

DECISION



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

FILE: B-215010

DATE: June 26, 1984

MATTER OF: Isometrics, Inc.

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.

Isometrics, Inc. (Isometrics), protests the award of a contract to any other offeror under request for proposals No. FD2060-83-96301 issued by Warner Robins Air Force Base, Georgia. Isometrics contends that the rejection of its technical proposal as unacceptable was erroneous and contrary to procurement regulations.

We will not consider the protest.

Isometrics has filed an action in the United States Claims Court (No. 222-84C) concerning the evaluation of its technical proposal under this solicitation. Isometrics is 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 our decision. Plaintiff Isometrics 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 Cleve
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Acting General Counsel

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