

01508
179

DECISION



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

P. Sherry

Proc II

FILE: B-187612

DATE: February 4, 1977

MATTER OF: Mid America Movers, Inc.

DIGEST:

Protest that low bidder does not possess ICC license and is therefore not entitled to award of contract is denied since record indicates that awardee, prior to award, did possess ICC license. Moreover, since solicitation contains generally worded license requirement, satisfaction of licensing requirement only concerns contractor and entity responsible for granting license, and is not for contracting officer's consideration in determining bidder's responsibility.

Invitation for bids (IFB) DAKF19-76-B-0089 was issued by the Department of the Army, Contracting Facility Procurement Division, Fort Riley, Kansas (Army) for the procurement of packing, crating and drayage services for household goods in various Kansas counties. Award was made to Academy Movers (Academy), which was determined to be the low bidder for Area 1, Schedule 1 & 2 (inbound and outbound services).

Mid America Movers, Inc. (Mid America) protested against award of the contract to Academy on the grounds that Academy did not possess an Interstate Commerce Commission (ICC) license as required by Paragraph C-40 of the solicitation. Paragraph C-40 of the IFB advised all bidders as follows:

"The contractor shall be required to meet all required Federal, State, and Local regulations to include all current licenses for the areas covered by the solicitation at the time of award."

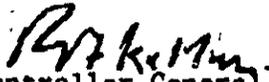
Mid America also asserted that Graves Van Lines (Graves) should not receive award of a contract for Area II, Schedule I (inbound services) because of its failure to comply with Paragraph C-40. In this regard, however, we have been advised by the Army that the low bidder for Area II, Schedule I was Covan World-Wide Moving, Inc. (Covan), not Graves, and that award of a contract for Area II, Schedule I was made to Covan on December 3, 1976. Accordingly, consideration of this aspect of Mid America's protest would be academic.

B-187612

Mid America has indicated that an employee of the Topeka, Kansas ICC Office advised it that Academy had not received ICC operating authority for Pottawatomie County prior to award of the subject contract. However, the Army has advised our Office that Academy had existing operating authority to perform in all parts of Area I except Pottawatomie County through ICC Order No. MC-PC-76534, August 23, 1976, which transferred to Academy the entire operating rights of another moving and storage company. In addition, the Army reports that ICC granted operating authority in Pottawatomie County to Academy on December 1, 1976 through ICC Order No. MC 129057. Therefore, the record clearly establishes that Academy, at the time of award on December 3, 1976, possessed all necessary ICC licenses.

Moreover, where, as here, the IFB requirement is set forth in broad, general language which does not specifically require the obtaining of a specific license(s) (see 53 Comp. Gen. 51 (1973)) we have held that whether or not such licenses are obtained is a matter solely between the contractor and the entity responsible for granting such a license or permit. Mc Namara-Lunz Vans & Warehouses, Inc., B-185803, July 8, 1976, 76-2 CPD 20, affirmed, B-185803, September 3, 1976, 76-2 CPD 217. In such circumstances the determination of whether a license or permit has been obtained has no bearing on the award of a contract or the responsibility of a bidder. 53 Comp. Gen., supra.

In view of the foregoing, Mid America's protest is denied.


Deputy Comptroller General
of the United States