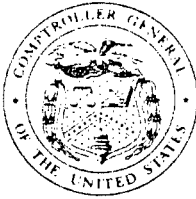


DECISION



15555
Weiskopf
Ph 2
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-199684

DATE: November 28, 1980

MATTER OF: Automated Datatron, Inc.

DIGEST:

[Protest Involving Issue] Protest is dismissed where subject of protest was decided by court of competent jurisdiction]

DLC 05569

AGC 00026

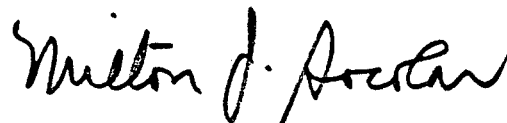
Automated Datatron, Inc. (ADI) filed a protest with this Office on July 21, 1980, alleging that the Social Security Administration (SSA) improperly rejected ADI's bid submitted in response to invitation for bids No. SSA-80-0145. The IFB contained a brand name or equal purchase description requiring bidders to offer certain models of microfilm manufactured by Eastman Kodak Company (Kodak) or "equal" microfilms; that is any other manufacturer's microfilms which would meet the salient characteristics listed in the IFB. ADI offered microfilms manufactured by Rochester Film Corporation (RFC), but did not specify the precise film type. Examination of descriptive literature ADI submitted after bid opening, revealed that RFC manufactured several types of microfilms that met ADI's description in the bid, and not all of those types were equal to the Kodak microfilm listed in the IFB. Therefore, SSA rejected ADI's bid as nonresponsive. CN G 0067
DLC 0557

✓ On October 9, 1980, ADI filed a suit, Civil Action No. 80-2582, seeking a declarative judgment and permanent injunctive relief in the United States District Court for the District of Columbia, placing the material issues involved in the protest before the court. By order dated October 23, the court entered a judgment against ADI and in favor of the Government. AGC 00748

The courts decision on the merits constitutes a final adjudication barring further action by this Office. See 4 C.F.R. § 20.10 (1980); Inflated Products Company, Inc.--Reconsideration, B-189115, July 19, 1978, 78-2 CPD 47.

013249 113872

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel