

**DECISION**



*Handwritten: 29943*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-216807

**DATE:** December 5, 1984

**MATTER OF:** International Shelter Systems, Inc.

**DIGEST:**

Protest against rejection of bid on basis of material unbalancing will not be considered where material issues are before a court of competent jurisdiction and where the court has not expressed interest in receiving views of GAO.

International Shelter Systems, Inc. (International), protests the rejection of its bid under Department of the Navy invitation for bids No. N62472-84-B-1816. The bid was rejected because the agency determined that the International bid prices were materially unbalanced.

We dismiss the protest.

Subsequent to the filing of the protest, International filed suit in the United States District Court for Rhode Island. International's request for a temporary restraining order has been denied, but the protester is pursuing a court ruling to cancel the contract and reaward to the protester. The court is cognizant of the protest before our Office, but has not asked for our opinion on the matter.

It is our policy not to review matters where the material issues are pending before a court of competent jurisdiction, unless the court requests, expects, or otherwise expresses an interest in receiving our views. Therefore, pursuant to 4 C.F.R. § 21.10 (1984), we decline to consider the protest on its merits. Norfolk Dredging Company, B-209099, Dec. 22, 1982, 82-2 CPD ¶ 567.

*Handwritten: Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel

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