



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kirkland Construction Company--Entitlement to Costs

File: B-260975.4

Date: May 11, 1995

DECISION

Kirkland Construction Company requests that our Office declare it entitled to recover the reasonable costs of filing and pursuing its protest.

We deny the request.

On April 3, 1995, Kirkland protested the proposed award under solicitation No. 501-16-95 by the Department of Veterans Affairs (VA). On April 12, the VA canceled the solicitation and on April 18, we dismissed the protest as academic.

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 within 2 weeks after Kirkland 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.

Therefore, Kirkland's request is denied.

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