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**DECISION**

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

*J. Vachon  
Pres.*

**FILE: B-185874**

**DATE: March 8, 1977**

**MATTER OF: Sovereign Construction Company, Ltd.;  
City of Philadelphia**

**DIGEST:**

Request for review by grantee of Environmental Protection Agency Regional Administrator's decision concerning acceptability of unbalanced bid will not be considered as matter is before court of competent jurisdiction.

The City of Philadelphia issued bid No. 2497 for the general construction and mechanical work on the Northeast Water Pollution Control Plant in Philadelphia, Pennsylvania. This construction is being conducted pursuant to a 75-percent construction grant awarded by the Environmental Protection Agency (EPA) under title II of the Federal Water Pollution Control Act, as amended by Pub. L. No. 92-500 (33 U.S.C. § 1281, at seq. (1970)).

Bids were opened on December 16, 1975, and the low bid was submitted by Sovereign Construction Company, Ltd., in the amount of \$20,779,100. However, Sovereign's bid was rejected by the City as unbalanced.

Sovereign requested that EPA review the City's (grantee's) determination pursuant to the established procedures described at 40 C.F.R. § 35.939 (1976). On December 6, 1976, the EPA Regional Administrator issued his decision which found the action of the City to be unreasonable and directed that the award be made to Sovereign.

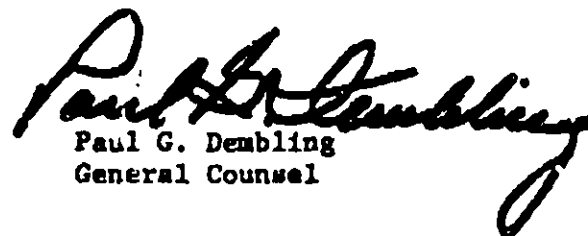
In view of this determination, a prior request by Sovereign that our Office review the City's actions has been rendered moot. The City of Philadelphia has now requested our Office to review the decision of the EPA Regional Administrator.

On March 1, 1977, Sovereign filed Civil Action No. 77-739 in the United States District Court for the Eastern District of Pennsylvania requesting that the court order the grantee to award the contract to Sovereign.

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It has long been the policy of our Office not to decide matters where the material issues involved are before a court of competent jurisdiction unless the court expresses an interest in receiving our views. 52 Comp. Gen. 706 (1973) and Grumman Ecosystems Corporation, B-184617, October 24, 1975, 75-2 CPD 252.

Accordingly, we will take no further action on the matter.

  
Paul G. Dembling  
General Counsel