

Morrow



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: C.S. McCrossan Construction, Inc.

File: B-261684

Date: June 22, 1995

DECISION

C.S. McCrossan Construction, Inc. protests the total small disadvantaged business set-aside restriction contained in invitation for bids No. DAAD07-95-B-0104, issued by the Department of the Army, White Sands Missile Range, for road and pavement repair work.

We dismiss the protest because the matter involved is currently pending before a court of competent jurisdiction.

It is our policy not to decide protests 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); Robinson Enters.--Request for 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 protest. Adams & Assocs. Travel, Inc. et al., B-216673 et al., Feb. 1, 1985, 85-1 CPD ¶ 124.

The protest is dismissed.

James A. Spangenberg
James A. Spangenberg
Assistant General Counsel

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