

Comptroller General
of the United States

Washington, D.C. 20548

93-2 CPD 187

Decision

Matter of: Information Systems and Networks, Inc.--
Entitlement to Costs

File: B-254384.2

Date: September 27, 1993

David V. Anthony, Esq., and Richard J. Vacura, Esq., Pettit & Martin, for the protester.

Catherine Pollack, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester is not entitled to recover the costs of filing and pursuing its protest where the agency took corrective action within 3 weeks of filing protest.

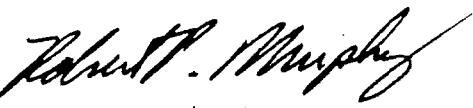
DECISION

Information Systems & Networks, Inc. requests that our Office declare it entitled, pursuant to 4 C.F.R. § 21.6(e) (1993), to recover the reasonable costs of filing and pursuing its protest under Department of the Air Force request for proposals No. F19628-92-R-0072. The agency took corrective action within 3 weeks of the filing of the protest.

We will find an entitlement to costs only where an agency unduly delayed taking corrective action in the face of a clearly meritorious protest. Oklahoma Indian Corp.--Claim for Costs, 70 Comp. Gen. 558 (1991), 91-1 CPD ¶ 558. Because in this instance the agency took prompt corrective action, there is no basis for determining that the payment of protest costs is warranted. See Dynair Elecs., Inc.--Entitlement to Costs, B-244290.2, Sept. 14, 1991, 91-2 CPD ¶ 260. We note in this regard that the promptness of the corrective action is measured from the time the protest was filed in our Office, not from the time the protester first brought the matter to the agency's attention. See PLX, Inc.--Entitlement to Costs, B-251575.2, Mar. 10, 1993, 93-1 CPD ¶ 224. The provision in our Regulations providing for the possibility of an award of protest costs where an agency takes corrective action in response to a protest with our Office is intended to ensure fair treatment of protesters who make substantial investments of time and resources to

pursue clearly meritorious protests in this forum, but who do not have the opportunity to recoup their costs because of agency corrective actions. R.J. Sanders, Inc.--Claim for Costs, B-245388.2, Apr. 14, 1992, 92-1 CPD ¶ 362. It is not intended to ensure the fairness of agency-level processes occurring prior to the filing of a protest with our Office. Id.; Purdy Corp.--Claim for Costs, B-249067.2, Aug. 13, 1992, 92-2 CPD ¶ 105.

The request for a declaration of entitlement to costs is denied.


for James F. Hinchman
General Counsel