



## Decision

**Matter of:** Strategic Alliance, Inc.

**File:** B-423359

**Date:** May 30, 2025

---

Tamika L. Medley for the protester.  
Christopher Murphy, Esq., General Services Administration, for the agency.  
Jacob M. Talcott, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

---

### DIGEST

1. Protest challenging the agency's evaluation of proposals is denied where the evaluation was reasonable, in accordance with the terms of the solicitation and applicable regulations.
2. Protest contending that the agency engaged in disparate treatment is denied where the protester fails to demonstrate that differences in the evaluation did not stem from differences in the proposals.

---

### DECISION

Strategic Alliance, Inc. (SAI), of El Segundo, California, protests the elimination of its proposal from the competition under request for proposals (RFP) No. 47QRCA23R0005, issued by the General Services Administration (GSA), for total integrated solutions for a multitude of services-based requirements. The protester contends that the agency unreasonably concluded that the protester was ineligible for award under the solicitation, which was set aside for women-owned small businesses (WOSBs), because at the time of proposal submission, the protester was not a certified WOSB and did not have a pending application for WOSB certification in the Dynamic Small Business Search (DSBS).<sup>1</sup> The protester also contends that the agency engaged in disparate treatment by failing to eliminate other proposals from the competition despite those offerors lacking the required WOSB status.

---

<sup>1</sup> DSBS is a database used by agencies to, among other things, verify the small business status of firms for upcoming contracts. See *generally* Agency Report (AR), Tab 5, SAI DSBS Record.

We deny the protest.

## BACKGROUND

On June 15, 2023, GSA issued the One Acquisition Solution for Integrated Services Plus (OASIS+) WOSB solicitation, seeking proposals to provide agencies with total integrated solutions for a multitude of services-based requirements on a global basis.<sup>2</sup> AR, Tab 4, RFP at 21. The solicitation contemplated the award of an unlimited number of indefinite-delivery, indefinite-quantity contracts. *Id.* at 114, 198. The due date for proposals, as amended, was October 20, 2023. Contracting Officer's Statement (COS) at 3.

The solicitation provided that the agency intended to award contracts to all qualifying offerors that, among other things, submitted a proposal that conformed to the requirements of the solicitation and proposed a fair and reasonable price. RFP at 198. As relevant here, the solicitation further provided that offerors must be certified by the Small Business Administration (SBA) as a WOSB or an Economically Disadvantaged Women-Owned Small Business (EDWOSB) pursuant to 13 CFR § 127.300 and Federal Acquisition Regulation (FAR) section 19.15 to be eligible for award. RFP at 23. The solicitation permitted offerors to submit a proposal if the offeror had a pending application for EDWOSB or WOSB certification in DSBS. *Id.*

### The Elimination of SAI's Proposal from the Competition

The agency received proposals from 589 offerors by the due date on October 20, 2023, including one from SAI. COS at 8. On September 25, 2024, the agency informed SAI that its proposal "does not appear to be eligible for award" because SAI was not an SBA-certified WOSB and did not have a pending application for WOSB certification at the time of proposal submission. *Id.* at 9; AR, Tab 5, SAI DSBS Record at 2. The agency further informed SAI that if it believed the foregoing assessment of ineligibility to be inaccurate, it could "provide evidence to the contrary of [the] SBA certification at the time of offer." COS at 9. On September 28, 2024, SAI provided a copy of an automated email from SBA dated October 19, 2023, which confirmed that SBA had received SAI's application to participate in the SBA WOSB Federal Contract Program. *Id.*; Protest, exh. 5, SBA Certification Receipt at 1. The contracting officer contacted the SBA on November 4, 2024, to verify the WOSB status of SAI at the time of proposal submission; the SBA confirmed that SAI was not in pending or certified status at the time of the proposal submission. AR, Tab 7, SBA Review of WOSB Certification at 1-3; COS at 9.

---

<sup>2</sup> The family of OASIS+ contracts includes the following categories: unrestricted, small business set-aside, WOSB set-aside, 8(a) small business set-aside, service-disabled veteran-owned small business set-aside, and historically underutilized business zone small business set-aside. RFP at 12.

