

Effectiveness Rate of GAO Protests Above 50 Percent for Fiscal Year 2022, While Overall Number of Protests Continues to Decrease

Litigation Alert

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On November 1, 2022, the U.S. Government Accountability Office (GAO) released its [annual report](#) detailing bid protests statistics for fiscal year (FY) 2022, showing that protesters had a greater than 50 percent chance of obtaining relief if they protested, either through voluntary corrective action or through a GAO decision on the merits. The report is notable in a number of respects:

- The protest effectiveness rate (the percentage of all closed protests in which the agency took voluntary corrective action or GAO sustained the protest) came in at 51 percent, up from 48 percent in FY 2021.
- The protest sustain rate (the percentage of protests that GAO sustained out of all protests decided on the merits) fell slightly to 13 percent from 15 percent in FY 2021.
- The overall number of protests filed continued to decrease, with a 12 percent drop from FY 2021 (which follows a 12 percent decrease from FY 2020).

Additionally, the report identified the top three grounds for protest:

- Unreasonable technical evaluation
- Flawed selection decision
- Flawed solicitation

you have questions about the trends in the GAO annual report or how these trends may change litigating at the GAO, please contact one of the Miller & Chevalier attorneys listed below:

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