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DECISION



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

FILE: B-190254

DATE: January 11, 1978

MATTER OF: Pullman Standard, Inc. --
Reconsideration

DIGEST:

Request for reconsideration of prior decision declining to take any action on request for review of contract award by grantee because matter had been decided on merits by court of competent jurisdiction is denied and prior decision affirmed because court's order constituted final adjudication of issues raised.

Pullman Standard, Inc. (Pullman), has requested reconsideration of our decision in the matter of Pullman Standard, Inc., B-190254, November 28, 1977, in which we declined to take any action on the request for review by Pullman of the award of a contract by the Greater Cleveland Regional Transit Authority (GCRTA). GCRTA was the recipient of a grant from the Urban Mass Transit Administration.

The reason our Office declined to decide the matter was because Pullman had sought judicial relief in the United States District Court for the District of Columbia, which after considering the merits, entered judgment for the defendants on October 25, 1977 (Civil Action No. 77-1686). In view of this action and consistent with the policy of our Office not to consider matters which have been decided on the merits by a court of competent jurisdiction, we closed our file.

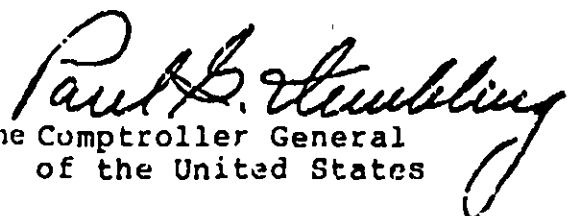
Pullman now contends that our Office should consider the merits of its request, notwithstanding the District Court opinion, because such a decision

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does not ipso facto preclude the Comptroller General's review of the procurement. Pullman argues that our Office is not limited to the "rational basis" test used by the court and could recommend corrective action without being inconsistent with the court's decision.

The court's order of October 25, 1977, constitutes a final adjudication of the issues raised in the request for review. Such court action bars further consideration by this Office on Pullman's request since the court's action takes precedence over any action of this Office and we could not recommend remedial action contrary thereto. See Zac Smith & Company, Inc., B-183843, November 4, 1975, 75-2 CPD 276.

Accordingly, we affirm our prior decision of November 28, 1977.


For The Comptroller General
of the United States