

01364

DECISION



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

*D. Martin
Page II*

FILE: B-186866

DATE: December 14, 1976

MATTER OF: Chemical Compounding Corporation

DIGEST:

Protest initially filed in GAO is dismissed when protester subsequently files request for relief in court of competent jurisdiction involving same issues and neither protester nor court has indicated any interest in GAO decision.

The Chemical Compounding Corporation (Chemical) has protested the award of a contract under IFB DAA15-76-B-0088 to anyone other than itself. The solicitation for training aids and skin decontamination kits was issued by Edgewood Arsenal, Aberdeen Proving Ground, U.S. Army.

Subsequent to the filing of the instant protest and the submission of comments by all interested parties, Chemical filed suit in the United States District Court for the Eastern District of New York (Civil Action No. 76C2057), requesting, inter alia, a preliminary injunction preventing the U.S. Army from making a contract award to any source other than Chemical. The grounds presented as the basis for this suit are essentially the same as those presented to this Office in support of the protest.

A protest will not be decided by this Office where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses interest in our decision. 4 C.F.R. § 20.10 (1976). Since Chemical has not requested injunctive relief pending a determination by this Office and the court has not indicated any interest in our views, we will not decide this protest.

Accordingly, this protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel