

J. Melody



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Central Virginia Ambulance Service, Inc.
File: B-225530
Date: December 5, 1986

DIGEST

1. Whether firm satisfies general solicitation requirement that contractor possess all applicable state and local licenses is a matter to be resolved by the firm and state and local authorities, and the failure to possess certain state license at time of award is not basis for denying the firm the contract.
2. General Accounting Office will review protest challenging agency's affirmative determination of awardee's responsibility only under limited circumstances.
3. Whether awardee is performing in accordance with contract terms is matter of contract administration, which is within ambit of procuring agency, not General Accounting Office.

DECISION

Central Virginia Ambulance Service, Inc., protests the award of a contract to VET-TRANS under Veterans Administration (VA) invitation for bids (IFB) No. 652-41-87 for wheelchair transportation services. We dismiss the protest.

Central contends that VET-TRANS: (1) is not licensed by the Virginia Health Department to perform the services called for, as required by Virginia law; (2) is not registered to operate as a business in Virginia; and (3) does not have the six vehicles required to perform the contract.

Where a solicitation contains a general licensing requirement--i.e., a requirement that the contractor have all applicable licenses--without requiring specific licenses, the contracting officer properly may make the award without regard to whether the bidder possesses the licenses at the time of award. United Pacific Corp., B-221839, Apr. 9, 86-1 C.P.D. ¶ 353. This is so because contracting officers generally are not competent to pass upon the question of

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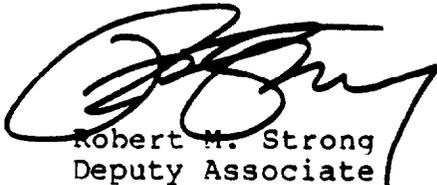
whether a particular state or local license or permit is legally required to perform federal work. Cadillac Ambulance Service, Inc., B-220857, Nov. 1, 1985, 85-2 C.P.D. ¶ 509. Compliance with general licensing requirements therefore is a matter to be resolved by the contractor and the state authorities. Mid-South Ambulance Corp., B-214078, Jan. 30, 1984, 84-1 C.P.D. ¶ 133.

The IFB here contained only a general requirement that the contractor have all federal, state and local licenses; it did not specifically require Virginia Health Department licensing or a Virginia business registration or license. Thus, the fact that VET-TRANS may not have possessed these licenses at the time of award was not a proper basis for denying VET-TRANS the contract.

Central's allegation that VET-TRANS lacks the six vehicles required by the IFB is a challenge to VET-TRANS's ability to perform, that is, VET-TRANS's responsibility. Before awarding a contract, however, the contracting officer must determine that the prospective contractor is responsible. Federal Acquisition Regulation, 48 C.F.R. § 9.103(b) (1985). Our Office will not review an affirmative responsibility determination absent a showing of possible fraud or bad faith on the part of procuring officials, or an alleged agency failure to apply definitive responsibility criteria. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(5) (1986). Neither exception applies here.

To the extent Central may be alleging that VA is not enforcing the contract terms, the protest concerns a matter of contract administration, which is within the ambit of the procuring agency, not our Office. 4 C.F.R. § 21.3(f)(1).

The protest is dismissed.


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