

# Bid Protest Data Contradicts Claims That System Is Inefficient

By **Joshua Duvall** (February 4, 2026)

In December, the U.S. Government Accountability Office and the U.S. Court of Federal Claims released their annual data on bid protests.

At first glance, the numbers appear to support a familiar narrative: The GAO data shows a significant volume of protests, albeit with a downward trend, and the COFC data shows a rise in cases filed.[1]

Taken at face value, the top-line figures lend support to the view — held by some in industry and government — that there are too many bid protests, and that they increasingly disrupt and delay federal procurement.



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Setting aside the important role these challenges play in allowing disappointed contractors to question agency decision-making, before and after award, when they believe procurement rules have been violated, the perception that bid protests are too numerous and pose an inherent problem has been gaining traction on Capitol Hill.

Just last summer, for example, the U.S. House of Representatives Subcommittee on Government Operations held a hearing on bid protest reforms. The hearing was called not just to address excessive or frivolous protests, but more directly, as the subcommittee chair, Rep. Pete Sessions, R-Texas, put it, to discuss perceived delay tactics and abuses by protesters.[2]

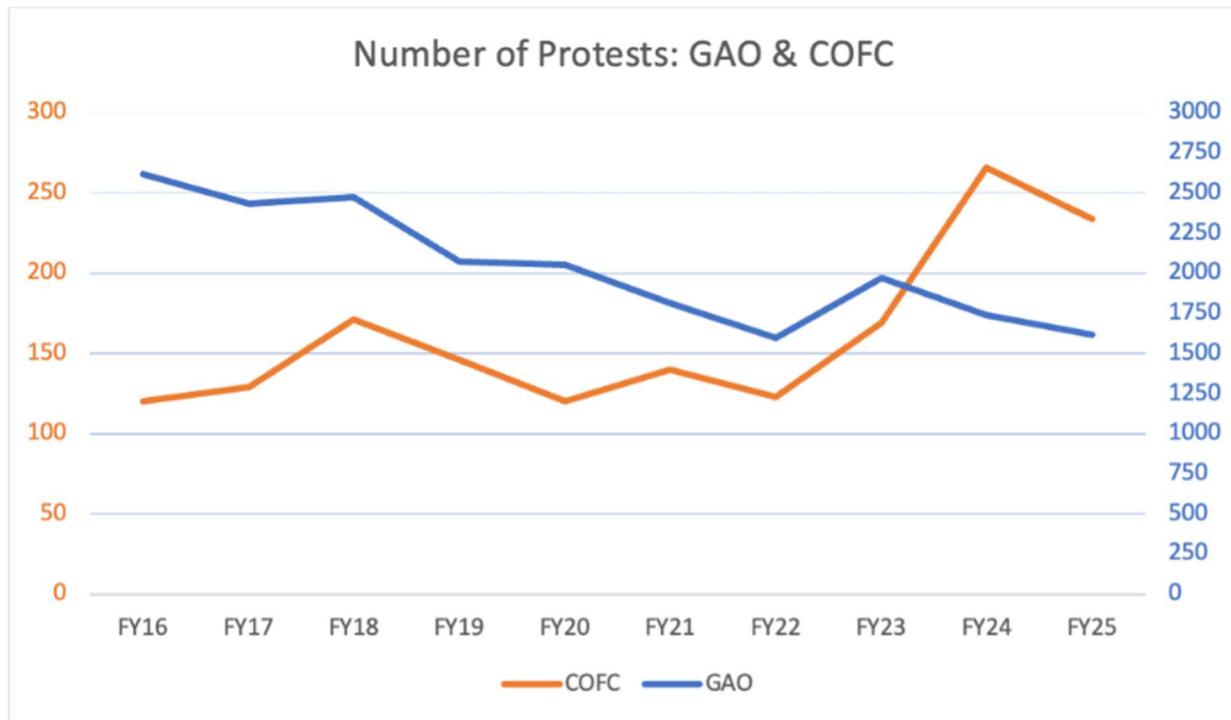
Notably, the National Defense Authorization Act for fiscal year 2026, enacted in December, also targeted bid protest reforms under Section 875, ostensibly to curb excessive or frivolous protests.[3] Specifically, under Section 875, Congress added a provision that authorizes the withholding — and potential forfeiture — of certain payments during the pendency of an incumbent's GAO protest involving a defense contract.

But does the narrative that the system is flooded with excessive or frivolous protests that cause significant delays withstand scrutiny when taking the entire dataset — and the bid protest process itself — into account?

A closer look at the data suggests that it does not. A deeper dive into the data shows that a significant percentage of bid protests aren't significantly derailing or halting the federal procurement process. In fact, when the data is examined beyond the surface level — taking into account how bid protest numbers are calculated, what those numbers actually represent and how they should be interpreted — the assumption that the system is being overwhelmed by excessive or meritless protests does not hold up.

