

# How to Avoid Dismissal Under GAO's Enhanced Pleading Standard

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The U.S. Government Accountability Office's (GAO) new enhanced pleading standard, enacted in July 2025, essentially amounts to a "show your work" rule. If you file a protest, you need to come in with credible allegations that are supported by evidence—or GAO may dismiss the case without even considering the merits. The decisions GAO has issued since announcing the standard offer a roadmap for what that looks like in practice.

GAO's bid protest regulations state that a protest must include "a detailed statement of the legal and factual grounds of protest including copies of relevant documents." 4 C.F.R. § 21.1(c)(4). For years, GAO has read that to mean the protest must "provide, at a minimum, either allegations **or** evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action." *IT Objects, LLC*, B-418012.3, Apr. 9, 2020. If a protest didn't meet that baseline, GAO would dismiss it.

In the FY2025 National Defense Authorization Act (NDAA), Congress directed GAO to develop and apply an enhanced pleading standard. Pub. L. No. 118-159, § 885 (Dec. 23, 2024). GAO responded by proposing to tighten up the rule "to make it clearer that protest allegations must be credible **and** supported by evidence." See GAO Response to Section 885 of the FY2025 NDAA, B-423717, July 14, 2025. GAO later explained that its prior wording—that protesters could provide "either allegations or evidence"—"may have created a perception that allegations standing alone are sufficient to meet our pleading standards." *Warfighter Focused Logistics, Inc.*, B-423546, Aug. 5, 2025, n.3. The enhanced standard is meant to remove that ambiguity: allegations need to be credible, **and** they need to be backed by evidence.

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## Practice Areas

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Bid Protests  
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Since July 2025, GAO has issued more than 20 dismissal decisions applying the enhanced pleading requirement. The message is consistent: GAO is not going to entertain thin, conclusory claims of agency error. If the protester does not lay out concrete, evidence-supported facts up front, it risks spending time and money on a protest that never gets to the merits.

Be specific when you challenge the awardee's evaluation.

Protesters usually don't have much visibility into a competitor's proposal—and sometimes don't even know the details of how the agency evaluated the awardee. That makes it tempting to rely on general suspicions (or competitive intelligence) and infer that something must have gone wrong. GAO's recent decisions make clear that this approach won't work. You generally can't raise a challenge to the awardee's evaluation from alleged problems in your own evaluation. Instead, the protest needs specific facts about the awardee's proposal or the agency's evaluation of it. For example:

- In *Amentum Tech., Inc.; SOS Int'l LLC*, B-423898, Jan. 27, 2026, GAO dismissed an argument that the agency disparately evaluated offerors. One of the protesters, SOS, alleged that the agency applied a strict level of scrutiny to the evaluation of its oral presentation but failed to do so for the contract awardee. SOS did not provide any support for its assertion, so GAO dismissed the argument.
- In *Enviremedial Servs., Inc.*, B-423552, Aug. 28, 2025, GAO dismissed an argument that the agency failed to reasonably evaluate the awardee's proposed pricing for balance. The protester alleged that some of the line items in the awardee's price were overstated and others were understated. However, the protester didn't explain how the prices were materially overstated or understated in a way that could create risk to the agency, other than by comparing the awardee's prices to the protester's. Since the protester did not provide evidence of unbalanced pricing, GAO dismissed the argument.

Don't phone in challenges to your own evaluation.

It's easy to assume GAO will be more forgiving when you're challenging only how the agency evaluated your proposal. GAO's recent decisions say otherwise. GAO's recent caselaw shows that protesters do not get a pass simply because they challenge only their own evaluation.

- In *Accenture Fed.I Servs., LLC*, B-423859, Jan. 16, 2026, GAO found the protest didn't adequately explain why the protester deserved additional strengths. The protester argued it should have received 57 additional strengths or significant strengths, but it just quoted its proposal and didn't explain why those features exceeded the solicitation's requirements or otherwise warranted strengths. GAO found that was not enough.

Connect the dots between the factual allegations and the flaw in the procurement.

To get past the pleading stage, the protest must do more than identify a handful of facts and ask GAO to fill in the blanks. The protest must include enough factual detail to show why the agency likely made an error—especially when the conclusion you're arguing for doesn't automatically follow from the facts you've cited. GAO's decisions in *Warfighter* and *Sigo Valiant JV* illustrate the point:

- In *Warfighter*, B-423546, GAO dismissed an allegation that the awardee misrepresented the stock it would use to fulfill the requirement. The agency was procuring tire cross chains for critical weapons systems. The protester said it used the same supplier as the awardee and had already bought all available stock from that supplier. But the protester did not provide evidence that (1) the awardee actually intended to use that supplier, (2) the protester owned all of the supplier's stock, or (3) the supplier lacked enough inventory to supply the awardee. Without that support, GAO found the protest relied on "bare assertion[s]" and dismissed the argument.
- In *Sigo Valiant JV, LLC*, B-424103, Feb. 24, 2026, GAO dismissed an argument that the awardee misrepresented its intent to comply with the solicitation's limits on subcontracting. The solicitation required bidders to certify they would not pay more than 85% of the contract price to firms that were not certified Service-Disabled Veteran-Owned Small Businesses (SDVOSB). The protester alleged the awardee planned to subcontract more than 15% of the work to a non-SDVOSB. As support, the protester offered a declaration describing a conversation with an unnamed person who said a non-SDVOSB told him it would act as a "super sub" for the awardee. GAO found that third-hand information was not reliable. GAO also noted that, even if you accepted the declaration at face value, having a "super sub" didn't necessarily mean the awardee would pay more than 15% to that subcontractor.

Taken together, these recent decisions show what GAO expects protests to include from the beginning: evidence-anchored allegations that fit the legal theory you're advancing. If you can't point to concrete facts that support the claim, GAO is likely to dismiss the protest. And if you simply don't have access to the facts you would need to meet GAO's standard, it may be worth considering protesting at the Court of Federal Claims, with its lower pleading standard, instead.