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DECISION



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

FILE: B-199969

DATE: September 16, 1980

MATTER OF: M.D. Taddie and Company, Inc.

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DL05225

DIGEST:

Request for review of proposed award under grant solicitation is dismissed where material issues are before court of competent jurisdiction which has not expressed interest in receiving GAO's views.

M.D. Taddie and Company, Inc. (Taddie), has asked that our Office review the proposed award of a contract by the Township of Augusta, Michigan, to the Morrison Company for a water main extension project which is to be financed by loan and grant funds from the Farmers Home Administration. DL05227

Taddie essentially contends that it is the low bidder for the project despite a minor mathematical error in its bid which allegedly may be waived, and that contrary to the award provisions of the solicitation the Township Board has voted to award the contract to the second low bidder.

Prior to filing its complaint with our Office, Taddie protested the proposed award to the Township and to the Farmers Home Administration. Taddie has also filed suit in the Circuit Court for the County of Washtenaw, Michigan (M.D. Taddie & Company, Inc. v. Township of Augusta, File No. 80-19407-CZ), seeking to set aside the Township's decision and requiring that award be made to Taddie. The issues raised in Taddie's suit are identical to those presented in the firm's complaint before us. AGR00358 DL05226

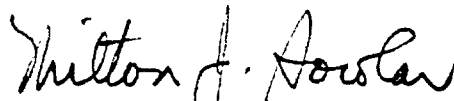
Under the circumstances, we decline to consider this complaint. It is our policy not to review matters where the material issues involved are before a court

[Protest Against Proposed Contract Award]

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of competent jurisdiction and the court has not expressed an interest in receiving our views. Schiavone Construction Co., Inc., B-191112, February 22, 1978, 78-1 CPD 151;
Sovereign Construction Company, Ltd.; City of Philadelphia, B-185874, March 8, 1977, 77-1 CPD 168.

The complaint is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel