



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: City Wide Security Service, Inc.
File: B-219355.4
Date: October 2, 1986

DIGEST

Allegation that firm does not comply with state and local licensing requirements for providing guard services is a matter between the bidder and state and local officials which does not affect the legality of the award.

DECISION

City Wide Security Service, Inc. (City), protests the Department of Transportation's exercise of an option for security guard services under a 1985 contract awarded Tecom Incorporated (Tecom) for base operational support services. Under the terms of the contract, Tecom has been providing all services, except security guard and firefighting services, since October 1, 1985 and is to commence providing these services on October 1, 1986. City contends that the original solicitation required bidders to comply with all local laws and ordinances and that Tecom is not licensed by the state of New Jersey to provide guard services. City argues that exercise of the option will result in a violation of state law and requests that Tecom be barred from providing these services.

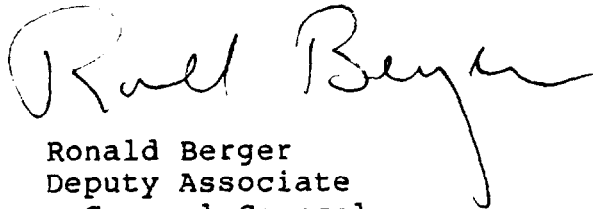
We dismiss the protest.

The original IFB merely required that the successful bidder comply with all state and local licensing requirements that might be applicable. Where no specific license requirement is imposed as a prerequisite to award, the contracting officer is free to make an award without regard to whether the bidder is licensed under local law. Cadillac Ambulance Service, Inc., B-220857, Nov. 1, 1985, 85-2 CPD ¶ 509.

Furthermore, we point out that a bidder's failure to comply with state and local licensing requirements generally is a matter between the bidder and state and local officials which does not affect the legality of the contract award. 53 Comp. Gen. 51 (1973); 51 Comp. Gen. 377 (1971). Whether

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New Jersey's particular requirements would preclude Alliance from performing is a decision to be made by state authorities, and if New Jersey subsequently determines that a license is required, the state may enforce its requirements, provided the application of state law is not in conflict with federal laws or policies or does not in any way interfere with the execution of federal powers. See Leslie Miller, Inc. v. Arkansas, 352 U.S. 187 (1956). Should New Jersey's enforcement of its requirements eventually preclude Tecom from performing, Tecom then may be found in default and the contract terminated. The award itself, at this point, however, is not improper. 51 Comp. Gen. 377, supra.

A handwritten signature in cursive script, appearing to read "Ronald Berger".

Ronald Berger
Deputy Associate
General Counsel