



DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Decision

Matter of: Wilson 5 Service Company, Inc.

File: B-424429

Date: July 17, 2026

James S. DelSordo, Apollo Contract Management, and Patrick B. Kernan, Esq., of Kernan and Associates Law Group, PLLC, for the protester. Maria DiGiovanni, Esq., General Services Administration, for the agency. Sarah T. Zaffina, Esq., and Heather Weiner, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's decision not to solicit the protester is denied where the solicitation was issued in accordance with the applicable procedures of the Revolutionary Federal Acquisition Regulation Overhaul.

DECISION

Wilson 5 Service Company, Inc., a small business of Kittery, Maine, protests the agency's actions in connection with request for quotations (RFQ) No. 47PG5426Q0001, issued by the General Services Administration (GSA), Public Buildings Service, for complete facilities maintenance (CFM) services at multiple locations throughout the state of Nebraska. The protester contends that the agency improperly issued the RFQ to a select number of vendors but not to Wilson 5.

We deny the protest.

BACKGROUND

On February 2, 2026, GSA posted a request for information (RFI) to GSA's eBuy website to ascertain how many potential vendors could provide the desired CFM services.¹ Agency Report (AR), Exh. D, Market Research Rept. at 1; Contracting

¹ The GSA eBuy system is an online RFQ tool designed to facilitate the submission of quotations for a wide variety of commercial goods and services under GSA schedules. *Phoenix Envtl. Design, Inc.*, B-422547, July 29, 2024, at 2 n.2.

Officer's Statement (COS) at 1. The CFM services sought here are for a new requirement that combines three individual contracts for federal buildings in Omaha and Lincoln, Nebraska. COS at 1. The procurement covers the following services: (1) facilities engineering; (2) operations and maintenance; (3) janitorial; (4) grounds maintenance; (5) snow removal; and (6) elevator maintenance. *Id.*

The agency received responses from 41 interested sources, 33 of which were small businesses, including the protester.² AR, Exh. D, Market Research Rept. at 2; COS at 2. Because of the large number of interested sources and the agency's "compelling need to maximize efficiency and resources[,] the agency used the information captured from the RFI responses to decide which vendors would receive the RFQ. COS at 2. Specifically, the agency "determined the top 50% (16) vendors would be solicited for this procurement to ensure that there was enough competition (at least 3 vendors), while also balancing the Government's limited resources (time and employees available)." AR, Exh. E, Source Selection Memo. to File at 1.

The agency used small business status, multiple award schedule (MAS) contract holders, and Contractor Performance Assessment Reporting System (CPARS) assessments to establish the pool of vendors that the government would solicit for the competition.³ *Id.* Specifically, GSA required vendors to hold MAS contracts with the following special item numbers (SIN): (1) 561210FAC, facilities maintenance, and management; (2) ANCRA (ancillary repair, and alterations); and (3) OLM (order-level materials). *Id.* at 1-2. The agency calculated a percentage of CPARS assessments under the rating of satisfactory for each vendor and decided that it would only solicit a vendor if 99 percent of its CPARS ratings were at a rating of satisfactory or higher. Or, in other words, the agency would only solicit a vendor if it had no more than one percent of its ratings below a rating of satisfactory. *Id.* at 1. The agency developed the baseline as follows:

Total number of CPARS assessments (total CPARS assessments multiplied by 6 for the amount of category ratings for each assessment) in the last 5 years (start date of 01/01/2021 or later) was divided by the total number of category ratings under Satisfactory (Marginal and Unsatisfactory). This calculation created a percentage for each vendor of the amount of category ratings under Satisfactory based on the total number of category ratings.

For example, if a vendor had 10 CPARS assessments in the system, the total number of category ratings would be 60 (10 CPARS x 6 categories).

² Citations to the record use the Adobe PDF pagination of the documents produced.

³ MAS contracts are also referred to as federal supply schedule (FSS) contracts. We use the terms interchangeably.

If that vendor had 3 category ratings under satisfactory, the percentage of category ratings under Satisfactory would be 5% (3/60 x 100).

Id. Based on the above criteria, as noted above, the agency identified 16 vendors to receive the RFQ. *Id.*

On April 6, 2026, GSA issued the RFQ to the 16 vendors as a total small business set-aside using the procedures of Revolutionary Federal Acquisition Regulation (FAR) Overhaul (RFO) section 8.401 and General Services Administration Regulation (GSAR) subpart 538.71 to establish a blanket purchase agreement (BPA) with one FSS contract holder.⁴ See COS at 1, 3; RFQ amend. 1 at 3. Wilson 5 was not one of these vendors. AR, Exh. E, Source Selection Memo. to File at 2.

On April 15, Wilson 5 emailed the contract specialist to request a copy of the RFQ. AR, Exh. C, Correspondence Between GSA and Wilson at 1. The agency responded the same day, advising the protester that the RFQ was issued in accordance with FAR 8.401(b) (GSA Class Deviation RFO-2025-08) and GSAR 538.7103-3(a)(2) to vendors that responded to the RFI, held the appropriate current/active SINs, and met the CPARS qualifier with no more than one percent of its ratings under the rating of satisfactory within the last five years. *Id.* at 1-2. The agency did not provide the RFQ to the protester. On April 16, Wilson 5 contacted the agency again requesting the RFQ. *Id.* at 2. GSA advised the protester that under the RFO and GSAR, the agency was “no longer required to provide the RFQ to any schedule contractor that requests a copy of it” because that provision had been removed from the FAR under the RFO. *Id.* at 3.

The RFQ established the deadline for receipt of quotations as May 6. COS at 3. Wilson 5 filed this protest on April 22, prior to the time set for receipt of initial quotations.

DISCUSSION

Wilson 5 contends that the agency improperly refused to provide the solicitation to it after Wilson 5 requested a copy and generally argues that the agency’s decision to limit the competition to vendors based on CPARS assessment ratings was an unreasonable limitation on competition and violated procurement regulations. Protest at 3-5; Comments at 3-6. GSA responds that the agency is no longer required to give the RFQ “to any schedule contractor that requests a copy of it” and that the agency reasonably limited a large eligible vendor pool to maximize its time and resources in accordance with the RFO and relevant GSAR provisions to ensure GSA would receive at least three quotations. Memorandum of Law (MOL) at 6-10 (citing FAR section 8.404(f), which is

⁴ GSA amended the solicitation multiple times; only amendment 001 is relevant to this protest. On April 14, 2026, GSA amended the RFQ to correct federal acquisition regulation (FAR) citations, provisions, and clause to ensure consistency with the revolutionary FAR overhaul (RFO) GSA Class deviations. AR, Tab B, RFQ amend. 1 at 3. References to the RFQ are to amendment 001.

codified at 48 C.F.R. § 8.404(f)). For the following reasons, we find no basis on which to sustain the protest.⁵

The agency conducted this procurement as an FSS acquisition under the RFO subpart 8.4 (GSA Class Deviation RFO-2025-08) and GSAR subpart 538.71. The RFO has replaced most of the FSS ordering procedures previously found in FAR part 8 for agencies that have issued an adopting FAR deviation, such as GSA.⁶ The FSS program provides federal agencies with a simplified process for obtaining commonly used commercial supplies and services and the FSS procedures, although streamlined, satisfy the requirements for full and open competition under the Competition in Contracting Act, 41 U.S.C. § 3301. See GSAR 538.7102-1(a) (referencing 41 U.S.C. § 152(3), which states that the procedures the GSA Administrator establishes for the FSS program meet requirements for full and open competition if participation in the program is open to all responsible sources, and the resulting orders and contracts provide the lowest cost overall to meet the government's needs).

As relevant here, GSAR section 538.7103-3 provides the following instructions for establishing a BPA with FSS contract holders that includes a statement of work and exceeds the simplified acquisition threshold (SAT):

(a) Unless a justification is executed and approved in accordance with 538.7104-3(b)[, sole source justifications]--

(1) Publish an RFQ on GSA's eBuy; or

(2) Issue an RFQ to as many FSS contractors offering the product, service, or solution as practicable, to reasonably ensure that quotations will be received from at least three FSS contractors. If fewer than three quotations are received, document the file by describing how no additional FSS contractors capable of meeting the need could be identified despite reasonable efforts taken.

GSAR 538.7103-3(a).

