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**DECISION**



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

**FILE:** B-218227

**DATE:** April 15, 1985

**MATTER OF:** C&M Glass Co.

**DIGEST:**

GAO will not consider a protest where the issues presented are before a court of competent jurisdiction, the protester has not asked that the court seek GAO's opinion, and the court has not otherwise expressed interest in GAO's decision.

C&M Glass Co. (C&M) protests the award of any contract under invitation for bids (IFB) No. 505-35-85, issued by the Veterans Administration (VA) for window replacement work. C&M contends that VA is attempting to "bypass" its bid. We dismiss the protest.

On March 18, 1985, while the protest was pending, C&M filed suit in the United States District Court for the Western District of Washington (Docket No. C85-210T), seeking a temporary restraining order and injunctive relief in connection with the protested procurement. It appears that the court's resolution of the matter before it will resolve the protest.

Where, as here, the basis for a civil suit is substantially the same as that presented in a bid protest, our Office will not consider the protest unless the court requests our decision. Bid Protest Regulations § 21.9, 49 Fed. Reg. 49,417, 49,423 (1984) (to be codified at 4 C.F.R. § 21.9). C&M does not ask in its complaint that the court seek our opinion and, in fact, indicates interest only in a judicial remedy. Since the court has not otherwise expressed interest in our decision, the protest is dismissed.

*for* *John F. Mitchell*  
Robert M. Strong  
Deputy Associate General Counsel

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