As discussed below, peeling back the layers of the GAO and COFC data shows that the bid protest process is functioning as intended. Far from showing a system bogged down by excessive bid protest filings, the data reflects a healthy procurement system that is not rife with widespread or significant delays.

## A Closer Look at the Data



Take, for example, the last five fiscal years — fiscal year 2021 through fiscal year 2025. At a glance, the protest numbers might appear overwhelming. The GAO received 1,816, 1,595, 1,957, 1,740 and 1,617 protests, while the COFC received 140, 123, 169, 266 and 234 protests, respectively.

It's easy to conclude that the sheer volume of protests is hampering the procurement system, and this narrative has gained some traction in procurement circles over the years.

But this conclusion misses a critical detail: the way these protest numbers are reported. Both the GAO and the COFC tally the number of individual protests or cases filed, not the number of challenged procurements.

For example, each protest filed with the GAO is assigned a unique "B" number. If multiple parties file protests over the same procurement, or if a protester files supplemental protests over the course of a protest, those are counted as separate protests — resulting in an inflated count.<sup>[4]</sup> Similarly, at the COFC, the protest count reflects the number of cases filed, not the number of procurements under dispute.<sup>[5]</sup>

The result? The total number of protests is often far higher than the actual number of challenged procurements. For example, indefinite-delivery, indefinite-quantity contract vehicles, which are ubiquitous in federal contracting, often generate a dozen or more protests per procurement — sometimes even more. It's no surprise that these vehicles are heavily challenged. These awards — sometimes viewed as a hunting license — enable the awardees to compete against a smaller pool of competitors for hundreds of millions or even billions of dollars of goods and services.

In fiscal year 2023, the GAO reported a striking example. A single procurement —

the National Institutes of Health's Information Technology Acquisition and Assessment Center, or NITAAC, CIO-SP4 — generated around 350 protests.[6]

At the COFC, the same is happening: The court is currently dealing with more than 20 protests for the U.S. Department of Veterans Affairs' T4NG2 procurement.[7]

In other words, while the GAO and the COFC reported significant numbers of protests, the number of challenged procurements was drastically lower.

### **A Clearer Picture of Bid Protest Activity**

The number of reported bid protests, as shown on the chart above, may seem high, but the data doesn't accurately reflect the true number of procurements under dispute. And that's not all: The protest data actually supports the notion that the protest process is functioning as intended and that, for the most part, protests do not result in significant disruptions or delays. Below are three reasons why this notion holds true.

First, the number of protests that reach a decision on the merits is much lower than the total number of protests filed, which means that only a fraction of protests is fully litigated.

The GAO report states that, between fiscal years 2021 and 2025, the GAO issued merits decisions in 581, 455, 608, 386 and 380 cases, respectively. These figures stand in stark contrast to the total number of protest filings in the same fiscal years, as noted above.

More importantly, however, is that these numbers must be viewed in the context of the GAO's statutory review period. For example, because the Competition in Contracting Act imposes a 100-day time frame within which the GAO must issue a decision, fewer than 400 protests in fiscal year 2025 — compared to 1,617 filings — could have remained pending for the maximum 100 days.[8]

Viewed in this light, the data shows that the vast majority of GAO protests are resolved in relatively short order.

Similarly, Fastcase data for fiscal year 2025 appears to show that the COFC issued around 100 opinions in protests, compared to just 234 cases filed. And although COFC decisions are not subject to a statutory time limit, COFC bid protests are typically prioritized — e.g., expedited briefing, bench decisions and decisions within days of oral argument, with a full memorandum opinion at a later date — meaning that they are often resolved within four to five months.[9]

Thus, to the extent that delays in the procurement process are a concern, the data confirms that, in spite of the volume of protest filings in each tribunal, only a small fraction of protests goes through the full litigation process.

Second, the fact that such a small number of protests reach a decision on the merits likewise shows that a significant number of protests are withdrawn, dismissed or involve voluntary corrective action, all of which typically occur early in the process.

For example, using the GAO's docket information in fiscal year 2025, it appears that around 120 protests were withdrawn, and over 600 protests were dismissed. Both involve protests filed prior to the start of fiscal year 2025.

For corrective action, the GAO's data shows that its effectiveness rate — i.e., the number of

protests that result in corrective action or a sustain — averaged 52% between fiscal years 2021 and 2025.[10] This means that of the 1,676 protests that the GAO closed in fiscal year 2025, roughly half — several hundred — were resolved through corrective action, which typically occurs before the 30-day mark when the record is due.[11]

Similarly, while the COFC does not publish an effectiveness rate, Fastcase data reveals that the court received 234 protests and disposed of 247 cases, with around 120 published protest opinions.

Collectively, these data points illustrate that while a smaller number of protests reach a merits decision, the vast majority are withdrawn, dismissed or involve corrective action. The data therefore shows that the system is functioning as intended and that most protests are resolved in quick fashion, often in under a month.[12]

Third, the data does not differentiate between preaward and postaward protests.

For preaward protests challenging the terms of a solicitation or the protester's exclusion from the competitive range, agencies are still permitted to evaluate proposals during the protest. The so-called CICA stay only bars the procuring agency from making an award while a GAO protest is pending.[13]

At the COFC, where stays are negotiated, and thus are voluntary, the agency typically will only agree to withhold award during a preaward protest. As a result, preaward protests rarely cause meaningful delays to the procurement process — unless, of course, the agency doesn't take corrective action, and the GAO or the COFC sustains the protest.

On this point, too, the data also supports the notion that protests don't cause widespread delays across federal procurement because they don't always grind the proverbial procurement gears to a halt.

In sum, while the overall number of protest filings may appear high, a closer inspection of the data reveals that most protests:

- Are not fully litigated to a merits decision;
- Are either dismissed, withdrawn or result in corrective action, each of which typically occurs around or before the date on which the record is due; or
- Involve preaward solicitation challenges, whereby agencies are still allowed to continue the process while the protest is pending.

Viewed this way, the data offers good news for critics in industry and government — the bid protest process is working as intended, and only a small fraction of protests appears to cause significant disruptions or delays beyond the record due date.

### **The Bottom Line**

Bid protests are essential to a functioning — and trusted — federal procurement system. When procurements already operate on 12- to 18-month life cycles or longer, the addition of up to three months of protest activity at the GAO — or up to five months at the COFC — does not meaningfully slow or overly burden the procurement system.

In fact, bid protest activity is often anticipated and built into agency procurement timelines.

Rather than being a driving force behind delay or dysfunction, bid protests serve as a crucial check against agency decision-making that is unfair, flawed or contrary to procurement rules, and they help ensure the procurement process remains fair and accountable.

A clearer picture of the GAO and COFC bid protest data therefore demonstrates that the process is functioning as intended and often results in quick resolutions for the lion's share of protests.

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[1] See Government Accountability Office, Bid Protest Annual Report to Congress for Fiscal Year 2025, available at <https://www.gao.gov/products/gao-26-900695> (last accessed Jan. 22, 2026); U.S. Court of Federal Claims, Statistical Report for the Fiscal Year October 1, 2024 – September 30, 2025, available at <https://www.cofc.uscourts.gov/reports-statistics> (last accessed Jan. 22, 2026).

[2] See U.S. House of Representatives Committee on Oversight and Government Reform, Sessions Announces Subcommittee Hearing on Bid Protest Reform, available at <https://oversight.house.gov/release/sessions-announces-subcommittee-hearing-on-bid-protest-reform/> (last accessed Jan. 22, 2026).

[3] See Law360, Gov't Contracts Policies To Watch In 2026, available at <https://www.law360.com/governmentcontracts/articles/2419622/gov-t-contracts-policies-to-watch-in-2026> (last accessed Jan. 22, 2026).

[4] See GAO Bid Protest Annual Report to Congress for Fiscal Year 2025 at 5 n.1.

[5] See Statistical Report for fiscal year 25 at 2 n.\*\* (stating that "Pre-Award or Post-Award Bid Protest Injunction cases" are listed under figures are listed under "Contract/Injunction" statistics).

[6] See NextGov, CIO-SP4 drove spike in bid protests, available at <https://www.nextgov.com/acquisition/2023/10/cio-sp4-drove-spike-bid-protests/391591/> (last accessed Jan. 22, 2026).

[7] See Washington Technology, VA T4NG2 court case continues with two dozen protests remaining, available at <https://www.washingtontechnology.com/contracts/2025/07/va-t4ng2-court-case-continues-two-dozen-protests-remaining/406443/> (last accessed Jan. 22, 2026).

[8] See 31 U.S.C. § 3554(a)(1) (stating that GAO "shall issue a final decision concerning a protest within 100 days after the date the protest is submitted").

[9] Some of the larger, more complex procurements before the COFC sometimes take longer than six months to decide, but those types of bid protests are typically the exception,

not the rule.

[10] See GAO Bid Protest Annual Report at 5.

[11] While the number of protests filed was 1,617, GAO's effectiveness rate is based on the percentage of protests closed, which was 1,676 protests.

[12] The number of corrective actions at COFC is perhaps higher than the data indicate. Prior to filing a bid protest at COFC, the protester is required to notify fiscal year the relevant parties of an incoming protest matter by submitting a pre-filing notice with the Court, the Contracting Officer, and Department of Justice. In light of this procedural step, corrective action sometimes takes place before a bid protest complaint even hits the court's docket.

[13] See 31 U.S.C. § 3553(c); see also FAR 33.104(b)(1).