The agency concluded that SAI was not an eligible offeror and issued an unsuccessful offeror letter to SAI on January 14, 2025, stating that SAI “did not have a certification or pending application for EDWOSB or WOSB certification in [DSBS] at the time of offer submission to the OASIS+ WOSB set-aside.” Protest, exh. 1, Unsuccessful Offeror Letter at 2. SAI requested that the contracting officer reconsider her decision concerning SAI’s WOSB certification and provided WOSB certification from a source other than SBA. COS at 9; Protest, exh. 2, SAI Req. for Recon. at 1-2. The contracting officer upheld the agency’s decision, concluding that the third-party certification was dated January 13, 2025, which was more than a year after the due date for proposals. Protest, exh. 4, GSA Resp. at 1. The contracting officer further noted that SAI was not a certified WOSB, or in pending status, at the time of the due date for proposals. *Id.*

SAI filed an agency-level protest on January 24, protesting the agency’s determination that SAI was ineligible for award. COS at 10. The agency denied the protest on February 26. *Id.* This protest with our Office followed.

## DISCUSSION

SAI raises three main arguments with respect to the agency’s elimination of its proposal from the competition. First, SAI argues that the agency unreasonably eliminated its proposal from the competition. Comments at 1. Specifically, SAI contends that it submitted its application for WOSB certification prior to the due date for proposals and therefore, had a “reasonable expectation” that its certification was pending at the time of proposal submission. *Id.* at 2. Second, SAI argues that the agency should not have relied upon DSBS for verification of an offeror’s WOSB status. *Id.* at 2-3. Third, SAI argues that the agency engaged in disparate treatment by awarding contracts to firms that currently do not have pending applications for WOSB certification and are not WOSB certified. *Id.* at 3-6; Supp. Protest at 3-4. For reasons discussed below, we deny the protest.<sup>3</sup>

In reviewing a protest challenging an agency’s evaluation, our Office will not reevaluate proposals or substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency’s discretion. *22nd Century Techs., Inc.*, B-420139, Dec. 9, 2021, 2022 CPD ¶ 8 at 4. Rather, we will review the record to determine whether the agency’s evaluation was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. *Id.* A protester’s disagreement with the agency’s judgment, without more, is insufficient to establish that an evaluation was unreasonable. *Id.*

SAI first argues that it had a reasonable expectation that its application for WOSB certification was pending when it submitted its proposal because it filed its application for WOSB certification one day before the due date for proposals. Comments at 1-2. The agency disagrees, arguing that SAI was not a certified WOSB, and did not have a

---

<sup>3</sup> Although we do not address every argument raised by the protester, we have considered them and find none to be meritorious.

pending application for WOSB certification in DSBS, prior to the submission of its proposal. Memorandum of Law (MOL) at 4-5.

As an initial matter, we note that FAR section 19.1505(e) provides:

The contracting officer shall verify that offers received are eligible for consideration for award by checking [System for Award Management (SAM)] to see if the EDWOSB or WOSB concern is designated as a certified concern or checking DSBS for a pending application for certification.

(1) If the offeror is designated as certified in SAM or has a pending application for certification in DSBS, proceed with the offer evaluation.

(2) Unless the offeror is designated as certified in SAM or has a pending application for certification in DSBS, the offer is not eligible for award and shall be removed from consideration.

The parties agree that DSBS did not show SAI as WOSB certified or with a pending application at the time of proposal submission. COS at 9; Comments at 1 (stating that “SAI’s argument is not over the status shown in DSBS”). Instead, the dispute concerns the interpretation of the term “pending” and whether DSBS should have shown that SAI had a pending application at the time of proposal submission. Comments at 1-2. According to the protester, the term “pending” is ambiguous and the protester “reasonably relied upon the common definition” of the term as referring to a matter that has not been decided. *Id.* at 2. The agency contends that there is no ambiguity in the term “pending” and that an application is pending only after SBA completes an initial review of it. MOL at 7. In this regard, SBA had not performed the initial review of SAI’s WOSB certification application as of the solicitation closing date and therefore had not moved the application to pending status in DSBS. See Protest, exh. 6, SBA WOSB Application Status Letter December 2023 (indicating that SAI’s application is in the initial screening stage and awaiting review by SBA; that once the application is deemed complete, SAI’s DSBS profile will be updated to pending.).

