

Delsorde



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: VIP Limousine Service, Inc.
File: B-232841
Date: October 7, 1988

DIGEST

A contractor's compliance with a general state and local licensing requirement is a matter that must be resolved between the contractor and the state or local authorities, not by federal officials.

DECISION

VIP Limousine Service, Inc. protests the award of a contract to E.M.A.S., Inc. under invitation for bids (IFB) No. 583-07-89 issued by the Richard L. Roudebush Veterans Administration Medical Center (VAMC), Indianapolis, Indiana. VIP contends that award to E.M.A.S. was improper because E.M.A.S. had not obtained the proper certification needed to perform the contract from the Motor Carrier Special Tax and Authority Section of the Indiana Department of Revenue.

We dismiss the protest.

The IFB called for furnishing hired car service to transport patients primarily between the VAMC and the Indiana University Medical Center. Transportation to and from nursing homes and private residences was also to be performed on a limited basis.

E.M.A.S. is alleged to hold a Certificate of Public Convenience and Necessity from the Indiana Department of Revenue which permits the holder to transport "mentally or physically handicapped individuals, individuals in wheel-chairs and aged or infirm persons, their attendants and personal belongings." VIP claims that the certificate precludes E.M.A.S. from transporting persons who do not fit into the categories listed.

The IFB provides that "the successful bidder shall meet all requirements of federal, state or city codes regarding operations of this type of service." VIP claims that since not all VA patients fit into the categories listed by

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E.M.A.S.'s certificate, E.M.A.S. does not have the required licenses needed under state law to perform the services called for in IFB No. 583-07-89. VIP requests that it be awarded the contract as the next lowest bidder because the low bidder is not responsible.

Where a solicitation does impose a requirement that a bidder have a particular license, but instead contains only a general requirement that the bidder comply with any applicable licensing requirements, the contracting officer may properly make the award without regard to whether the bidder possesses the licenses at the time of award. Rowe Construction Service, Inc., B-228647, Oct. 29, 1987, 87-2 CPD ¶ 416. A contractor's compliance with state and local requirements is a matter which must be resolved between the contractor and the state and local authorities, not federal officials, since federal procurement officials are generally not in a position to know what is required by federal, state and local licensing requirements. Al Johnson Reforestry, B-227545, Oct. 9, 1987, 87-2 CPD ¶ 348. Thus, E.M.A.S.'s alleged lack of the appropriate license at the time of bid opening is not a basis for denying it the contract. If the contractor is ultimately unable to perform because it cannot obtain the licenses that are necessary, the agency may terminate the contract for default. Rowe Construction Services, Inc., B-228647, supra.

The protest is dismissed.



Ronald Berger
Associate General Counsel