

Vickers
P.L.I

DECISION



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

04705

FILE: B-190601

DATE: December 27, 1977

MATTER OF: Campanella Corporation

DIGEST:

Request for review of procurement under grant solicitation involving 10-percent-minority business enterprise provision of Public Works Employment Act of 1977, which is subject of conflicting U.S. District Court opinions, will not be considered until matter is finally litigated.

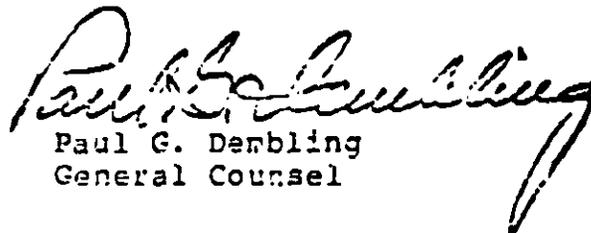
Campanella Corporation has requested our Office's review of the bids submitted in response to a solicitation by the City of Warwick, Rhode Island, for the construction of storm sewers, which is financed by a Federal grant from the Economic Development Administration.

Campanella contends that the two low bidders for the project did not comply with section 106(f)(2) of the Public Works Employment Act of 1977, which requires bidders to have 10 percent of a federally funded project performed by a Minority Business Enterprise (MBE).

The MBE provision of the 1977 act has been the subject of conflicting United States District Court opinions. See Associated General Contractors of California v. Secretary of Commerce, U.S. District Court for the Central District of California, Civil Action No. 77-3738-AAH, October 31, 1977, and Constructors Association of Western Pennsylvania v. Krebs, U.S. District Court for the Western District of Pennsylvania, Civil Action No. 77-1035, October 13, 1977. The California decision has been appealed to the United States Supreme Court.

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In view of the above, we will take no action on the request for review until the matter is finally decided and, therefore, the complaint is dismissed.


Paul G. Denbling
General Counsel