

19203



**DECISION**

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

**FILE:** B-204330 **DATE:** August 20, 1981  
**MATTER OF:** Misener Marine Construction, Inc.

**DIGEST:**

Where grantor agency maintains established procedure for resolving complaints concerning grantee procurement, GAO will not consider complaint unless matter has first been presented to agency for its consideration.

Misener Marine Construction, Inc., complains of the acceptance of a competitor's bid by the Puerto Rico Aqueduct and Sewer Authority in connection with U.S. Environmental Protection Agency (EPA) project C-72-79.

This is not a matter we will review at this time. In our Public Notice published at 40 Fed. Reg. 42406 (1975), we stated that we would consider complaints concerning procurements conducted by recipients of Federal grant funds. Our purpose was to insure adherence to the requirements of the grant instruments by the grantees and to examine the efforts of grantor agencies in discharging their responsibilities to assure that those requirements were met. However, where a grantor agency, such as EPA, has an established procedure for identifying and resolving problems concerning grantee procurements, we will not consider a complaint unless the matter has first been presented for grantor agency consideration. Sanders Company Plumbing and Heating, 59 Comp. Gen. 243 (1980), 80-1 CPD 99.

*[Complaint Against Competitor's Bid Acceptance]*

116178

018/63

We understand that Misener has not presented this matter to EPA for consideration under that agency's protest procedures, which are set forth at 40 C.F.R. § 35.939 (1980). Accordingly, we dismiss the complaint.

*F. H. Barclay, Jr.*

*For*

Harry R. Van Clevé  
Acting General Counsel