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**DECISION**



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

**FILE:** B-208547.2

**DATE:** February 1, 1983

**MATTER OF:** P. Francini & Co., Inc.--Reconsideration

**DIGEST:**

Request for reconsideration by an interested party is dismissed where the issue was before a court of competent jurisdiction and the court, which expressed an interest in a decision by GAO, has not indicated any interest in having GAO reconsider the decision.

P. Francini & Co., Inc. (Francini), requests reconsideration of our decision in Dawson Construction Company, Inc., B-208547, December 20, 1982, 82-2 CPD 551. That decision was rendered in response to an expression of interest from the United States District Court for the District of Massachusetts in connection with the lawsuit brought by Dawson Construction Company under Civil Action No. 82-2954-G. The court had issued an injunction prohibiting any performance on the contract awarded to Francini until our Office rendered a decision on the above-described protest.

It is our policy not to decide matters where, as here, the material issues are before a court of competent jurisdiction. However, if the court expresses an interest in a decision by our Office, we will then consider the matter on the merits. Weeks-Miller Joint Venture, B-203107, July 31, 1981, 81-2 CPD 76.

Here, the court did express an interest in having a decision by our Office. Francini participated as an interested party in the matter prior to the rendering of our decision. Francini now requests that we reconsider the decision. However, since the decision was issued in response to the court's request and the court has not indicated any interest in our reconsidering the prior decision, we will take no further action on the merits of this matter. Tacoma Boatbuilding Co.--Request for Reconsideration, B-199445.6, December 10, 1980, 80-2 CPD 420.

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We dismiss Francini's request for reconsideration.

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