



## Decision

**Matter of:** WorldWide Language Resources, Inc.--Costs

**File:** B-420900.6

**Date:** August 9, 2023

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Anne B. Perry, Esq, Katie A. Calogero, Esq., and Daniel J. Alvarado, Esq., Sheppard Mullin Richter & Hampton LLP, for the protester.  
Major Nhu T. Tran, Natalie W. McKiernan, Esq., and Andrew Smith, Esq., Department of the Army, for the agency.  
Michael P. Grogan, Esq., and Evan D. Wesser, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Request that GAO recommend reimbursement of attorneys' fees at a rate higher than the statutory limit of \$150 per hour based on an increase in cost of living is granted where the claim filed with the agency presents a reasonable basis for adjustment, and the agency does not object to the request.

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### DECISION

WorldWide Language Resources, Inc., of Fayetteville, North Carolina, with the concurrence of the Department of the Army, requests that we recommend that WorldWide be reimbursed attorneys' fees at a rate higher than the \$150 per hour statutory rate limit in connection with a bid protest in which WorldWide prevailed.

We grant the request.

WorldWide protested the terms of request for task order proposals (RTOP) No. W911W4-22-R-CENT2, issued by the Army, for foreign language interpretation, translation, and transcription services, arguing, among other things, that the solicitation was ambiguous and inconsistent, did not allow all offerors to compete on an equal basis or otherwise intelligently prepare proposals. Subsequently, the GAO attorney assigned to the protest conducted an outcome prediction alternative dispute resolution, where the parties were informed that the likely outcome was that the protest would be sustained, in part, with respect to a single allegation--that the solicitation did not provide sufficient information to allow offerors to intelligently calculate their labor rates with respect to meal and lodging costs. The GAO attorney further explained that he would recommend

that the Army reimburse WorldWide for the costs of filing and pursuing this single allegation.

We dismissed this protest allegation--concerning whether the solicitation provided sufficient information to allow offerors to intelligently calculate their labor rates with respect to meal and lodging costs--as academic on October 21, 2022. We dismissed the protest based upon the agency's proposed corrective action, which included issuing a solicitation amendment to provide more detail on government lodging and dining facilities locations, and allowing for the submission of revised proposals. *WorldWide Language Resources, Inc.*, B-420900, Oct. 21, 2022, 2022 CPD ¶ 265. Our Office denied the remainder of WorldWide's protest allegations on the merits. *Id.*

In accordance with our Bid Protest Regulations, 4 C.F.R. § 21.8(e), the protester, on November 2, requested that our Office recommend reimbursement of the protester's costs of filing and pursuing its protest with respect to its allegation that the solicitation was ambiguous with respect to which linguists and which locations required meal and lodging costs to be included in the proposed labor rates. The GAO attorney assigned again held an outcome prediction alternative dispute resolution teleconference call with the parties, on January 17, 2023. During the teleconference, the GAO attorney advised that it was his view that WorldWide should be reimbursed its reasonable costs of filing and pursuing the single allegation for which the protester sought reimbursement. The agency subsequently represented that the Army agreed that WorldWide was entitled to reasonable costs, as permitted by statute and regulation. Our Office dismissed as academic the protester's request, on January 19, given that there was no dispute between the parties regarding reimbursement of reasonable costs associated with WorldWide's single protest allegation. *WorldWide Language Resources, LLC--Costs*, B-420900.2, Jan. 19, 2023 (unpublished decision).

In the instant request, WorldWide represents that the adjustment to the hourly rate of \$150 per hour<sup>1</sup> to between \$289 and \$291 per hour for attorneys' fees (depending on the month when the costs were incurred) is based on a calculation of a cost-of-living adjustment using the Consumer Price Index for U.S. (CPI-U) City Average in effect during the time period during which counsel represented WorldWide in the protest. WorldWide further represents that this calculation is based on a formula expressed in our decisions. See e.g., *Sodexo Management, Inc.--Costs*, B-289605.3, Aug. 6, 2003, 2003 CPD ¶ 136 at 43 n.34. In total, WorldWide is requesting reimbursement of \$24,264.96 in attorneys' fees. The agency explains that it takes no exception to the request for \$24,264.96, agrees with WorldWide's calculations, and agrees that the quantum amount requested is reasonable and justified in this circumstance.

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<sup>1</sup> The \$150 hourly rate for attorneys' fees is stipulated by statute unless the agency determines, based on the recommendation of the Comptroller General, that a special factor such as an increase in the cost of living justifies a higher fee. 31 U.S.C. § 3554(c)(2)(B).

In light of the materials presented by the parties, and the agency's representation that it does not object to payment of the adjusted rate, we have no objection to the agency's entry into an agreement with WorldWide that reflects the adjusted rate and the parties' mutual agreement to that rate. We therefore recommend that the agency reimburse WorldWide for its attorneys' fees at a rate higher than the statutory limit of \$150 per hour based on an increase in cost of living in a manner consistent with the materials presented to our Office in connection with this request. See, e.g., *WorldWide Language Resources, Inc.--Costs*, B-418767.4, Feb. 28, 2022, 2022 CPD ¶ 71 at 2-3 (recommending reimbursement of protest costs at adjusted rates that were calculated in accordance with approved CPI formula and where the agency did not object to reimbursement at those rates); *Vencore Servs. & Sols., Inc.--Costs*, B-412949.3, Dec. 12, 2016, 2016 CPD ¶ 363 at 2 (same).

The request is granted.

Edda Emmanuelli Perez  
General Counsel