

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

FILE: B-211613

DATE: May 27, 1983

MATTER OF: Town Center Security Corporation

**DIGEST:**

Protest is dismissed where material issues 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.

Town Center Security Corporation protests the General Services Administration's (GSA) award of a contract to General Security Services Corporation under solicitation No. GS-05B-42334. Town Center contends that GSA improperly applied a prompt payment discount in evaluating the awardee's proposal.

Town Center has also filed a suit in the United States District Court for the Eastern District of Michigan (Civil Action No. 83-CV-1637-DT). The basis for the suit is substantially the same as that presented to our Office in the protest.

It is our policy 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 (1983). Town Center has not requested judicial relief pending a decision by this Office, and the court has not expressed an interest in our decision.

The protest therefore is dismissed. See Space Age Engineering, Inc., B-205594, January 18, 1982, 82-1 CPD 40.

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

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