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Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

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B-158766

December 10, 2007

The Honorable Nancy Pelosi  
Speaker of the House  
of Representatives

Dear Madam Speaker:

This letter responds to the requirements of the Competition in Contracting Act of 1984, 31 U.S.C. § 3554(e)(2) (2000), 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 2007.

During the fiscal year, we received 1,318 protests (including 42 cost claims) and 93 requests for reconsideration, for a total of 1,411 cases. We closed 1,393 cases: 1,300 protests (including 42 cost claims) and 93 requests for reconsideration. Enclosed for your information is a chart comparing the bid protest activity for fiscal years 2003-2007.

A copy of this report, with the enclosure, is being furnished to the Chairman and Ranking Minority Member of the House Committee on Government Reform. A similar report is being furnished to the President of the Senate.

Sincerely yours,

Gary L. Keplinger  
General Counsel

Enclosure

## Bid Protest Statistics for Fiscal Years 2003-2007

	FY 2007	FY 2006	FY 2005	FY 2004	FY 2003
Cases Filed	1,411 (up 6% <sup>1</sup> )	1,327 (down 2%)	1,356 (down 9%)	1,485 (up 10%)	1,352 (up 12%)
Cases Closed	1,393	1,274	1,341	1,405	1,244
Merit (Sustain + Deny) Decisions	335	249	306	365	290
Number of Sustains	91	72	71	75	50
Sustain Rate	27%	29%	23%	21%	17%
Effectiveness Rate (reported) <sup>2</sup>	38%	39%	37%	34%	33%
ADR <sup>3</sup> (cases used)	62	91	103	123	120
ADR Success Rate <sup>4</sup>	85%	96%	91%	91%	92%
Hearings <sup>5</sup>	8% (41 cases)	11% (51 cases)	8% (41 cases)	9% (56 cases)	13% (74 cases)

<sup>1</sup> From the prior fiscal year.

<sup>2</sup> Based on a protester's obtaining some form of relief from the agency, as reported to GAO.

<sup>3</sup> Alternative Dispute Resolution.

<sup>4</sup> Percentage resolved without a formal GAO decision.

<sup>5</sup> Percentage of fully developed decisions in which GAO conducted a hearing.