

01217

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE: B-187155**

**DATE: October 15, 1976**

**MATTER OF: Modular Devices, Inc.**

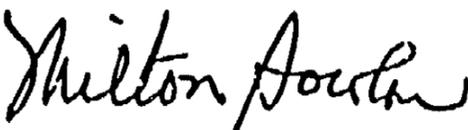
**DIGEST:**

It is policy of GAO to decline to rule on issues involved in cases which are under litigation in courts. Since propriety of agency's rejection of protester's bid and award of contract to another firm is presently before the Court of Claims GAO will not rule on issues.

Counsel for Modular Devices, Inc. (Modular), protested the rejection of its bid and the award of a contract to a higher bidder under invitation for bids (IFB) 5-87248/066, issued by the National Aeronautics and Space Administration (NASA).

By letter of October 5, 1976, we were advised by Modular's counsel that Modular had filed an action in the United States Court of Claims, Civil Action No. 409-76, seeking a judgment for damages to reputation, loss of profit, and bid preparation costs.

Since the propriety of NASA's rejection of Modular's bid and the award of a contract to another firm is presently before the Court of Claims, we are closing our file without further action. It is the policy of our Office to decline to rule on a protest where the material issues involved are likely to be disposed of in litigation by a court of competent jurisdiction. See Iyco, B-185213, March 9, 1976, 76-1 CPD 166.

*for*   
Paul G. Dembling  
General Counsel