

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

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FILE: B-213132**DATE:** October 11, 1983**MATTER OF:** Northwest Forest Workers Association**DIGEST:**

In the absence of a solicitation provision requiring that the bidder possess a specific license or permit, the contracting officer need not consider whether the bidder intends to comply with licensing or permit requirements imposed by state or local authorities in determining the bidder's eligibility for award.

Northwest Forest Workers Association (Northwest) protests the award of a contract to NW Contracting under solicitation No. R6-1-83-129 which was issued by the Forest Service, U.S. Department of Agriculture, and asked for bids for the collection of cones for seed purposes. Northwest contends that NW Contracting, the low bidder, does not have a labor contractor's license as required by Oregon law and is not a legally established and registered business entity in Oregon or in any other state. Northwest asserts that the Federal Government's willingness to make an award in such circumstances is unfair to those bidders who do comply with such state requirements and is improperly motivated by a desire to obtain the low prices that are available from unlicensed bidders. We summarily deny the protest.

Contracting officers may, by appropriate solicitation language, require bidders to comply with a specific known state or local licensing requirement as a prerequisite to award. 53 Comp. Gen. 51 (1973). However, contracting officers are not required to impose such requirements, and when they do not they generally need not concern themselves with whether the bidder intends to comply with state or local licensing requirements. American Environmental Services--Reconsideration, B-205590.2, February 9, 1982, 82-1 CPD 121. This is so because contracting officers

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generally are not competent to pass upon the question of whether a particular state or local license or permit is legally required for the performance of federal work; therefore, compliance with such requirements are made the responsibility of the contractor. E.I.L. Instruments, Inc., 54 Comp. Gen. 480 (1974), 74-2 CPD 339.

If particular licenses or permits are required by the state and they do not conflict with federal laws or interfere with federal powers, the state is free to enforce its laws against the contractor. Id. If such action prevents the contractor from performing the contract, the contracting officer may terminate the contract for default.

Here, the protester's submission indicates that the solicitation did not impose a specific requirement regarding either an Oregon contractor's license or registration as a Oregon business entity. Therefore, the contracting officer was free to make award to NW without regard to whether it was licensed and registered under local law.

The protest is summarily denied.

for 
Comptroller General
of the United States