



Decision

Matter of: SAVE THE AMERICAN COMMUNITIES LLC--Reconsideration

File: B-424642.3

Date: October 27, 2026

James Poole, for the protester.

Seiji Ohashi, Esq., and Hampton J. Tignor, Esq., Department of Defense, for the agency.

Emily R. O'Hara, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of prior decision is denied where the requesting party fails to show that our decision contains errors of fact or law that would warrant reversal or modification of the decision.

DECISION

SAVE THE AMERICAN COMMUNITIES, LLC (STAC), a small business of Thomasville, Georgia, requests reconsideration of our decision *SAVE THE AM. COMMUNITIES, LLC*, B-424642, Aug. 12, 2026 (unpublished decision), in which we dismissed its protest of the decision by the Department of Defense, Defense Advanced Research Projects Agency (DARPA), to not select the protester's proposal submitted in response to solicitation No. HR0011SB20254-12, under small business innovation research (SBIR) broad agency announcement (BAA) 25.4, for research proposals to design, build, and test security frameworks that protect widely used secure messaging applications. The requester argues that our decision contains a legal error that warrants reconsideration.

We deny the request for reconsideration.

BACKGROUND

The solicitation sought research proposals to design, build, and test security frameworks that protect widely used secure messaging applications. Req. for Dismissal at 2. Under the BAA, DARPA only solicited for "Direct-to-Phase II proposals." *Id.* The

solicitation, issued on April 13, 2026, contemplated the awards of contracts with periods of performance of 24 months. Req. for Dismissal, exh. A., SBIR BAA at 15.¹ STAC submitted a proposal in response to the solicitation by the May 13, 2026, deadline. *Id.* at 2. On June 23, the agency posted its non-selection letter, for STAC's review, on the SSIP portal.² Req. for Dismissal, exh. B., Agency Declaration at 222. STAC emailed the agency on July 1 to inquire about the status of its proposal. Req. for Dismissal, exh. C., STAC Email at 228. The agency responded to that email, indicating that STAC's selection status was updated on the portal on June 23. *Id.* The agency also attached the non-selection notification letter to its response email. *Id.* On July 10, STAC filed a protest with our Office.³ There, STAC argued that the agency failed to evaluate STAC's proposal in accordance with the terms of the solicitation. Protest at 8. The protester further contended that DARPA excluded STAC's proposal from consideration without complying with mandatory requirements to refer non-responsibility determinations to the Small Business Administration (SBA) under the SBA's certificate of competency (COC) procedures. *Id.* at 5-8.

On August 7, DARPA requested that our Office dismiss the protest based on the agency's plan to take corrective action. Notice of Corrective Action at 1. Specifically, the agency advised that it would reevaluate STAC's proposal in accordance with the solicitation. Corrective Action Contracting Officer's Statement at 1.

The requester objected to the agency's proposed corrective action because, according to STAC, the prospective relief did not resolve the issue of whether the agency referred its non-responsibility determination to the SBA for a COC. Obj. to Notice of Corrective Action at 1. Notwithstanding STAC's objection, on August 12, our Office granted the agency's request and dismissed the protest on the basis that the proposed corrective action rendered the protest academic.

STAC filed a request for reconsideration on August 19.

DISCUSSION

In its request for reconsideration, STAC argues that our decision contains a legal error. Specifically, the requester alleges that our Office mistakenly concluded that the

¹ Our citations use the Adobe PDF pagination of documents in the record.

² The SBIR/Small Business Technology Transfer Information Portal (SSIP) is DARPA's "web-based application for managing communications with SBIR proposers." Req. for Dismissal at 2.

³ In responding to the B-424642.1 protest, the agency submitted a request for dismissal arguing that the protest was untimely. Req. for Dismissal at 3. Our Office declined to dismiss the protest at that time, noting that there was no evidence to show STAC had actual knowledge of its non-selection before receiving the July 1 email from the agency. Notice of GAO Decision on Agency Req. for Dismissal at 1.

agency's proposed corrective action renders the requester's challenges academic when, according to the requester, the proposed corrective action did not address and resolve all protest allegations. Req. for Recon. at 6

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must set out the factual and legal grounds upon which reversal or modification of the decision is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 21.14(a); *American Tech. Sols., LLC--Recon.*, B-421585.5, July 25, 2023 (denying reconsideration request and finding no legal error where GAO dismissed protest as academic, despite the proposed corrective action not addressing all protest allegations). Here, we find that the protester's request does not demonstrate that our decision contains an error of law.

