

DECISION



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

10,541

FILE: B-194574.2; B-194574.3; DATE: June 21, 1979
B-194574.4; B-194574.5

MATTER OF:

Seafarers International Union of North
America; Cove Shipping, Inc.; Hudson — 1890
Waterways Corporation; Zapata Tankships,
Inc. 1891

DIGEST:

Protests filed in GAO are dismissed where pro-
tested matters are before court of competent
jurisdiction, preliminary injunction has been
denied and court has not otherwise indicated
interest in GAO decision.

Seafarers International Union of North America,
Cove Shipping, Inc., Hudson Waterways Corporation, and
Zapata Tankships, Inc., protest the award of two contracts
to Trinidad Corporation for the operation of five "T-5"
and four "Columbia Class" tanker ships. The contracts
resulted from Request for Proposals Nos. N000337R3001
and N000337R3002, issued by the Department of the Navy,
Military Sealift Command.

Seafarers, Cove, and Hudson joined by Marine Engi-
neers Beneficial Association, whose protest we had
previously dismissed for reasons of untimeliness
(Marine Engineers Benevolent Association, B-194574,
April 26, 1979, 79-1 CPD 292), filed suit against the
Navy in the United States District Court for the District
of Columbia, Civil No. 79-1173. The grounds presented
as the bases for the court suit are essentially the
same as those presented to this Office in support of
the protests.

After consideration of written and oral arguments,
the Court denied plaintiffs' motion for a preliminary
injunction. We are advised that the parties are pur-
suing a final adjudication on the merits in the District
Court while appealing that Court's denial of injunctive
relief.

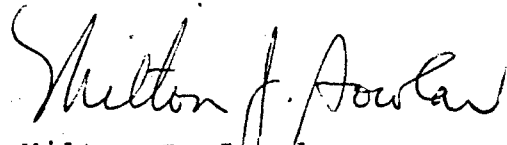
[Protested Matters Before a Court
of Competent Jurisdiction]

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It is the policy of our Office not to decide protests where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses interest in our decision. 4 C.F.R. § 20.10 (1978). Plaintiffs have not been granted injunctive relief pending a decision by this Office and the District Court has not indicated any interest in our decision. Therefore, these protests are dismissed. Mayfair Construction Company, B-194086, May 23, 1979,
79-1 CPD__.

Zapata, though not a party to the court actions against the Navy, has raised the same issues in its protest to our Office. As such we will not decide the protest of Zapata. 4 C.F.R. § 20.10.



Milton J. Socolar
General Counsel