grounds upon which reversal or modification of the decision is deemed warranted, specifying any errors of fact or law made or information not previously considered. 4 C.F.R. § 21.14(a). Information not previously considered refers to information that was overlooked by our Office, or information to which the protester did not have access when the initial protest was pending. *Timberline Helicopters, Inc.--Recon.*, B-414507.2, Aug. 1, 2017 at 2. A party's failure to make all arguments or present all information available while the protest is pending does not warrant reconsideration of our prior decision. *Id.* Further, neither the repetition of arguments made during our consideration of the original protest nor disagreement with our decision meet this standard. 4 C.F.R. § 21.14(c); *Epsilon Sys. Sols., Inc.--Recon.*, B-414410.3, Sept. 20, 2017, at 3. As discussed below, AlphaSpaces has not met our standard for reconsideration.

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<sup>3</sup> As explained in our decision, the record was not clear as to whether the protester timely requested a pre-award debriefing, and therefore we could not determine whether the post-award debriefing provided to AlphaSpaces was required. *AlphaSpaces, supra* at 7 n.7. In its request for reconsideration, AlphaSpaces asserts that our decision is based on an error of fact because we did not resolve this issue. While we did not resolve this issue factually, we explained that assuming the facts most favorable to the protester, we considered the debriefing required in reaching our decision. See *AlphaSpaces, supra* at 7 n.7. AlphaSpaces therefore was not prejudiced by our failure to resolve the issue factually, and our failure to factually resolve the issue does not provide a basis for reconsideration.

## Assertions Not Relevant to Basis of Timeliness Discussion

As relevant to this request for reconsideration, the information not previously considered referenced in our regulation concerns information that relates to whether the protest was filed timely in accordance with our bid protest regulations. Similarly, errors of fact or law concern errors that are relevant to whether the protest was filed timely in accordance with our regulations. Much of AlphaSpaces' request for reconsideration, however, is dedicated to arguing the merits of its allegations, namely that the agency failed to consider or otherwise ignored, for example, executive orders, or congressional mandates, and that the agency's actions continue to violate substantive law. As an additional example, the protester asserts that the decision failed to consider that the agency engaged in favoritism toward select firms. See, e.g., Req. for Reconsideration at 1-14, 16-18, 21, 23, 25, 26, 30, 31, 32, 34-38, 43-48, 49, 53, 54. Again, these arguments concern the potential merits of AlphaSpaces' protest. None of them, however, are relevant to our conclusion that AlphaSpaces' protest was untimely. These arguments, therefore, do not provide a basis for reconsideration.

AlphaSpaces also asserts its protest should not have been dismissed as untimely because the agency did not provide AlphaSpaces with guidance on agency level protests.<sup>4</sup> Our regulations clearly state that to be timely a protest that is filed with our Office subsequent to an agency-level protest must be filed within ten days after the agency takes action adverse to the protester on the agency-level protest. 4 C.F.R. § 21.2(a)(3). Our regulations do not address how the agency handles its own protest process or require the agency to provide protesters with guidance concerning agency-level protests as a precondition to our dismissing as untimely a protest filed with our Office subsequent to an agency-level protest. Accordingly, AlphaSpaces' argument does not provide a basis for reconsideration.

## Issues That Should Have Been Raised During the Initial Protest.

AlphaSpaces notes that GAO will not dismiss a protest as untimely if the protest raises an issue that is significant to the procurement community. See 4 C.F.R. § 21.2(c). AlphaSpaces asserts that dismissal was improper because we did not consider whether the protest raised issues that were significant to the procurement community. See Req. for Reconsideration at 4, 8, 32, 40-43, 48-51. AlphaSpaces also asserts that our decision is based on an error of fact because the debriefing was not complete. Req. for Reconsideration at 4,5-6, 8, 28. AlphaSpaces could have, but did not, raise these arguments during our consideration of the dismissal request. Accordingly, these

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<sup>4</sup> AlphaSpaces also asserts that GAO could not dismiss its protest as untimely because AlphaSpaces acted *pro-se*, meaning without legal counsel. Our regulations do not distinguish between protesters that represent themselves *pro-se* and those that are represented by counsel. Accordingly, a protester is not excused from complying with our regulations because it has made the choice to proceed without the assistance of counsel.

arguments do not provide a basis for reconsideration.<sup>5</sup> See *Timberline Helicopter's, Inc.--Recon.*, *supra*.

#### Repetition of Arguments

AlphaSpaces argues that our decision should be set aside because its numerous emails to the agency delayed the deadline for AlphaSpaces to submit a timely protest to GAO. Req. for Reconsideration at 25. This argument, however, repeats what AlphaSpaces' argued in response to the agency's request for dismissal of the initial protest. See Resp. to Req. for Dismissal, Nov. 26, 2025 at 4. ("The moment AlphaSpaces sent [an] email extending the timelines for the Agency on (April 20, 2025 . . .), the clock stopped for submitting the GAO Bid Protest[.]; "AlphaSpaces kept on extending the timelines through September 30 while simultaneously working to reason with the Agency. So the clock remained stopped"). *Id.* AlphaSpaces' repetition of this argument in its request for reconsideration does not provide a basis for GAO to reconsider its decision. See *Epsilon Sys. Sols., Inc.--Recon.*, *supra* at 3.

The request for reconsideration is dismissed.

Edda Emmanuelli Perez  
General Counsel

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<sup>5</sup> We also note that on April 16 the contracting officer specifically told AlphaSpaces that the debriefing was concluded. Req. for Dismissal, attach. 6, April 15-16, 2025, Emails at 1.