

GAO BID PROTEST ACTIVITY IN FISCAL YEAR 2025

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The Government Accountability Office (“GAO”) released its annual bid protest report to the Congress for fiscal year on December 12, 2025 (B-158766). The GAO actually received 1803 protests in fiscal year (“FY”) 2025 but dismissed or immediately denied or dismissed a substantial number of them, while actually considering and issuing decisions on 380 protests, known as “merit decisions.” The GAO sustain rate increased slightly from 16 percent in FY 2025 to 14 percent in FY 2024. (Note: The FY 2023 figures in the table below were adjusted to remove 120 duplicate (multiple) protests and B-numbers in two protests.) GAO’s two year average sustain rate in FY 2024-25 was 15 percent and is comparable to prior years.

The other key GAO bid protest statistics for fiscal years 2021-2025 were as follows:

GAO Bid Protest Statistics for Fiscal Years 2021-2025

	FY 2021	FY 2022	FY 2023 adjusted	FY 2024	FY 2025
Merit decisions	581	455	489	386	380
Sustained	85	59	69	61	53
Sustain rate	15%	13%	14%	16%	14%
Effectiveness rate	48%	51%	57%	52%	52%
Alternative Dispute Resolution (ADR) cases	76	74	69	76	53
ADR success rate	84%	92%	90%	92%	91%
Hearings	1% (13cases)	0.27% (2 cases)	2% (22 cases)	.2% (1 case)	.5% (cases)

The “effectiveness rate” of 52 percent in FY 2025 remained the same as in FY 2024. These are protests where the protester obtained some form of relief from the agency, either as a result of voluntary agency corrective action or the protest being sustained.

The percentage of cases where the GAO conducted a hearing remained small—generally less than one percent of the cases.

GAO also reported that there was one instance where a federal agency did not fully implement a recommendation made by the GAO. This was in a Department of the Air Force Procurement, *ATP Gov. LLC*, B-422938, B-422938.2, Dec. 12, 2024, 2024 CPD ¶ 306, which involved a procurement for military satellite terminal assemblies and concerned whether the Air Force had made an award to a firm whose product did not meet the material requirements of the solicitation. GAO sustained the protest because the award was unreasonable and inconsistent with the solicitation. However, because there was no stay of performance, the awardee had performed and the Air Force stated that GAO’s recommendation would involve unspecified costs and delays. The Air Force sought a reconsideration of the GAO remedy, but failed to file its request in time. The

reconsideration was dismissed by GAO. However, the GAO recommended that the Congress enact a private bill directing the Air Force to reimburse the protester its proposal preparation costs, a remedy that the Air Force itself had proposed as part of their reconsideration request but which they no longer intended to perform.

Also, during FY 2025, the GAO issued final decisions within 100 days after all protests that were submitted, as required by the Competition in Contracting Act, 31 USC § 3554(e)(2.)

Finally, the GAO reported on the most prevalent reasons for sustaining protests that were actually resolved on the merits in FY 2025. These were:

1. Unreasonable technical evaluation;
2. Unreasonable cost or price evaluation; and
3. Unreasonable rejection of proposal.

The GAO also noted that a significant number of protests it received did not reach a decision on the merits because agencies voluntarily took corrective action rather than defend the protest on the merits. Agencies need not and do not report any of the many reasons they decide to take voluntary corrective actions.

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