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205723 Mr. Lieberman

DECISION



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

FILE: B-205594

DATE: January 18, 1982

MATTER OF: Space Age Engineering, Inc.

DIGEST:

Protest filed in GAO is dismissed where material issues protested are before a court of competent jurisdiction, the plaintiff has not requested judicial relief pending a GAO decision, and the court has not indicated interest in a GAO decision.

Space Age Engineering, Inc. (SAE), protests the rejection of its bid as unbalanced by the Department of the Army under solicitation No. DAKr40-81-B-0001.

At the same time that SAE protested to our Office, it filed suit against the Government in the United States District Court for the Central District of California. The bases for the suit are substantially the same as those presented to our Office in the protest.

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 an interest in our decision. 4 C.F.R. § 21.10 (1981). SAE has not requested judicial relief pending a decision by our Office, and the District Court has not expressed any interest in our decision.

Therefore, we dismiss the protest. Fortec Constructors, B-203190, August 17, 1981, 81-2 CPD 150.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel