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Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

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B-158766

November 15, 2011

Congressional Committees:

This letter responds to the requirements of the Competition in Contracting Act of 1984, 31 U.S.C. § 3554(e)(2) (2006), that the Comptroller General report to Congress each instance in which a federal agency did not fully implement a recommendation made by our Office in connection with a bid protest decided the prior fiscal year. We are pleased to report that there was no such occurrence during fiscal year 2011.

During the fiscal year, we received 2,286 protests (including 72 cost claims) and 72 requests for reconsideration, for a total of 2,353 cases. Of the 2,353 cases filed, 147 are attributable to GAO's recently expanded bid protest jurisdiction over task orders. We closed 2,292 cases during the fiscal year: 2,219 protests (including 69 cost claims), and 73 requests for reconsideration. Enclosed for your information is a chart comparing the bid protest activity for fiscal years 2007-2011.

Lynn H. Gibson  
General Counsel

Enclosure

The Honorable Daniel K. Inouye  
Chairman  
The Honorable Thad Cochran  
Vice Chairman  
Committee on Appropriations  
United States Senate

The Honorable Carl Levin  
Chairman  
The Honorable John McCain  
Ranking Member  
Committee on Armed Services  
United States Senate

The Honorable Joseph I. Lieberman  
Chairman  
The Honorable Susan M. Collins  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Mary L. Landrieu  
Chair  
The Honorable Olympia J. Snowe  
Ranking Member  
Committee on Small Business and Entrepreneurship  
United States Senate

The Honorable Harold Rogers  
Chairman  
The Honorable Norman D. Dicks  
Ranking Member  
Committee on Appropriations  
House of Representatives

The Honorable Howard P. "Buck" McKeon  
Chairman  
The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
House of Representatives

The Honorable Darrell E. Issa  
Chairman  
The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
House of Representatives

The Honorable Sam Graves  
Chairman  
The Honorable Nydia M. Velázquez  
Ranking Member  
Committee on Small Business  
House of Representatives

## Bid Protest Statistics for Fiscal Years 2007-2011

	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007
Cases Filed <sup>1</sup>	2,353 <sup>2</sup> (up 2% <sup>3</sup> )	2,299 (up 16%)	1,989 (up 20%)	1,652 (up 17%)	1,411 (up 6%)
Cases Closed	2,292	2,226	1,920	1,582	1,394
Merit (Sustain + Deny) Decisions	417	441	315	291	335
Number of Sustains	67	82	57	60	91
Sustain Rate	16%	19%	18%	21%	27%
Effectiveness Rate <sup>4</sup>	42%	42%	45%	42%	38%
ADR <sup>5</sup> (cases used)	140	159	149	78	62
ADR Success Rate <sup>6</sup>	82%	80%	93%	78%	85%
Hearings <sup>7</sup>	8% (46 cases)	10% (61 cases)	12% (65 cases)	6% (32 cases)	8% (41 cases)

<sup>1</sup> All entries in this chart are counted in terms of the docket numbers ("B" numbers) assigned by our Office, not the number of procurements challenged. Where a protester files a supplemental protest or multiple parties protest the same procurement action, multiple iterations of the same "B" number are assigned (i.e., .2, .3). Each of these numbers is deemed a separate case for purposes of this chart.

<sup>2</sup> Of the 2,353 cases filed in FY 2011, 147 are attributable to GAO's recently-expanded bid protest jurisdiction over task orders.

<sup>3</sup> From the prior fiscal year.

<sup>4</sup> Based on a protester obtaining some form of relief from the agency, as reported to GAO.

<sup>5</sup> Alternative Dispute Resolution.

<sup>6</sup> Percentage of cases resolved without a formal GAO decision after ADR.

<sup>7</sup> Percentage of fully developed cases in which GAO conducted a hearing; not all fully-developed cases result in a merit decision.