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LEVER

**DECISION**



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

FILE: B-205590

DATE: December 23, 1981

MATTER OF: American Environmental Services

**DIGEST:**

In absence of solicitation provision requiring bidder to possess specific license, contracting officer is not required to determine whether bidder intends to comply with Federal, State or local licensing requirements in determining bidder's eligibility for contract award.

American Environmental Services protests award of a contract to Kenilworth Trash Company under solicitation No. DADA-15-82-B-0001 issued by the Department of the Army. The contract is for the removal and destruction of hazardous waste from the Walter Reed Army Medical Center in Washington, D.C. American questions whether Kenilworth is licensed to haul hazardous waste and whether it intends to use a pathological incinerator approved for the destruction of hazardous waste by the U.S. Environmental Protection Agency. American contends that if Kenilworth is not so licensed, it should be considered an unqualified bidder. For the reasons given below, we deny American's protest.

Generally, questions regarding whether a bidder intends to comply with Federal, State or local licensing requirements need not be considered by the contracting officer in determining a bidder's eligibility for award. Jekyll Towing and Marine Services Corporation, B-199199, December 2, 1980, 80-2 CPD 413. An exception to the general rule, however, is where a solicitation provision requires that a bidder possess a specific license or permit in order to be eligible for award. In such a case, the contracting officer is required to determine whether the bidder meets the specific requirement prior to making an award. Washington Patrol Service, Inc., B-195900, August 19, 1980, 80-2

CPD 132. Here, American has not alleged that Kenilworth does not possess a specific license or permit required by the solicitation to be held as a condition of contract award, but rather American merely questions whether Kenilworth will comply with any applicable Federal, State or local licensing requirements. In such a case the lack of a permit or license is not a bar to award. In the absence of an allegation that Kenilworth does not comply with a specific requirement set forth in the solicitation, we must conclude that American's protest is without merit.

As it is clear from the protester's initial submission that its protest is without legal merit, we have not requested a report from the agency. Wilderness Research Institute, Inc., B-203326, June 19, 1981, 81-1 CPD 512.

The protest is summarily denied.

*Harry D. Jan Clerk*  
For Comptroller General  
of the United States