



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Andary Associates, Inc.--Entitlement to Costs
File: B-256480.2
Date: April 20, 1994

DECISION

Andary Associates, Inc. requests that our Office declare it entitled to recover the reasonable costs of filing and pursuing its protest.

We deny the request.

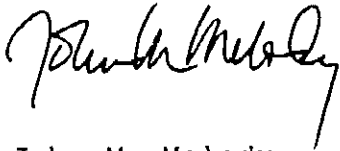
On February 16, 1994, Andary protested the elimination of its proposal from the competitive range and the subsequent award of a contract by the Department of the Army under solicitation No. DAHC30-93-R-0003. On or about March 17, the Army agreed to the corrective action, and, accordingly, our Office closed our file in the matter on March 23, 1994.

The protester now requests that we find it entitled to recover the costs of filing and pursuing its protest. Our Bid Protest Regulations, 4 C.F.R. § 21.6 (1993), provide that where an agency decides to take corrective action in response to a protest, we may declare the protester entitled to recover reasonable protest costs, including attorneys' fees. Section 21.6 was adopted to encourage agencies to take corrective action in a reasonably prompt fashion; the Regulation did not envision the award of costs in every circumstance. See Diez Mgmt. Sys., Inc.--Entitlement to Costs, B-250831.3, Apr. 13, 1993, 93-1 CPD ¶ 313.

In this case, the corrective action was taken within 1 month after Andary filed its protest in our Office. Such a 1-month delay is not unreasonable and generally does not warrant a finding of entitlement to costs. Indeed, this is the type of agency reaction that our Regulations are designed to encourage. See Oklahoma Indian Corp.--Claim for Costs, 70 Comp. Gen. 558 (1991), 91-1 CPD ¶ 558; see also, Ferguson-Williams, Inc.--Entitlement to Costs, B-252947.5, Sept. 15, 1993, 93-2 CPD ¶ 166.

Andary argues that we should consider as part of the delay here the fact that, prior to filing in our Office, it had tried to resolve the matter at the agency level for 3 to 4 months. However, while a protester is entitled to pursue an agency-level protest, there is no entitlement to reimbursement of costs incurred in connection with agency-level protests. Accordingly, the time involved in attempting to resolve a matter at the agency level is irrelevant for purposes of determining entitlement to costs for protests filed in our Office. See Crown Eng'g-- Entitlement to Costs, B-251584.2, May 24, 1993, 93-1 CPD ¶ 403.

Therefore, Andary's request is denied.



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