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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Lockheed Martin Corporation

File: B-412056; B-412056.2; B-412056.3

Date: December 15, 2015

Marcia G. Madsen, Esq., Cameron S. Hamrick, Esq., David F. Dowd, Esq., Luke Levasseur, Esq., and Polly A. Myers, Esq., Mayer Brown LLP, for the protester.

Scott Arnold, Esq., Harvey G. Sherzer, Esq., Justin A. Chiarodo, Esq., Erin W. Burns, Esq., Christian N. Curran, Esq., and Stephanie M. Zechmann, Esq., Dickstein Shapiro LLP, for Oshkosh Defense, LLC, the intervenor.

Wade L. Brown, Esq., and Michael J. Kraycinovich, Esq., Department of the Army, for the agency.

Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where, pursuant to the Rules of the United States Court of Federal Claims (COFC), protester has filed a notice with the COFC stating that it intends to file a protest with that Court involving the same subject matter as protests pending before our Office, we will dismiss the pending protests on the basis that the matters at issue are the subject of litigation before a court of competent jurisdiction.

DECISION

Lockheed Martin Corporation, of Grand Prairie Texas,¹ protests the Department of the Army's award of a contract to Oshkosh Defense, LLC, of Oshkosh, Wisconsin, pursuant to request for proposals (RFP) No. W56HZV-14-R-0039 for the production and deployment of the joint light tactical vehicle (JLTV) family of vehicles. On September 8, 2015, Lockheed filed its initial protest with our Office and, thereafter, submitted two supplemental protests. Lockheed's protests challenge various aspects of the agency's evaluation and source selection process.

¹ Lockheed acted through its Missiles and Fire Control business unit in this procurement. Protest, Sept. 8, 2015, at 1.

On December 11, pursuant to Appendix C of the Rules of the United States Court of Federal Claims, Lockheed filed a Notice of Post-Award Bid Protest with that Court. The Notice stated that Lockheed will file a protest with the Court on or about December 17, 2015, and Lockheed has further stated that such protest will involve the same subject matter as the protests filed with our Office.

Our Office will not decide a protest where the matter involved is the subject of litigation before a court of competent jurisdiction. See 4 C.F.R. § 21.11(b). Based on Lockheed's submission of its Notice to the U.S. Court of Federal Claims stating its intent to file a protest with the Court involving the same subject matter as the protests pending before our Office, we are closing our files without further action.

The protests are dismissed.

Susan A. Poling
General Counsel