

**DOCUMENT RESUME**

**02055 - [A1052042]**

**[Protest against Award of Contract for Elevator Testing and Repair Service]. B-188460. April 14, 1977. 1 pp.**

**Decision re: Elevator Sales and Service, Inc.; by Paul G. Dembling, General Counsel.**

**Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law I.  
Budget Function: General Government: General Property and  
Records Management (804).  
Organization Concerned: Head, Inc.; Department of the Navy;  
Naval Facilities Engineering Command, Alexandria, VA.  
Authority: 4 C.F.R. 20.10.**

**The award of a contract for elevator testing and repair service was protested. The protest was dismissed since the protester filed a request for relief in a court of competent jurisdiction, and the court did not indicate an interest in the GAO decision. (Author/SC)**

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**DECISION**



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

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**FILE: B-188480**

**DATE: April 14, 1977**

**MATTER OF: Elevator Sales and Service, Inc.**

**DIGEST:**

Protest to GAO against award of contract for elevator testing and repair service is dismissed, since protester has filed request for relief in court of competent jurisdiction and court has not indicated interest in GAO decision.

Elevator Sales and Service, Inc., protests the award of a contract for elevator testing and repair service by the Naval Facilities Engineering Command to Head, Inc., under invitation for bids No. N62472-77-B-4506.

The protester has also filed suit in the United States District Court for the Eastern District of Pennsylvania (Civil Action No. 77-651) requesting, *inter alia*, that the court permanently enjoin implementation of the award to Head, Inc. The grounds presented as the bases for the suit are essentially the same as those presented in support of the protest.

This Office will not resolve a protest where the matter involved is the subject of litigation 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 Elevator Sales and Service, Inc., 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 the protest. The matter is dismissed.

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