

S. Roberts

15399 PLII

DECISION



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

FILE: B-200348

DATE: November 10, 1980

MATTER OF: Northwest Polymeric, Inc.

DIGEST:

Protest filed in GAO is dismissed where protested matters are before court of competent jurisdiction, plaintiff has not requested judicial relief pending GAO decision, and court has not otherwise indicated interest in GAO decision.

Northwest Polymeric, Inc., protests the award of a contract to any other offeror under solicitations DLA100-80-R-0501 and DLA100-80-R-1038 issued by the Defense Logistics Agency for preproduction quantities of combat helmets.

Subsequent to protesting to our Office, Northwest filed suit against the Government in the matter in the United States District Court for the Eastern District of Virginia. (Civil Action No. 80-0952A.) The grounds presented as the bases for the suit are the same as those presented to this Office in support of the protest.

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 an interest in our decision. 4 C.F.R. § 20.10 (1980). Plaintiff Northwest has not requested judicial relief pending a decision by this Office, and the District Court has not indicated 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

[Protest Against Contract
Award]

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