

C. Evans



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Ace-Federal Reporters, Inc.--Reconsideration  
**File:** B-241309.3  
**Date:** January 17, 1991

Ronald K. Henry, Esq., Baker & Botts, for the protester. Catherine M. Evans, David Ashen, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Request for reconsideration of decision rendered at the request of a court is denied where the court has not requested reconsideration of the decision.

### DECISION

Ace-Federal Reporters, Inc. requests reconsideration of our decision in Ace-Federal Reporters, Inc., B-241309, Dec. 14, 1990, 90-2 CPD ¶ \_\_\_\_, in which we denied in part and dismissed in part its protest of the award of a contract to Executive Court Reporters, Inc. under request for quotations (RFQ) No. DE-RFQ39-91RC-00001, issued by the Federal Energy Regulatory Commission (FERC) for stenographic reporting services. Ace alleges that our decision contains errors of fact and law.

Subsequent to filing its protest with this Office, Ace filed an action in the United States District Court for the District of Columbia seeking declaratory and injunctive relief against the award. As we stated in our prior decision, the court indicated that it would await the decision of this Office before ruling on the merits of Ace's suit. All of the issues in Ace's protest were before the court in that action. Ace-Federal Reporters v. Federal Energy Regulatory Comm'n, No. 90-2396 (D.D.C. Oct. 16, 1990).

The policy of this Office is not to consider a protest where the matter involved is the subject of litigation before a court of competent jurisdiction unless, as occurred here, the court requests our decision. Bid Protest Regulations, 4 C.F.R. § 21.9(a) (1990). Once we have complied with the court's request, we will not reconsider our decision unless requested to do so by the court. Computer Data Sys., Inc.--Recon., B-223921.2, Jan. 7, 1987, 87-1 CPD ¶ 22. Here, we

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have provided the court with our decision on the merits of Ace's protest, and the court has not requested anything further from this Office.

The request for reconsideration is denied.

*Ronald Berger*

Ronald Berger  
Associate General Counsel