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Robertson
PL-11

DECISION



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

9022

FILE: B-193585(2) DATE: January 30, 1979
MATTER OF: Oceaneering International, Inc.
DLG 00797
DIGEST: No.

Permanent injunction enjoining agency in matter of protested solicitation is final ~~court adjudication on merits precluding GAO~~ *precludes* consideration of protest.

Oceaneering International, Inc. protests the award of any contract to any offeror other than Oceaneering under solicitation No. N00024-78-R-4232Q issued by the Department of the Navy, Naval Sea Systems Command.

On January 11, 1979, the United States District Court for the District of Columbia, in the case of Seaward, Inc. v. Claytor, et al., Civil Action No. 79-0050, granted to plaintiff a permanent injunction enjoining the Navy from awarding a contract under solicitation No. N00024-78-R-4232Q to any other offeror except Seaward, Inc. Such action constitutes a final adjudication on the merits with regard to the award of any contract under the instant solicitation and we will not consider a protest where the material issues have been the subject of a judicial decision. 4 C.F.R. § 20.10 (1978); Juno Construction Corporation, et al., B-191344, September 18, 1978, 78-2 CPD 204 and decisions cited therein.

In view of the above, we are closing our file in this matter without further action.

Milton J. Socolar
Milton J. Socolar
General Counsel

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AGC 00001
CIV. No. 79-0050

(D.C. DC 1979)