



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Intermec Corporation  
File: B-228915  
Date: September 18, 1987

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### DIGEST

Protest challenging contracting agency's evaluation of protester's proposal under request for proposals which also is the subject of a pending lawsuit by the protester challenging the agency's actions on other grounds is dismissed since the protester could have raised the protest issues in the lawsuit and the relief requested, if granted by the court, would make further consideration of the protest academic.

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### DECISION

Intermec Corporation protests any award under request for proposals (RFP) No. DAEA26-87-R-0003, issued by the Army for bar coding equipment and related services. We dismiss the protest.

Intermec's protest focuses on the Army's evaluation of its price proposal, which Intermec contends was based on an improper interpretation of the requirements in the RFP. On September 3, two days after the protest was filed in our Office, Intermec filed suit in the United States Claims Court, contending that the Army had engaged in technical transference to other offerors of data proprietary to Intermec in connection with the RFP at issue in the protest. As relief, Intermec in part requested a permanent injunction barring award to any offeror other than Intermec.

In the interest of avoiding concurrent decisions related to the same procurement from different forums, we generally will not consider a protest which raises issues related to procurement which also is the subject of a pending lawsuit by the protester. CompuServe Data Systems, Inc., 59 Comp. Gen. 126 (1979), 79-2 CPD ¶ 400. In this case, it is clear that the issues raised in the protest could have been, but were not, raised in the lawsuit before the Claims Court. In addition, the injunctive relief requested by Intermec in it

lawsuit directing that award be made to Intermecc, if granted by the court, would make further consideration of the protest academic. Under these circumstances, we will not consider the protest. Big Bend Community College, et al., B-196278, et al., Apr. 23, 1980, 80-1 CPD ¶ 288.

The protest is dismissed.

*Ronald Berger*

Ronald Berger  
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General Counsel