

DECISION**DIGEST - L - Cont**
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

79-2 CPD 377

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FILE: B-196650

DATE: November 28, 1979

MATTER OF: Delta Excavating and Trucking
Co., Inc.

DIGEST:

Prospective contractor's request that GAO review contract to be awarded by private organization is dismissed where there is currently no Federal financial involvement. Procurement action by other than Federal Government is not for review under GAO Bid Protest Procedures and is not reviewable under GAO Public Notice regarding review of contract awards under grants where use of Federal grant funds is not involved.

Delta Excavating and Trucking Co., Inc. (Delta) requests that we review any contract award by the Council of Human Dignity of DuBois, Pennsylvania (Council) to Miles Construction and Development Co. for demolition and site clearance.

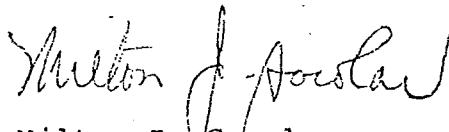
We have been informally advised that the Council is a church affiliated organization. The matter therefore does not involve a procurement action by a Federal agency and is not reviewable under our Bid Protest Procedures. 4 C.F.R. Part 20 (1979).

Delta makes no statement in its complaint as to whether Federal funds are being used under these contracts but informally advises us that the Council may receive Federal funding from the Appalachian Regional Commission and the Farmers Home Administration. After discussing the matter informally with officials at these two agencies as well as with officials at the Department

of Housing and Urban Development and the Council, we have ascertained that Federal funds have not been made available for the contract in question.

We stated at 40 Fed. Reg. 42406 (1975) that we will undertake reviews concerning the propriety of contract awards made by grantees in furtherance of grant purposes upon the request of prospective contractors where the Federal funds in a project as a whole are significant. Although it is apparent that the Council from time to time has been the recipient of Federal funding and that there is a possibility that Federal funds may at some future time be made available for this contract, it is clear that there currently is no Federal financial involvement.

Accordingly, the complaint is at best premature and is therefore dismissed.



Milton J. Socolar
General Counsel