

DECISION

DIGEST - L - Cont
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

79-2 CPD. 297

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FILE: B-195097

DATE: October 26, 1979

MATTER OF: Market Facts - Washington

DIGEST:

Protest against award of contract to another offeror will not be considered where material issues involved are before court of competent jurisdiction.

Market Facts - Washington (Market Facts) filed this protest against the award of a contract by the Veterans Administration (VA) to another firm under request for proposals No. 101(134C)-12-79.

Shortly after it protested to this Office, Market Facts filed suit in the United States District Court for the District of Columbia requesting the court to enjoin performance of the contract and to declare the contract invalid and Market Facts to be the only "proper recipient" of the award. Counsel for the protester subsequently advised us that the protester wished to pursue its case before our Office and that the suit would be withdrawn. In view of this advice we did not dismiss the protest. However, the suit was not withdrawn and we have since been informed that cross-motions for summary judgment are to be heard.

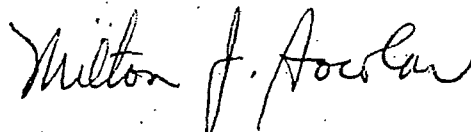
The grounds set out in Market Facts' complaint to the court are the same as those filed in support of its protest. In this regard, it is the policy of our Office not to decide a matter where the material issues involved are before a court of competent jurisdiction unless the court expects, requests or otherwise expresses interest in receiving our decision. See Section 20.10 of our Bid Protest Procedures, 4 C.F.R. Part 20 (1979); Robinson Associates, Inc., B-193056, November 24, 1978, 78-2 CPD 362.

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Market Facts has not requested injunctive relief pending a determination by our Office, and we have not been informed that the court has indicated an interest in our views. Therefore, we will take no further action on the matter.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel