



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Dyno Nobel, Inc.--Entitlement to Costs

**File:** B-257619.2

**Date:** August 10, 1994

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### DECISION

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

We deny the request.

On June 15, 1994, Dyno protested as overly restrictive the specifications in request for proposals No. DAAD09-93-R-0297 issued by the Department of the Army. On or about July 5, the Army agreed to take corrective action, and, as a result, the protest was withdrawn.

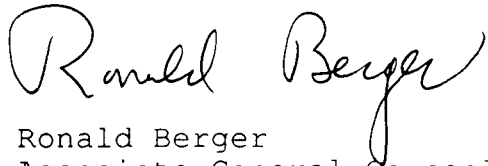
The protester now requests that we find it entitled to recover the costs of filing and pursuing its protest. Our Bid Protest Regulations, 4 C.F.R. § 21.6 (1994), provide that where an agency decides to take corrective action in response to a protest, we may declare the protester entitled to recover reasonable protest costs, including attorneys' fees. Section 21.6, however, does not envision the award of costs in every circumstance; rather, it was adopted to encourage agencies to take corrective action in a reasonably prompt fashion. Thus, we will find entitlement only where the agency unduly delayed taking corrective action. 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 less than 1 month after Dyno filed its protest in our Office. Such a delay does not warrant a finding of entitlement to costs as it is the type of prompt reaction that our Regulations are designed to encourage. 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.

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Dyno argues that the delay was actually considerably longer because it had previously placed the Army on notice of the restrictive nature of the solicitation and had requested relief. The time involved in attempting to resolve a matter at the agency level, however, 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, Dyno's request is denied.

  
Ronald Berger  
Associate General Counsel