

DECISION



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

27977

FILE: B-214777

DATE: April 13, 1984

MATTER OF: Numax Electronics Incorporated

DIGEST:

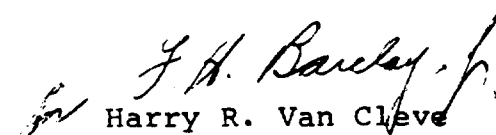
Protest is dismissed where the material issues are before a court of competent jurisdiction, judicial relief pending a decision by this Office has not been requested, and the court has not expressed interest in receiving GAO's views.

Numax Electronics Incorporated (Numax) protests an alleged improper sole-source negotiation and award of an option quantity to another company under contract No. DAAB07-82-C-C033, issued by the Department of the Army.

We will not consider the protest.

Numax has filed a suit concerning this award in the United States District Court for the District of Columbia (Civil Action No. 84-0914) seeking permanent injunctive and declaratory relief. The court's resolution of the issues before it will control the resolution of the protest as the issues are the same. It is our policy not to decide protests where the material issues are before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in receiving our views. 4 C.F.R. § 21.10 (1983). Plaintiff Numax has not requested judicial relief pending a decision by this Office, and the court has not indicated an interest in our decision.

The protest is dismissed. Harris Data Communications, Inc., B-210521, March 22, 1983, 83-1 CPD 291.


Harry R. Van Cleave
Acting General Counsel

028574