



The Comptroller General
of the United States

Washington, D.C. 20548

Ruppert

Decision

Matter of: H & H Environmental Services--Claim for Costs
File: B-235512.2
Date: May 31, 1989

DIGEST

Protester may not be awarded its proposal preparation and protest costs where protest is withdrawn based on agency's corrective action shortly after protest was filed, rendering protest academic.

DECISION

H & H Environmental Services requests reimbursement of its proposal preparation and protest costs incurred in connection with its May 12, 1989, protest of an award to Universal Engineering, under Navy request for proposals No. N00123-89-R-5372. H & H argued that the award to Universal violated applicable procurement laws and regulations. By letter of May 18, however, the protester advised us that on May 16 the Navy had initiated action to terminate Universal's contract for the convenience of the government, and that the procurement would be resolicited; the Navy also has directly advised us of this corrective action. H & H thus withdrew its protest since the requested relief had been granted.

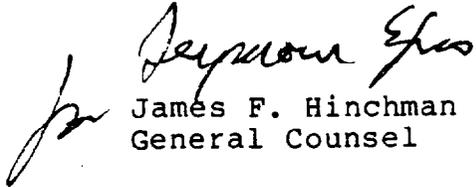
H & H now requests reimbursement of its proposal preparation costs and legal fees incurred in pursuing the protest because (1) the contract relief requested in the protest has been granted, and (2) this is the second protest H & H has been compelled to file on a Navy procurement in California regarding the same issue.

We have held that a protester generally may not be awarded its proposal or protest costs where, as here, it withdraws the protest shortly after filing because the agency has rendered the protest academic by taking the corrective action requested. See, e.g., Storage Technology Corp., B-235308, May 23, 1989, 89-1 CPD ____; Teknion, Inc.--Claim for Protest Costs, 67 Comp. Gen. 607 (1988), 88-2 CPD ¶ 213. The fact that the protester may previously have protested on the same grounds does not change this rule. Therefore,

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since the agency took the requested corrective action here,
and the protester concurs in the agency action, the
protester is not entitled to reimbursement of its costs.

The claim is denied.

James F. Hinchman
General Counsel