



G A O

Accountability * Integrity * Reliability

Comptroller General
of the United States

United States General Accounting Office
Washington, DC 20548

Decision

Matter of: CAMS, Inc.--Costs

File: B-292546.2

Date: March 22, 2004

Timothy W. Knudsen, for the protester.

Edward C. Hintz, Esq., and Richard Ferguson, Esq., Defense Logistics Agency, for the agency.

Charles W. Morrow, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

GAO recommends that the protester be reimbursed its cost of filing and pursuing its protest but not the cost incurred pursuing its protest cost claim at agency and GAO.

DECISION

CAMS, Inc. requests that our Office recommend the amount it should be allowed to recover from the Defense Supply Center Columbus (DSCC) for filing and pursuing its protest in CAMS, Inc., B-292546, Oct. 14, 2003, 2003 CPD ¶ 191. In that decision, we sustained the protest because the agency improperly accepted a quotation that failed to comply with a material inspection and acceptance requirement, and recommended, among other things, that “the agency reimburse CAMS the reasonable costs of filing and pursuing the protest, including attorney’s fees.”

We recommend that CAMS be reimbursed \$3,946.30.

On October 27, 2003, CAMS submitted a claim for \$4,673.18 to DSCC as the costs for filing and pursuing the protest and its claim for submitting and pursuing its claim for the costs recommended in the decision sustaining CAMS’s protest. After DSCC offered and CAMS rejected a lesser amount to settle the claim, DSCC requested certain additional documentation as a predicate to reimbursing CAMS’s claim. CAMS provided the requested information to the agency and filed this claim with our Office. In an attempt to settle the claim, the parties agreed to engage in an alternate dispute resolution (ADR) process, which did not result in settlement of the claim. At that time, the agency stated that it believed the total allowable costs in CAMS’s claim were \$3,946.30. The agency then submitted its report on the claim, in which DSCC

stated that it has no objection to reimbursing CAMS its claimed costs related to pursuing the protest, which total \$3,946.30, but objects to reimbursing for any additional costs associated with submitting and pursuing its claim.

CAMS's claim now totals \$6,608.61. This claim includes CAMS's costs for filing and pursuing the protest, pursuing the claim at the agency, and pursuing the claim at our Office (including participating in the ADR conference).

Based on our review of the record, we find no basis to object to the reasonableness of the agency's determination that CAMS should be reimbursed \$3,946.30 for its total claimed costs of filing and pursuing its protest. However, we do not recommend that CAMS be reimbursed for the costs of pursuing its claim at the agency, because those costs are not associated with proceedings before our Office. See SKJ & Assocs.-- Costs, B-291533.3, July 24, 2003, 2003 CPD ¶ 130 at 4. We also deny CAMS's costs for pursuing this claim before our Office. Our Bid Protest Regulations, 4 C.F.R. § 21.6(f)(2) (2003), provide that we may recommend that a protester be reimbursed the costs of pursuing its claim before our Office. Since we recommend that CAMS be reimbursed the amount the agency determined is due, however, we find no basis to recommend that CAMS be reimbursed for the costs of pursuing the claim at our Office.

Accordingly, we recommend that CAMS be reimbursed \$3,946.30.

Anthony H. Gamboa
General Counsel