

DECISION



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

Protest of Army Contract Award
FILE: B-197035 DATE: March 14, 1980

MATTER OF: Fort Riley Cable TV Services, Inc. DLG04115

Individual remedies
DIGEST: Protest is dismissed where protested matters are before court of competent jurisdiction, preliminary injunction has been denied and court has not indicated interest in GAO decision.

Fort Riley Cable TV Services, Inc. (Ft. Riley), has protested the award of contract No. DAKF19-79-R-0021 to TeleNational Communications, Inc., by the United States Army. DLG04116

Our Office has recently learned that, following the filing of the protest here, Ft. Riley sought declaratory and injunctive relief in an action brought in the United States District Court for the District of Columbia to stop work under the contract until our Office could rule on the protest. On January 14, 1980, the court denied the request for a temporary restraining order and set Ft. Riley's motion for a preliminary injunction for a hearing on January 21, 1980. Following the hearing, the court denied Ft. Riley's motion for a preliminary injunction on February 22, 1980. The court has expressed no interest in receiving our decision on this matter, which is still pending before the court in connection with the request for a declaratory judgment.

It is the policy of our Office not to decide protests 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 (1979). The protester has not been granted injunctive relief pending a decision by this Office and the District Court has not indicated any interest in our decision. Therefore, the protest is dismissed. Mayfair Construction Company, B-194086, May 23, 1979, 79-1 CPD 371.

Harry D. Van Cleave
for Milton J. Socolar
General Counsel

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