

DOCUMENT RESUME

02354 - [A1372358]

[Cancellation of Invitation for Bids]. B-1888811. May 10, 1977.  
2 pp.

Decision re: Northern Linen Co.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense -  
Procurement & Contracts (050).

Organization Concerned: Department of the Army: Corps of  
Engineers.

Authority: 4 C.F.R. 20.10. B-178224 (1974). B-179173 (1974).  
B-188440 (1976). B-182152 (1976). B-184335 (1976).

Protester objected to the cancellation of an invitation for bids for an exclusive concession for laundry and dry cleaning services. The protester alleged that the cancellation was improper and has sought injunctive and declaratory relief in the courts. The protest was dismissed since GAO does not render decisions on protest issues which are pending before a court of competent jurisdiction. (Author/SC)

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J. Brown  
Proc. II

**DECISION**



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

FILE: B-188811

DATE: May 10, 1977

MATTER OF: Northern Linen Co.

**DIGEST:**

Protest alleging improper cancellation of IFB is dismissed since this Office does not render decisions on protest issues which are pending before a court of competent jurisdiction.

Northern Linen Co. (Northern) has protested the cancellation by the Army Corps of Engineers of IFB DACW22-3-77-202 for an exclusive concession for laundry and dry cleaning services offered to ships traversing the St. Mary's Falls Canal at Sault St. Marie, Michigan.

The IFB was canceled after bids were opened because the agency determined that the IFB did not contain adequate criteria for evaluating the bids. The requirement has been resolicited and the award made to a bidder other than Northern. The essence of Northern's protest is that the agency lacked a compelling reason to cancel the initial IFB.

Prior to filing this protest with our Office Northern filed suit with the United States District Court for the Western District of Michigan seeking injunctive and declaratory relief on the basis that the Army improperly canceled the subject IFB. By order dated March 23, 1977, in the case of Northern Linen Co., Inc. v. Clifford L. Alexander, Jr., No. M77-41 C.A. the Court ruled against Northern on its Motion for Preliminary Injunction and Declaratory Relief. Northern has filed a motion for a new trial.

The subject matter of Northern's protest filed with this Office and the subject matter of the Court action are essentially the same. Since it does not appear from Northern's complaint or its motion for a new trial that the protester is seeking injunctive relief from the Court pending a decision by this Office but rather, is seeking a final adjudication of the merits by the Court, and since whatever action the Court may take assumes precedence over a

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decision by this Office we are compelled to decline further consideration of the protest. 4 C.F.R. 20.10 (1976). See also Nartron Corporation, B-178224, B-179173, July 17, 1974, 74-2 CPD 35; Computer Machining Technology Corporation, B-188440, B-182152, B-184335, February 9, 1976, 76-1 CPD 80.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel