

HL/Woods  
30861

**DECISION**



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

**FILE:** B-217561

**DATE:** March 29, 1985

**MATTER OF:** Amdahl Corporation

**DIGEST:**

Protest is dismissed where the material issues are before a court that has not expressed an interest in obtaining GAO's views.

Amdahl Corporation protests the award by Planning Research Corporation (PRC) of a subcontract to Vion Corporation under PRC's prime contract No. 50-SAPT-4-00319 with the Department of Commerce. Amdahl alleges that the equipment Vion proposed to supply does not satisfy requirements contained in PRC's solicitation. We dismiss the protest.

Subsequent to filing its subcontract protest with this Office, Amdahl filed a complaint in the United States District Court for the District of Columbia seeking a declaratory judgment, injunctive relief, and damages, based on the same allegations that it had raised in its protest to this Office. Amdahl Corp. v. Baldrige, No. 85-676 (D.D.C. filed Feb. 26, 1985). The complaint mentioned that a similar protest had been filed here, but did not request judicial relief pending our decision.

The policy of this Office is not to decide a protest where the material issues are before a court, unless the court requests, expects, or otherwise expresses an interest in our views. See 4 C.F.R. § 21.10 (1984). Because the protester has not requested that the court seek our opinion on the matters before it, nor has the court expressed an interest in our views, we dismiss the protest. Pacific Radiology Associates, P.S., Inc., B-217001, Nov. 27, 1984, 84-2 CPD ¶ 580.

*Ronald Berger*  
Ronald Berger  
Deputy Associate  
General Counsel

031652