

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

Langman  
29149

FILE: B-214003.2

DATE: August 22, 1984

MATTER OF: Aneval, Inc.

**DIGEST:**

1. GAO will not consider claim for proposal preparation costs when claimant does not pursue a bid protest decision.
2. Equal Access to Justice Act, 5 U.S.C. § 504 (1982), does not authorize award of attorney's fees to the prevailing party in a bid protest.

Aneval, Inc. seeks proposal preparation costs and attorney's fees in connection with a protest against award of a contract to Analysis & Technology, Inc. We dismiss the claim.

The Naval Supply Center, Norfolk, Virginia, awarded the contract pursuant to request for proposals No. N00189-83-R-0120, covering labor and technical assistance to the Navy in evaluating and testing a Sound Surveillance System for use in anti-submarine warfare.

On May 21, 1984, Aneval withdrew its protest because the Navy acknowledged some proposal scoring errors and promised that no delivery orders would be issued to Analysis and Technology after September 30, 1984. Although the Navy states that new proposals will be competitively solicited and fairly evaluated, Aneval believes it is entitled to proposal preparation costs.

In order to consider Aneval's claim for proposal preparation costs at this time, it would be necessary for this Office to consider the merits of allegations that Aneval raised initially in its protest. Aneval did not choose to pursue its protest through to a decision on the merits. Under these circumstances, we do

029826

B-214003.2

not consider it appropriate for this Office to consider a claim from Aneval for proposal preparation costs. See DWC Leasing Company, B-186481, Nov. 12, 1976, 76-2 CPD ¶ 404. Therefore, Aneval's withdrawal of its protest precludes us from considering its claim for proposal preparation costs.

As for attorney's fees, it is well established that the Equal Access to Justice Act, 5 U.S.C. § 504 (1982), under which Aneval seeks the award of such fees, does not authorize award of such fees to even the prevailing party in a bid protest. J.C. Yamas Co., B-211105.2, Jan. 19, 1984, 84-1 CPD ¶ 81.

We therefore dismiss the claim.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel