



# Decision

**Matter of:** Sensis Inc.

**File:** B-424694.7

**Date:** September 14, 2026

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Robyn Loube for the protester.

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## DIGEST

Protest is dismissed as untimely where the protester failed to send its protest to the designated GAO email address when the Electronic Protest Docketing System was unavailable.

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## DECISION

Sensis Inc., a small business of Glendale, California, protests its exclusion from the competition and award of a contract to Avvy, LLC, a small business joint venture of Fairfax, Virginia, under request for proposals (RFP) No. 70US0926R70093666, issued by the Department of Homeland Security, United States Secret Service (USSS) for national recruitment advertising campaign services. The protester contends that the agency's evaluation of quotations and source selection decision were unreasonable.

We dismiss the protest as untimely.

## BACKGROUND

The solicitation was issued on April 9, 2026, as a small business set-aside, under the procedures of parts 12 and 15 of the Federal Acquisition Regulation (FAR). Protest, exh. 2, RFP at 19.<sup>1</sup> The agency intended to award a five-year single award, indefinite-

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<sup>1</sup> Citations to the record use the documents' Adobe PDF pagination.

delivery, indefinite-quantity contract for national recruitment advertising campaign services. *Id.* On July 22, the agency notified Sensis that USSS had made award to Avvy. Req. for Dismissal, exh. 1, Notice of Unsuccessful Offeror at 2.

On August 3, Sensis attempted to file a protest challenging the agency's evaluation of proposals using GAO's Electronic Protest Docketing System (EPDS). Because the protester did not have an existing EPDS account, Sensis was required to create a new user account. The account creation process includes the receipt of a system-generated email with a temporary password for first-time EPDS login.<sup>2</sup> The temporary password is required to complete the creation and registration of an EPDS account.<sup>3</sup>

On the morning of August 3, after repeated attempts to have the system send the temporary EPDS password to the firm's email address, the protester called GAO's Procurement Law Control Group telephone number. Resp. to Req. for Dismissal at 2. The protester contends that the GAO representative instructed the protester to wait and upload the protest later in the day. *Id.* at 8. In the afternoon on August 3, after attempting unsuccessfully to access EPDS again, the protester called GAO's telephone number for a second time. *Id.* According to the protester, during that call, the GAO representative instructed the protester to file its protest by email to GAO's protest inbox. *Id.* The protester alleges the email address given was "protest@gao.gov." *Id.*

Sensis was able to successfully log in and file its protest in EPDS on August 4. Upon filing its protest in EPDS, the protester avers it realized that it had sent its protest to the incorrect email address the prior day on August 3. *Id.* at 9. The protester then emailed the correct protest email inbox, "protests@gao.gov," requesting confirmation that the protester's filing had been received on August 3. Req. for Dismissal, exh. 2; Protester Emails at 6-7.

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<sup>2</sup> The EPDS Protester/Intervenor User Manual provides this guidance: "The system will send you an email with a temporary password. When you log on to the system the first time, the system will require you to change your password." Electronic Protest Docketing System (EPDS) Protester/Intervenor User Manual, Section 2.2. The EPDS user manuals--along with other information, instructions, and frequently asked questions on how to file a protest--are available on GAO's Bid Protest website at <https://www.gao.gov/legal/bid-protests/file-a-bid-protest>. The instructions and frequently asked questions are also available on the EPDS website landing page at <https://epds.gao.gov/> under the "Help" button.

<sup>3</sup> After using the temporary password to log into EPDS for the first time, the EPDS user is prompted to create a new password. Electronic Protest Docketing System (EPDS) Protester/Intervenor User Manual, Section 2.3.

## DISCUSSION

The agency requests that we dismiss Sensis's protest as untimely because the protest was not filed within 10 days from when the protester knew the basis of its protest. Req. for Dismissal at 2. Sensis argues that it did file a timely protest, or that, in the alternative, GAO should consider the protest as timely under our good cause exception. Resp. to Req. for Dismissal at 3.

Protests filed at GAO are required to be filed using EPDS. 4 C.F.R. § 21.1(b). GAO allows for an alternative filing method in the event EPDS is unavailable. Specifically, when EPDS is unavailable during normal business hours, protesters are instructed to contact GAO to ascertain EPDS's operating status, and then file a submission to the "protests@gao.gov" email address, with courtesy copies to the other parties, and file the protest in EPDS when the system is operational. EPDS Instructions, Section VII, 22(b); see also 4 C.F.R. § 21.3(a) ("All parties shall provide copies of all communications with GAO to the agency and to other participating parties either through EPDS or by email. GAO's website [<https://epds.gao.gov/login>] includes guidance regarding when to file through EPDS versus communicating by email or other means."). To be timely, a protest must be filed not later than 10 days after the protester knows or should know the basis of protest. 4 C.F.R. § 21.2(a)(2).

Sensis acknowledges that it learned the basis of its protest on August 22 when it received an unsuccessful offeror notice from the agency. Resp. to Req. for Dismissal at 2. Thus, to be timely, Sensis was required to file its protest no later than 5:30 p.m. on August 3.<sup>4</sup> 4 C.F.R. § 21.2(a)(2). The protester contends, however, that it was unable to access EPDS when it attempted to file its protest on August 3, and that when the protester contacted GAO for help, the GAO representative instructed the protester to submit its protest to GAO via email. Resp. to Req. for Dismissal at 2. Sensis, however, sent its protest to an incorrect email address. Req. for Dismissal, exh. 2, Protester Emails at 7 (showing that Sensis submitted its protest to "protest@gao.gov" at 3:48 p.m. on August 3 with no courtesy copy to the agency).

Our records confirm that EPDS was experiencing a limited, systemwide technical error on August 3, at the time the protester was attempting to create an EPDS account and file its protest. Specifically, the technical error prevented EPDS users from receiving any emails from the EPDS system. Thus, because of the system error, Sensis was unable to receive the email from EPDS providing the necessary temporary password to access its new EPDS account. In other words, although Sensis began the EPDS

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<sup>4</sup> When the last day of the 10-day period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. 4 C.F.R. § 21.0(d). Here, the last day of the period fell on Saturday, August 1, 2026. As such, the period extended to the next day GAO was open, Monday, August 3.

registration process, the protester could not complete the creation of a new account because it did not receive the system-generated temporary password required to log in to EPDS for first time users. As such, for the purposes of Sensis's protest, we consider EPDS to have been unavailable on August 3 for the firm to file its protest.

As noted above, our regulations are quite clear; protests must be filed through EPDS. 4 C.F.R. § 21.1(b). In the rare circumstance when EPDS is unavailable, our instructions allow for one alternative option to file a protest. Specifically, the instructions provide:

**(a) In General.** GAO will endeavor to maintain the availability of EPDS Monday through Friday from 8:00 a.m. to 5:30 p.m. eastern time, excluding Federal holidays or when GAO's Headquarters are otherwise closed (hereinafter, normal system operating hours). In the event that a Filer is unable to file a document in EPDS due to a technical failure of EPDS during normal system operating hours, the following procedures in paragraph (b) shall apply. . . .

**(b) Submissions to GAO When EPDS is Unavailable.** If EPDS is unavailable during normal system operating hours, a Filer should:

- i. Contact GAO to ascertain EPDS's operating status.
- ii. Make its submission to [protests@gao.gov](mailto:protests@gao.gov), with courtesy copies to the other parties. . . . Failure to submit filings through EPDS, or [protests@gao.gov](mailto:protests@gao.gov) in the event EPDS is unavailable during normal system operating hours, within the time periods set forth in GAO's Bid Protest Regulations may result in dismissal of the protest, request for reconsideration, or request relating to costs.

EPDS Instructions, Section VII, 22(a), (b); see *Optimo Info. Tech., LLC--Recon*, B-419956.351, July 24, 2023, at 3-4 ("Consistent with prior decisions . . . the alternative e-mail filing method only constitutes a 'filing' under our regulations when EPDS is unavailable; that is, when EPDS itself is experiencing a technical failure or difficulties.").

In this instance, where EPDS was unavailable during normal operating hours, Sensis was required to submit its protest to the designated email address by 5:30 p.m. on August 3 in order to be timely. The protester, however, used an incorrect email address, sending the protest to "[protest@gao.gov](mailto:protest@gao.gov)," rather than to the designated address, "[protests@gao.gov](mailto:protests@gao.gov)." Consequently, the protest was not received by GAO by 5:30 p.m. on August 3.

As is noted in the EPDS instructions, emailing a protest to "[protests@gao.gov](mailto:protests@gao.gov)" is the only acceptable method to submit a protest to GAO when EPDS is unavailable. EPDS Instructions, Section VII, 22. Filing is not accomplished by emailing a protest document to any other address in GAO. *Andros Contracting, Inc.*, B-403117, Sept. 16, 2010, at 3 (finding "where a protest document is e-mailed to GAO, and the document fails to timely

arrive at [protests@gao.gov](mailto:protests@gao.gov), the document is not timely filed"). Accordingly, under these circumstances, we find that the protest is untimely because it was filed with our Office more than 10 days of when it knew of the basis for protest.<sup>5</sup> 4 C.F.R. § 21.2(a); EPDS Instructions, Section VII, 22.

Sensis asserts that even if the protest is untimely, GAO should consider the protest under the good cause exception to our timeliness rules. Resp. to Req. for Dismissal at 3. Pursuant to our regulations, our Office may consider the merits of an untimely protest when good cause is shown. 4 C.F.R. § 21.2(c). In order to prevent our timeliness rules from becoming meaningless, exceptions are strictly construed and rarely used. *Vetterra, LLC*, B-417991 *et al.*, Dec. 29, 2019, at 3. We confine our use of the exception to those instances where there is some unexpected and unanticipated development that prevents the protester from timely filing its protest. *ThunderCat Tech., LLC*, B-421299, Mar. 6, 2023, at 6.

Here, the protester argues that the good cause exception should apply because "Sensis contacted the designated GAO office, did so hours before the deadline, followed the instruction [to email the protest inbox] as it understood and contemporaneously recorded it, transmitted the protest before 5:30 p.m., and corrected the [email] address the next morning." Resp. to Req. for Dismissal at 4. However, we do not find that the protester's inability to file its protest was the result of a development that was unexpected or unanticipated. Rather, the circumstances in which the protester found itself were explicitly anticipated by GAO, and, in the event of such foreseeable circumstance--i.e., the unavailability of EPDS during operating hours--the EPDS instructions clearly direct protesters to send protests to "[protests@gao.gov](mailto:protests@gao.gov)." It was the protester's failure to follow these EPDS instructions that resulted in Sensis's inability to file a timely protest. Sensis has not demonstrated a compelling reason beyond its

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<sup>5</sup> Although the protester states: "Sensis recognizes that the written Section VII.22 procedure identifies [protests@gao.gov](mailto:protests@gao.gov), plural" as the alternative way to file a protest when EPDS is unavailable, Sensis contends that GAO's Procurement Law Control Group instructed Sensis to submit a protest to [protest@gao.gov](mailto:protest@gao.gov). Resp. to Req. for Dismissal at 3. The protester states that it "followed the instruction as it understood and contemporaneously recorded it." *Id.* at 4. Of note, the Sensis representative who contacted GAO's Procurement Law Control Group could not recall which GAO representative with whom she spoke, or whether the GAO representative spelled out the email address. *Id.* at 8-9. The Sensis representative simply stated that she "wrote down" the email address [protest@gao.gov](mailto:protest@gao.gov). *Id.* at 8. Even accepting the protester's interpretation of the conversation with GAO, we find that the protester failed to follow the express EPDS instructions, which clearly detailed what email address to use in case of EPDS unavailability. See *Clean Florida, Inc.*, B-233262, Oct. 28, 1988, at 2 (finding unreasonable protester's failure to file a protest and instead rely on an agency's oral representation that conflicted with fundamental procurement law principle). Here, we do not find that the purported telephone conversation with GAO representatives negated the protester's responsibility to follow written EPDS instructions.

control that prevented it from filing a timely protest at GAO. *Erimax Inc.*, B-421141 *et al.*, Dec. 21, 2022, at 5.

The protest is dismissed.

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