The RFO has altered the requirements and procedures for issuing orders under the FSS. Specifically, under the RFO, FAR section 8.404(f), which states that "[i]f the ordering activity issues an RFQ, the ordering activity shall provide the RFQ to any schedule contractor that requests a copy of it," has been removed. Under the RFO, subpart 8.4, "Ordering under the Federal Supply Schedule," when placing an order

⁵ While we do not address in detail every argument the protester raised, we have reviewed each issue and do not find any basis to sustain the protest.

⁶ The GSAR can be found in the GSA Manual (GSAM) available at <https://www.acquisition.gov/fss-ordering-procedures> (last visited June 23, 2026).

under the FSS, agencies are required to follow the RFO class deviations set forth in GSAR/GSAM subpart 538.71. RFO FAR 8.401(b). The applicable GSAR does not require the agency to provide the RFQ to any schedule contractor that requests it.

In this regard, GSAR section 538.7103-3(a)(1) only requires the agency to send the RFQ directly to as many FSS contractors as practicable, “to reasonably ensure that quotations will be received from at least three FSS contractors.” *Id.*

Here, the agency reviewed the market research report generated from the RFI responses and decided to limit the number of vendors because of the large number of responses received. AR, Exh. E, Source Selection Memo. to File at 1. GSA determined it was necessary to balance sufficient competition with limited government resources. *Id.* GSA limited eligible vendors based on business size, MAS contract holders of specific SINs, and CPARS assessment ratings. *Id.* As noted above, the agency developed a formula to create the baseline of acceptable performance using CPARS ratings. *Id.* Using these limitations, the agency solicited 16 vendors, which was approximately 50 percent of the small business RFI responses and 40 percent of all interested vendors. *Id.*; COS at 2. GSA concluded that issuing the RFQ to 16 vendors would reasonably ensure that it would receive at least three quotations while considering limited time and available employees. AR, Exh. E, Source Selection Memo. to File at 1; COS at 2-3.

We find that the protester has not demonstrated that the agency violated procurement regulations, and that the record shows the agency acted in accordance with RFO subpart 8.4 and GSAR section 538.7103-3(a). Where parties disagree as to the interpretation of a regulation, our analysis begins with the language of the disputed provision. *AtechGov, LLC*, B-423738, Nov. 17, 2025, at 3-4. If the regulation has a plain and unambiguous meaning, the inquiry ends with that plain meaning. *Id.*

First, while Wilson 5 contends that the agency was required to provide it with the RFQ given its request for a copy, as explained above, the RFO’s revised ordering procedures eliminated the requirement for the agency to provide the RFQ to the protester simply because the protester requested a copy. Second, the protester contends that the agency failed to comply with the requirement to issue the solicitation to as many FSS contractors as “practicable” where “[t]he [a]gency [c]ites to nothing to show that reviewing any number of offers would harm the [a]gency’s efficiency or resources.” *Id.* These arguments are misplaced, however, because our Office has explained that under the FSS, issuing to any many FSS contractors as “practicable” means the agency has issued the solicitation to as many contractors as will reasonably ensure that at least three vendors will submit quotations.⁷ *Technical Prof’l Servs., Inc.*, B-410640, Jan. 20,

⁷ We note the while *Technical Professional Services, Inc.* pre-dates the changes to the FAR under the RFO class deviations, in the instant case, GSAR section 538.7103-3(a) does not differ significantly from FAR section 8.405-3(b)(2)(v)(B) regarding the establishment of a proposed BPA among FSS contract holders that includes a

(continued...)

2015, at 3; *AtechGov, LLC*, B-423738, Nov. 17, 2025, at 4-5. Because the agency solicited 16 vendors that it reasonably believed could meet its requirements to ensure that it would receive quotations from at least three of these vendors, the agency's actions were consistent with the competition requirements of the RFO subpart 8.4 and GSAR section 538.7103-3(a).

The protest is denied.

Edda Emmanuelli Perez
General Counsel

(...continued)

statement of work and exceeds the SAT. The previous FAR section 8.405-3(b)(2)(v)(B) required that the contracting officer:

Shall provide the RFQ, which includes the statement of work and evaluation criteria, *to as many schedule contractors as practicable*, consistent with market research appropriate to the circumstances, *to reasonably ensure that quotes will be received from at least three contractors* that can fulfill the requirements.

48 C.F.R. § 8.405-3(b)(2)(v)(B) (emphasis added). Neither of the parties have suggested, nor are we aware of any reason, to depart from our prior case law on this issue at this time and we decline to do so.