

DECISION



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

29146

FILE: B-215727

DATE: August 22, 1984

MATTER OF: Douglass Industries, Inc.

DIGEST:

GAO will not consider the merits of a protest where the material issues are before a court of competent jurisdiction and the court has not expressed interest in obtaining GAO's views.

Douglass Industries, Inc. (Douglass), protests the Air Force's rejection of its firm as nonresponsible under request for proposals No. F61546-84-R-0183. Douglass, a small business concern, contends that the contracting officer failed to refer the question of its responsibility to the Small Business Administration for possible issuance of a certificate of competency. The protester has filed a suit concerning this procurement in the United States District Court for the District of Columbia (Civil Action No. 84-2308) for injunctive and declaratory relief.

It is the policy of our Office not to decide protests where the material issues are before a court of competent jurisdiction unless the court expresses an interest in our decision. 4 C.F.R. § 21.10 (1983). See Numax Electronics Incorporated, B-214777, Apr. 13, 1984, 84-1 C.P.D. ¶ 417; A. B. Dick Company, B-211119.2, Aug. 8, 1983, 83-2 C.P.D. ¶ 178. The court has not expressed such interest.

The protest is dismissed.

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