In protesting the non-selection of its proposal for award, STAC alleged DARPA's evaluation--that the firm's proposal "lack[ed] sufficient detail in their description of prior work and experience to demonstrate an ability to adequately perform on [the] effort"--was, in fact, a responsibility determination. Protest at 2. As such, STAC argued that the agency was required to refer that determination to the SBA for a certificate of competency. *Id.* at 5. In the alternative, STAC argued that if the agency did not consider STAC's lack of detail in describing its prior experience to render its proposal non-responsible, then the agency applied an unstated evaluation criterion in evaluating STAC's technical proposal. *Id.* at 8. In our dismissal decision, we noted that the agency's proposed corrective action of reevaluating STAC's proposal rendered the protest academic, because the agency's new evaluation would supersede and potentially alter DARPA's prior procurement action, including DARPA's alleged non-responsibility finding. *SAVE THE AM. COMMUNITIES, LLC*, B-424642, Aug. 12, 2026 (unpublished decision).

Here, the requester takes issue with the fact that the agency's proposed corrective action does not resolve whether the agency improperly failed to refer STAC's alleged non-responsibility finding to the SBA for a COC. Although the requester acknowledges that "[r]eevaluation replaces an evaluation," STAC contends that "a later reevaluation does not itself establish whether the referral obligation attached at the time of the original exclusion, and DARPA has committed neither to referring STAC nor to applying [section] 125.5(a)(2)(ii) if the same capability concern recurs on reevaluation." Req. for Recon. at 7-8.

As explained in our decision dismissing the protest, DARPA's proposed corrective action rendered the protest academic because the agency's reevaluation of the requester's proposal could result in the requester being selected for award. For example, the agency could reevaluate STAC's proposal and find STAC to be a responsible offeror. In that instance, there would be no non-responsibility finding to refer to the SBA for a COC determination. In other words, upon reevaluation, there would be nothing left in the prior protest to resolve. Thus, continuing to resolve STAC's challenge to the agency's alleged improper inaction would serve no useful public policy purpose. *Dyna-Air Eng'g Corp.*, B-278037, Nov. 7, 1997. We would merely be

resolving an academic question that has no bearing on any party. Our Office does not resolve purely academic matters, as they have no practical consequences with regard to an existing federal government procurement. *Mission Essential Grp., LLC*, B-422698, July 31, 2024, at 1. We only consider protests against specific procurement actions and will not render to a protester what would be, in effect, an advisory decision. *Ferris Optical*, B-403012.2, B-403012.3 Oct. 21, 2010, at 2.

Moreover, our Office has consistently stated that an agency's commitment to reevaluating proposals and making a new selection decision renders academic our continued consideration of the prior award decision, despite the proposed corrective action not addressing all protest allegations. See e.g., *American Tech. Sols., LLC--Recon.*, *supra* at 3; *Ten21 Capital, LLC--Recon.*, B-418906.4, June 23, 2021, at 3; *Research Analysis & Maint., Inc.*, B-408268, July 9, 2013, at 1; *DynCorp Int'l LLC*, B-414647.2, B-414647.3, Nov. 1, 2017, at 5. Accordingly, notwithstanding the requester's disagreement with our conclusion that the agency's commitment to reevaluating STAC's proposal rendered academic our continued consideration of the prior award decision, the requester has shown no error of fact or law warranting reversal or modification of our prior decision to dismiss its protest as academic.

Finally, as our decisions have also explained, if the agency's execution of the corrective action--in this instance, DARPA's reevaluation of STAC's proposal--forms the basis for a valid protest, STAC may file a protest with our Office at that time, consistent with our Bid Protest Regulations. *Accenture Fed. Servs., LLC*, B-414268.3 *et al.*, May 30, 2017, at 4; *Quotient, Inc.*, B-416473.4, B-416473.5, Mar. 12, 2019, at 3. Until then, protests that merely anticipate improper agency action are speculative and premature. *Dayton-Granger, Inc.--Recon.*, B-246226.2, Feb. 28, 1992, at 2.

The request is denied.

Edda Emmanuelli Perez
General Counsel