

DECISION

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

*7/11/84
PK:II
29308*

FILE: B-215897

DATE: September 17, 1984

MATTER OF: Washington Mechanical Contractors, Inc.

DIGEST:

Protest is dismissed where material issues are before a court of competent jurisdiction and the court has not expressed an interest in GAO's decision.

Washington Mechanical Contractors, Inc. protests the Department of the Navy's award of a contract to ARNTZ Contracting Company under invitation for bids No. N62474-83-B-2777. The protester contends that ARNTZ's bid was late and should not have been accepted.

The protester has filed a suit in the United States District Court for the Northern District of California (Civil Action No. C-84-5671-RFP) involving the same issues raised in the protest. It is the policy of this Office not to decide protests where the material issues are pending before a court of competent jurisdiction unless the court expresses an interest in our decision. Joule Maintenance Corporation, B-212753, Jan. 30, 1984, 84-1 CPD ¶ 128. The court has not expressed such interest here.

We therefore dismiss the protest.

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

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