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DECISION



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

10,358

FILE: B-193938

DATE: June 5, 1979

MATTER OF: Idaho Veneer Company

DLB 01708

[Request for Decision on Matter Where Issue is Subject of Litigation]

DIGEST:

~~GAO will not decide matters~~ where material issue involved is subject to litigation before court of competent jurisdiction. *will not*

Account

Idaho Veneer Company (Idaho), the high bidder *be considered* for the Ferrell Creek Timber Sale number 022 (Kootenai National Forest) protests the Forest Service refusal to award it a contract and to construct certain roads specified by Idaho as necessary to the completion of the contract. Idaho argues that the Forest Service is required to perform the construction by section 14(i) of the National Forest Management Act of 1976, 16 U.S.C. § 472(i) (1976). The Forest Service contends that it has been unable to secure a satisfactory bid for the road work, and therefore, consistent with the terms of the solicitation for the sale Idaho must agree to construct the roads if the firm desires to be awarded the contract.

Subsequent to filing the protest in our Office, Idaho filed Civil Action No. ~~79-1276~~ *the bidder* in the United States District Court for the District of Columbia, in which the same issue *is* raised. It is the policy of our Office not to decide a matter where the material issue involved is subject to litigation before a court of competent jurisdiction unless the court expects, requests, or otherwise expresses an interest in receiving our decision. 4 C.F.R. § 20.10 (1978); Robinson Associates, Inc., B-193056, November 24, 1978, 78-2 CPD 362. There has been no request for a GAO decision in this case.

Accordingly, ~~we will take~~ *no* further action on the matter. *was taken*

Milton J. Socolar

Milton J. Socolar
General Counsel

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