Where a dispute exists as to a solicitation’s requirements, we begin by examining the plain language of the solicitation. *Point Blank Enters., Inc.*, B-411839, B-411839.2, Nov. 4, 2015, 2015 CPD ¶ 345 at 4. If the solicitation language is unambiguous, our inquiry ceases. *Id.* An ambiguity, however, exists where two or more reasonable interpretations of the solicitation are possible. *Colt Def., LLC*, B-406696, July 24, 2012, 2012 CPD ¶ 302 at 8. If the ambiguity is an obvious, gross, or glaring error in the solicitation then it is a patent ambiguity; a latent ambiguity is more subtle. *Id.* That said, even where a solicitation contains an ambiguity, we will not sustain the protest unless the protester demonstrates that it was competitively prejudiced by the ambiguous language. *CW Constr. Servs & Materials, Inc.*, B-279724, July 15, 1998, 98-2 CPD ¶ 20 at 8-9. In these instances, we examine the record to determine whether the offeror

would have altered its proposal to its competitive advantage if it had the opportunity to respond to the intended meaning. *Id.*

Based on the record, we have no basis to sustain this protest ground. Even if we were to agree with the protester that the term “pending” was ambiguous, the protester has not demonstrated that it was prejudiced by this ambiguity. That is, the protester has not shown that, had it known the agency’s interpretation of the term “pending,” it would have taken any action that would have given it a competitive advantage, such as preparing and submitting its application for WOSB certification earlier. The protester instead argues only that it reasonably expected that DSBS would show its application as pending. Comments at 2. Accordingly, this protest ground is denied.

SAI next argues that the agency should not have relied upon DSBS for verification concerning SAI’s WOSB status because “the data provided by DSBS has been shown to be unreliable.” Comments at 6. We have no basis to object to the agency’s use of DSBS because, as mentioned above, FAR section 19.1505(e) expressly provides that the contracting officer is to check DSBS to verify whether a firm has a pending application for WOSB certification. In the event that the offeror does not have a pending certification in DSBS, the FAR mandates that the proposal “shall be removed from consideration.” FAR 19.1505(e)(2). Accordingly, this protest ground is denied.

In its final challenge, SAI contends that the agency engaged in disparate treatment by eliminating SAI’s proposal from the competition. Comments at 3-6; Supp. Protest at 3-4. Specifically, SAI argues that “[t]here are over 100 listed . . . WOSB awardees with no certified or pending WOSB status in the SBA DSBS website.” Supp. Protest at 3. The agency responds that it did not engage in disparate treatment and that all contracts were awarded in accordance with the solicitation and applicable regulations. Supp. MOL at 4.

It is a fundamental principle of federal procurement law that a contracting agency must treat all offerors equally and evaluate their proposals evenhandedly against the solicitation’s requirements and evaluation criteria. *CSRA LLC*, B-417635 *et al.*, Sept. 11, 2019, 2019 CPD ¶ 341 at 9; *22nd Century Techs., Inc.*, B-417336, B-417336.2, May 24, 2019, 2019 CPD ¶ 198 at 6. Where a protester alleges unequal treatment, it must show that the differences in the evaluation did not stem from differences between the proposals. *Camber Corp.*, B-413505, Nov. 10, 2016, 2016 CPD ¶ 350 at 8.

We find no merit to SAI’s argument that the agency engaged in disparate treatment. As relevant here, 13 C.F.R. 127.504(d)(1)(ii) provides:

For a Multiple Award Contract that is set aside specifically for EDWOSB or WOSB, if a business concern is an EDWOSB or WOSB at the time of offer and contract-level recertification for the Multiple Award Contract, it is an EDWOSB or WOSB for each order issued against the contract, unless a

contracting officer requests recertification as an EDWOSB or WOSB for a specific order or Blanket Purchase Agreement.

In an email to the agency on September 24, 2024, SBA confirmed that a firm's eligibility for participation in the WOSB set-aside is based on that firm's status "at the time of offer." AR, Tab 8, SBA Email at 2. Any firm that was no longer WOSB-certified after award would be permitted to continue as a WOSB in the procurement unless the agency requested recertification. *Id.*; *see also* 13 C.F.R. 127.504(d)(1)(ii). Accordingly, SAI's argument that there are currently "over 100 companies" without any WOSB certification or pending status in DSBS, Supp. Protest at 3, provides no basis to sustain its protest because the applicable regulation requires firms to possess WOSB certification only at the time of proposal submission. 13 C.F.R. 127.504(d)(1)(ii). Additionally, SAI has not demonstrated disparate treatment as the agency consistently verified an offeror's WOSB status at the time of proposal submission.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel