

DECISION

23431
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210187**DATE:** January 6, 1983**MATTER OF:** The Big Picture Company**DIGEST:**

Where protester files appeal with contracting agency's decision to retain services in-house and subsequently files protest with GAO, the protest will be dismissed as premature where the appeal is still pending.

The Big Picture Company protests the Department of the Navy's decision to retain in-house performance of illustration services after consideration of bids received under solicitation no. N00104-82-B-1030.

Although we will review an agency's compliance with the ground rules set forth in a solicitation in connection with a cost comparison to be made to enable the agency to determine if it would be less costly to contract for work or to perform it in-house, we will do so only where a protester has first availed itself of the administrative review procedures provided by the agency. Industria Lease, Inc. of Fayetteville, B-208460, August 17, 1982, 82-2 CPD 144. We understand that the protester here has filed an appeal with the agency which is still pending. Under the circumstances, we view the protest to our Office as premature.

Therefore, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

024302