

*Galland*



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Federal Security Investigation Corp.

**File:** B-233701

**Date:** March 8, 1989

### DIGEST

1. Where solicitation licensing requirement pertains only to private detective agencies and awardee is a qualified individual eligible for award, who is not a detective agency, contracting officer properly made award without consideration of compliance with licensing requirements.
2. Protest that prior experience with procuring agency gave awardee unfair advantage is denied where evaluation criteria considered experience with other agencies and in fact protester received higher score than awardee in experience category.

### DECISION

Federal Security Investigation Corp. protests the award of a contract to Robert F. Hummel under request for quotations (RFQ) No. 60-242K-9-Q0002, issued by the Farmers Home Administration (FmHA) for investigative services for unauthorized disposition of FmHA chattel property.

The protest is denied.

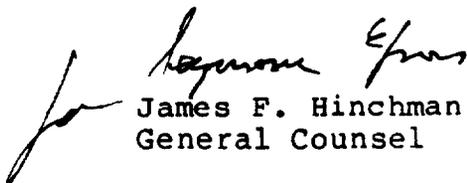
Federal alleges that the solicitation requires a licensed private investigator but Hummel does not hold a private investigator's license from the State of Pennsylvania, the state where the services are to be provided. Federal also contends that FmHA found that Hummel performed satisfactorily as the FmHA investigator for unauthorized disposition of chattel property from January 1986 through September 1988, but this should not have been used to evaluate Hummel since no other offeror would have such qualifications.

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Contracting officers may, by appropriate solicitation language, require vendors to comply with specific state and local licensing requirements, and in such cases compliance with such requirements is a prerequisite to award. 53 Comp. Gen. 51 (1973); Washington Patrol Service, Inc., B-195900, Aug. 19, 1980, 80-2 CPD ¶ 132. Here, the solicitation only called for offerors to furnish "proof of license in the State, if State licensing is required." However, under the terms of the solicitation, this licensing requirement only pertains to entities which represent themselves as private detective agencies. Qualified individuals such as Hummel, who are not bidding as private detectives, are also eligible for award and are not required by the solicitation to meet the licensing requirement. Accordingly, the solicitation's licensing requirement is inapplicable to Hummel, and the contracting officer was free to make award without regard to Pennsylvania's private detective agency licensing requirements. To the extent that the protester asserts that the state of Pennsylvania requires the awardee to be licensed, irrespective of the solicitation requirement, this is a matter to be resolved between the contractor and the licensing authorities, and the contracting officer is not expected to inquire into what such licensing requirements may be or whether a vendor will comply. James C. Bateman Petroleum Services, Inc., dba Semco, B-232325, Aug. 22, 1988, 67 Comp. Gen. \_\_\_\_\_, 88-2 CPD ¶ 170.

With regard to Federal's second basis of protest, that Hummel was unfairly rated for his past experience, the RFQ called for "recent experience in law enforcement work or servicing of farm loans including farm production loans." Specific experience with FmHA was not required and in fact the evaluation scheme rated "previous satisfactory performance with FmHA or other government agency." Our review of the technical evaluation under which Hummel received 82 points and Federal received 67 points, shows that Federal scored 1 point higher than Hummel under this category. We find nothing wrong with FmHA's evaluation of the offerors' experience and in fact, Federal was not prejudiced for failing to have FmHA experience but rather actually received a higher rating than Hummel in this category.

The protest is denied.

  
James F. Hinchman  
General Counsel