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**DECISION**



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

**FILE:** B-214621

**DATE:** March 28, 1984

**MATTER OF:** WMP Security Service, Co.

**DIGEST:**

Protester's allegation that awardee is unlicensed under California law involves a question of responsibility, which we will not consider because the contracting officer need not consider whether the bidder intends to comply with general solicitation licensing requirements and there is no indication that the contracting officer has reasonably determined that state enforcement of any licensing requirements is likely and could delay performance of the contract.

WMP Security Service, Co. (WMP), protests the award of a contract for armed guard services to Diamond Detective Agency (Diamond), under invitation for bids (IFB) No. OPR-9PPB-84-01205, issued by the General Services Administration. We dismiss the protest.

WMP contends that Diamond is not licensed to conduct guard services in California and, therefore, was nonresponsive to section "H" of the IFB, which required the contractor to comply with all licensing requirements, and nonresponsive because it cannot legally provide guard services in California. WMP argues that the contracting officer was aware that Diamond was unlicensed prior to making the award.

An IFB provision which requires a bidder to obtain a license concerns the bidder's responsibility. Oliver Taxi & Ambulance Service, B-213590, December 14, 1983, 83-1 CPD 688. By making the award to Diamond, the contracting officer found Diamond to be a responsible bidder. Our 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. Id.

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WMP's allegation is not a basis for the contracting officer to find Diamond nonresponsible or for this Office to review the matter. Where, as is the case here, the solicitation requires in general terms that the contractor shall obtain all necessary licenses and permits (as opposed to requiring a specific license), contracting officers need not concern themselves with state or local licensing requirements because contracting officers generally are not competent to pass upon the question of whether a particular state or local license or permit is legally required for the performance of federal work. Compliance is the responsibility of the contractor. See Northwest Forest Workers Association, B-213132, October 11, 1983, 83-2 CPD 443.

If particular licenses or permits are required by the state and they do not conflict with federal laws or interfere with federal powers, the state is free to enforce its laws against the contractor. If such action prevents the contractor from performing the contract, the contracting officer may terminate the contract. Id.

The only exception to the above rules is where the contracting officer reasonably determines that attempts to enforce such ordinances are likely and could interrupt and delay performance under the contract. Behavioral Systems Southwest, B-213065, October 11, 1983, 83-2 CPD 441. However, we find nothing to indicate that the exception should be applied here.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel