



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Iowa-Illinois Cleaning Co.--Request for  
Declaration of Entitlement to Costs

**File:** B-245545.2

**Date:** November 12, 1991

Alvern Weed, Esq., for the protester,  
Anne B. Perry, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

### DIGEST

Protester is not entitled to award of the costs of filing and pursuing its protest where, in response to protest, the agency took corrective action by awarding the contract at issue to the protester, approximately 1 month after the protest was filed.

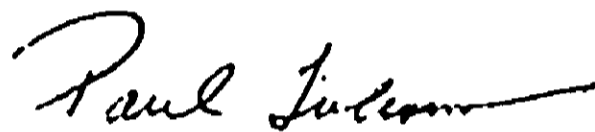
### DECISION

Iowa-Illinois Cleaning Co. requests that our Office declare it entitled to recover the reasonable costs of filing and pursuing its protest. On September 6, 1991, Iowa-Illinois protested the rejection of its bid as nonresponsive under invitation for bids (IFB) No. GS-04P-91-EWC-0077, issued by the General Services Administration (GSA). On October 9, the agency notified our Office that it was taking corrective action in the form of awarding the contract to Iowa-Illinois, and requested that we dismiss the protest. Since the protester had been granted the relief requested, we dismissed the protest on October 11.

On October 21, the protester filed a claim with our Office under section 21.6(e) of our revised Bid Protest Regulations, 56 Fed. Reg. 3759 (1991), (to be codified at 4 C.F.R. § 21.6(e)), for the costs of filing and pursuing its protest. Pursuant to the revised regulations, if the contracting agency decides to take corrective action in response to a protest, we may declare the protester to be entitled to recover reasonable costs of filing and pursuing its protest, including attorneys' fees.

As we previously stated, see, e.g., Leslie Controls, Inc.--Claim for Costs, B-243979.2, July 12, 1991, 91-2 CPD ¶ 50, it is not our intention in adopting the revised provision, regarding the award of costs in cases where the agency takes

corrective action, to award the protest costs in every case in which the agency takes corrective action in response to a protest. Since our concern was that some agencies were not taking corrective action in a reasonably prompt fashion, our intent is to award costs where, based on the circumstances of the case, we find that the agency unduly delayed taking corrective action in the face of a clearly meritorious protest. Here, the agency took corrective action, in the form of awarding the contract to the protester, approximately 1 month after the protest was filed. Such action, taken early in the protest process, is precisely the kind of prompt reaction to a protest that our regulation is designed to encourage. It provides no basis for determination that the payment of protest costs is warranted. Accordingly, Iowa-Illinois' request for a declaration of entitlement to costs is denied. See Building Serv. Unlimited, Inc.--Request for Declaration of Entitlement to Costs, B-244135.2, Oct. 7, 1991, 91-2 CPD ¶ \_\_\_\_; Pulse Electronics, Inc.--Request for Declaration of Entitlement to Costs, B-243625.3, Aug. 30, 1991, 91-2 CPD ¶ \_\_\_\_.



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