

DECISION

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

FILE: B-214714

DATE: May 3, 1984

MATTER OF: Greenleaf Industries, Inc.

DIGEST:

Protest is dismissed where the material issues are before a court of competent jurisdiction and the court has not expressed any interest in receiving GAO's opinion.

Greenleaf Industries, Inc. (Greenleaf), protests the award of a contract by the Department of the Navy (Navy) to another bidder under solicitation No. N00600-82-R-1842 for a cargo handling and transportation system known as QUICKTRANS. Greenleaf alleges that its proposal should not have been rejected as technically unacceptable.

The protest is dismissed.

We have been informed that Greenleaf filed suit in the United States District Court for the District of Columbia seeking permanent injunctive relief. The court's resolution of the issue before it, which is identical to that raised here, will control the resolution of the protest. It is our policy not to decide protests where the material issues are before a court of competent jurisdiction unless the court requests our views. 4 C.F.R. § 21.10 (1983). Since the court has not indicated an interest in our decision, the protest is dismissed. See M/A-COM Sigma Data, Inc., B-212853, September 14, 1983, 83-2 CPD 325.

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