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DECISION



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

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FILE: B-205925

DATE: March 9, 1982

MATTER OF: Steiny and Company, Inc.

DIGEST:

Complaint requesting review of procurement procedure under a grant solicitation is dismissed where the material issues raised by the complaint are pending before a court of competent jurisdiction which has not expressed interest in receiving GAO's views.

Steiny and Company, Inc. (Steiny), has filed a complaint concerning the award of a contract by the City of Riverside, California, under project No. M-MG-R100(2) for traffic signal improvement. The project is partially funded by the Department of Transportation, Federal Highway Administration (DOT).

Steiny, the apparent low bidder in response to a solicitation for the project, contends that the City of Riverside improperly rescinded the award because the California Department of Transportation refused to release funds designated for the project. DOT, however, asserts that all bids for the project were rejected and that no grant agreement was executed.

For the reasons discussed below, we decline to consider the complaint.

We have recently been advised that on February 5, 1982, Steiny filed suit in the Superior Court of the State of California for the County of Riverside, seeking injunctive relief to require release of the funds and reinstatement of the award. The court has not expressed an interest in receiving our decision on this matter, which is scheduled for hearing on April 26, 1982.

It is our policy not to consider complaints where the material issues are pending before a court of competent jurisdiction unless the court requests,

expects, or otherwise expresses interest in receiving our views. Because the issues presented by Steiny's complaint are pending before the court and the court has not expressed an interest in our views, we decline to consider Steiny's complaint. M.D. Taddie and Company, Inc., B-199969, September 16, 1980, 80-2 CPD 199; see also Weeks-Miller Joint Venture, B-203107, July 31, 1981, 81-2 CPD 76.

We dismiss the complaint.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

