



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: James C. Bateman Petroleum Services, Inc. dba
Semco
File: B-232325
Date: August 22, 1988

DIGEST

In the absence of a specific licensing requirement in the solicitation, a contracting officer properly may make award without regard to whether the awardee is in compliance with state and local licensing requirement.

DECISION

James C. Bateman Petroleum Services, Inc., dba Semco, protests the award of a contract for the removal of underground storage tanks under invitation for bids No. F04612-88-B-0017 issued by Mather Air Force Base, California. The protester complains that California law requires the contractor to be licensed and certified as having successfully completed a hazardous substances removal examination, that the awardee is not certified, and that the awardee therefore is not qualified to do the work. We dismiss the protest.

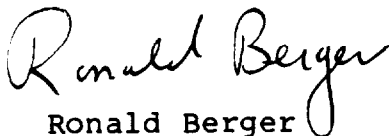
Contracting officers may, by appropriate solicitation language, require bidders to comply with specific state and local licensing requirements, and in such cases compliance with such requirements is a prerequisite to award. 53 Comp. Gen. 51 (1973); Washington Patrol Service, Inc., B-195900, Aug. 19, 1980, 80-2 CPD ¶ 132. However, where a solicitation merely contains a more general requirement that the contractor comply with state and local licensing requirements, a contracting officer is not expected to inquire into what such licensing requirements may be or whether a bidder will comply; instead, the matter is one to be resolved between the contractor and the licensing authorities. New Haven Ambulance Service, Inc., 57 Comp. Gen. 361 (1978), 78-1 CPD ¶ 225; Olson and Associates Engineering, Inc., B-215742, July 30, 1984, 84-2 CPD ¶ 129; Metropolitan Ambulance Service, Inc., B-213943, Jan. 9, 1984, 84-1 CPD ¶ 61.

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Here, the protester states that the solicitation requires the contractor to comply with "any applicable Federal, state, and municipal laws, codes, and regulations in connection with the prosecution of the work." That clearly is merely a general requirement of the type referenced to in the cases cited above. Accordingly, the contracting officer was free to make award under the solicitation without regard to whether the awardee is licensed or certified by California.

Moreover, to the extent the contracting officer might have had reason to consider the awardee's compliance with California licensing requirements, the matter is encompassed by that official's determination that the awardee was responsible, that is, capable of performing the contract. See Old Dominion Security, Inc., B-218324, June 7, 1985, 85-1 CPD ¶ 656; Metropolitan Ambulance Service, Inc., supra. This Office does not review challenges to such determinations except in limited circumstances not present here. See 4 C.F.R. § 21.3(m)(5) (1988).

The protest is dismissed.



Ronald Berger
Deputy Associate
General Counsel