



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Todd Shipyards Corporation--Reconsideration

File: B-228449.2

Date: February 29, 1988

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### DIGEST

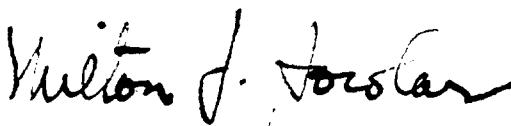
Recommendation in prior decision sustaining protest that award be made to the protester is changed to grant the protester costs of filing and pursuing the protest and bid preparation costs where the record shows that contract has been substantially performed.

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### DECISION

In our decision, Todd Shipyards Corp., B-228449, Jan. 19, 1988, 88-1 CPD ¶     , we sustained Todd's protest concerning the United States Army Corps of Engineers' rejection of the protester's low bid for drydock and repair of a dredge under invitation for bids No. DACW29-87-B-0119. We recommended that the contract be awarded to the protester, if Todd was otherwise eligible for award.

During the pendency of the protest, the Corps determined pursuant to 31 U.S.C. § 3553(c)(2)(A) (Supp. III 1985) that urgent and compelling circumstances significantly affecting the interests of the United States did not permit waiting for our decision and made award to the second low bidder, Bethlehem Steel. The agency now reports that work under the contract has almost been completed by Bethlehem Steel and asks that we therefore alter our recommendation. Under the circumstances, we withdraw our recommendation that the contract be awarded to the protester and instead grant the protester its costs of filing and pursuing the protest, as well as bid preparation costs. Bid Protest Regulations, 4 C.F.R. § 21.6(d) and (e) (1987).

*for*   
Comptroller General  
of the United States

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