

DECISION



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

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FILE: B-214523

DATE: July 26, 1984

MATTER OF: Keen Surveys

DIGEST:

1. Protest is dismissed as academic where agency has resolved issue in favor of the protester and awarded it a contract.
2. Attorney's fees incurred in connection with a bid protest are not compensable under the Equal Access to Justice Act.

By letter dated February 27, 1984, Keen Surveys (Keen) protested the rejection of its bid as nonresponsive under the Department of the Interior, Bureau of Indian Affairs (BIA), solicitation No. BIA-M00-83-31. Subsequently, BIA considered Keen's allegation, decided in favor of Keen and awarded the contract to Keen. On July 9, Keen requested that we award it the attorney's fees Keen incurred in connection with the protest.

Since Keen has been awarded the contract, its protest is academic and we will not consider it on the merits. See Data Flow Corporation, et al., July 6, 1983, 83-2 C.P.D. ¶ 57. Concerning Keen's request for attorney's fees under the Equal Access to Justice Act, 5 U.S.C. § 504 (1982), we have held that the act provides no authority for award of attorney's fees or costs incurred by the prevailing party in a bid protest. J. C. Yamas Company, B-211105.2, Jan. 19, 1984, 84-1 C.P.D. ¶ 81.

The protest is dismissed and the claim for attorney's fees is denied.

for *Milton J. Aowlan*
Comptroller General
of the United States

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