



Comptroller General
of the United States
Washington, D.C. 20548

426195

Decision

Matter of: Mark Dunning Industries, Inc.--
Reconsideration

File: B-253671.5

Date: May 13, 1994

DECISION

Mark Dunning Industries, Inc. requests reconsideration of our decision in Red River Serv. Corp.; Mark Dunning Indus., Inc., B-253671.2 et al., Apr. 22, 1994, 94-1 CPD ¶ ____. Mark Dunning protested the award of a contract under solicitation No. F09650-93-R-0103, issued by the Department of the Air Force.

We deny the request for reconsideration because the matter involved is currently pending before the United States District Court for the Western District of Oklahoma (Civil Action No. 93-2288-C).¹

It is our policy not to decide requests for reconsideration of decisions where the matter involved is the subject of litigation before a court of competent jurisdiction unless the court requests our decision. 4 C.F.R. § 21.9(a) (1993); Robinson Enters.--Recon., B-238594.2, Apr. 19, 1990, 90-1 CPD ¶ 402. The matter raised by the protest is currently before a court, and since there is no indication that the court requests, expects, or is interested in our decision, we will not consider the protester's reconsideration request. Adams & Assocs. Travel, Inc. et al., B-216673 et al., Feb. 1, 1985, 85-1 CPD ¶ 124.

John M. Melody
Acting Associate General Counsel

¹The request for reconsideration is predicated on our Office's refusal to consider unsolicited comments dated April 14, 1994, filed by the protester. We viewed this submission as untimely. As the protester concedes in its reconsideration request, these comments were filed substantially outside the comment filing period. Our Office did not receive the submission until approximately 10 days prior to the decision due date and the record had been closed for some time.