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DECISION



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

FILE: B-212928

DATE: November 7, 1983

MATTER OF: Rhodes, Lauck and Associates, Inc.

DIGEST:

GAO will not consider a protest where the material issues are before a court of competent jurisdiction and the court has not expressed an interest in receiving a GAO decision.

Rhodes, Lauck and Associates, Inc. (RLA), protests the award of contract No. GS00C03430 for word processing equipment to International Business Machines Corporation (IBM), by the Blytheville Air Force Base, Arkansas (Air Force). RLA alleges that it was deprived of an opportunity to bid on the equipment because the Air Force failed to publicize the procurement in the Commerce Business Daily as required under paragraph 4-1104.4(2)(ii) of the Defense Acquisition Regulation (Defense Acquisition Circular No. 76-42, February 28, 1983).

We dismiss the protest.

RLA has filed a complaint regarding this matter in the United States District Court for the Eastern District of Arkansas (Civil Action No. J-C-83-264), seeking temporary injunctive relief and a declaratory judgment. It is our policy not to consider a protest where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses interest in receiving our views. 4 C.F.R. § 21.10 (1983); see Thiokol Corporation, Wasatch Division, B-206001, January 22, 1982, 82-1 CPD 51.

The court has not expressed an interest in receiving a decision on the protest from our Office, and our review of the complaint also discloses that the protester has not sought such an expression from the court. Therefore, we will not consider the matter.

The protest is dismissed.

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

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