

DOCUMENT RESUME

02712 - [A1852890]

[Protest against Award Currently under Court Litigation].
B-189007. June 24, 1977. 1 pp.

Decision re: International Union of Operating Engineers, Local
No. 3; by Paul G. Deabling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: General Government: Other General Government
(806).

Organization Concerned: Bureau of Reclamation; Brown and Root,
Inc.

Authority: 4 C.F.R. 20.10.

A protest against an award of a contract for construction on a dam project was dismissed, inasmuch as the matter was the subject of litigation before a court of competent jurisdiction, and the court had not requested or expressed interest in a decision by GAO. (Author/DJM)

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DECISION



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

FILE: B-189007

DATE: June 24, 1977

MATTER OF: International Union of Operating Engineers,
Local No. 3

DIGEST:

Protest to GAO against award of contract for construction is dismissed because protester has filed request for relief in court of competent jurisdiction and court has not indicated interest in GAO decision.

Local Union No. 3 of the International Union of Operating Engineers (Union) protests the award of a contract for construction relating to the Lyzack Dam by the Department of the Interior, Bureau of Reclamation, to Brown and Root, Inc., under invitation for bids No. DC-7262.

Counsel for the protester has also filed suit in the United States District Court for the District of Utah (Civil Action No. 77-0160) requesting, inter alia, that the court enjoin implementation of the award to Brown and Root, Inc., pending a full trial on the merits. The grounds enumerated as the basis for the suit are essentially the same as those presented in support of the protest.

This Office will not resolve a protest in which the matter involved is the subject of litigation before a court of competent jurisdiction unless the court requests, expects, or otherwise expresses interest in our decision. 4 C.F.R. § 20.10 (1977). Because the Union has not requested injunctive relief pending a determination by this Office and the court has not indicated any interest in our views, we will not decide the protest. The matter is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel