

DECISION

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

FILE: B-213590

DATE: December 14, 1983

MATTER OF: Oliver Taxi & Ambulance Service

DIGEST:

1. Solicitation provision requiring bidders to obtain necessary licenses and/or permits to perform contract concerns bidder's responsibility.
2. A contract award to a bidder necessarily includes the contracting officer's finding that the bidder is responsible. GAO will not disturb this finding absent an allegation that the contracting officer is guilty of fraud or bad faith or that definitive responsibility criteria were not applied.
3. Solicitation provision which requires bidders to obtain necessary licenses and/or permits but which does not state that a specific license is required does not constitute definitive responsibility criteria.

Oliver Taxi & Ambulance Service (Oliver) protests the award of a contract to Fort Lewis Taxi (Lewis) under Veterans Administration (VA) invitation for bids (IFB) No. 505-70-83. Oliver claims that Lewis does not have the requisite Washington permit to perform this contract.

The IFB requested services to transport patients and commodities to and from the VA Medical Center in Tacoma, Washington, and it also required the contractor to obtain all licenses and permits necessary to perform these services. Oliver claims that Lewis only has a temporary permit and, therefore, Oliver should not have been awarded the contract.

An IFB provision which requires a bidder to obtain a state license concerns the bidder's responsibility. See Pacific Consolidated Services, Inc., B-204781, March 10, 1982, 82-1 CPD 223. Here, the contracting officer's decision to award a contract to Lewis necessarily included a finding that Lewis is responsible. See Kenilworth Trash

Company, B-207314, May 18, 1982, 82-1 CPD 480. Defense Acquisition Regulation (DAR) § 1-902 (1976 ed.). This Office will not disturb a contracting officer's affirmative determination that a firm is responsible absent a showing of fraud or bad faith on the part of the contracting officer or that definitive responsibility criteria were not applied. See Kenilworth Trash Company, supra.

Oliver has not demonstrated that any of these exceptions apply. Although a solicitation provision which requires a bidder to possess a specific license constitutes definitive responsibility criteria, a solicitation provision which only states in general terms that a bidder must obtain all necessary licenses does not. Pacific Consolidated Services, Inc., supra.

Thus, the present IFB does not contain definitive responsibility criteria. Nor is there any allegation that in finding Lewis responsible the contracting officer was guilty of fraud or bad faith. In this respect, we note that the contracting officer found, and Oliver does not refute, that Lewis could legally perform the contract with the temporary permit which Lewis possesses.

Accordingly, the protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel