

under the certificate of competency procedure. International Business Investments, supra. No exceptions from the referral procedure are contemplated or contained in the act or in the applicable regulations. International Business Investments, supra.

Since the matter was properly forwarded to SBA for consideration, the protest is dismissed.

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

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20549

FILE: B-208312.2

DATE: October 28, 1982

MATTER OF: Day Detectives, Inc.

DIGEST:

Protest that small business bidder is not responsible because of lack of specifically required State license is dismissed, since matter is for resolution by Small Business Administration under certificate of competency procedure.

Day Detectives, Inc. (Day), protests the consideration of an apparent low bid submitted by International Business Investments (IBI) under solicitation No. 22-82-2020(P) issued by the Department of Health and Human Services, National Center for Toxicological Research.

Day contends that the IBI bid should not be considered because IBI failed to furnish proof of licensing at the time of bid opening as the solicitation required. Day's counsel adds that IBI is not qualified for award because its license has been suspended.

We have held that an agency may properly require that bidders obtain a specific State license as a matter of responsibility and that, even where the solicitation (as it does here) requires that a bidder possess the license at bid opening, the matter remains one of responsibility and the bidder may demonstrate its possession of the license after bid opening. See International Business Investments, B-206474, May 27, 1982, 82-1 CPD 500; 53 Comp. Gen. 51 (1973).

Day reports that the Small Business Administration (SBA) is considering the matter of IBI's responsibility under its certificate of competency procedure. Where an agency finds that a bidder is unacceptable because of failure to evidence possession of a specifically required State license, the determination constitutes a finding of nonresponsibility, which, in the case of a small business, under the terms of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. IV, 1980), must be referred by the agency to the SBA for final disposition

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