



Comptroller General
of the United States

430129

Washington, D.C. 20548

Decision

Matter of: Southeastern Construction

File: B-258150

Date: September 13, 1994

DECISION

Southeastern Construction protests the Department of the Army's award of a contract to Delco Construction, Inc. under solicitation No. DAAA31-94-B-0010. Southeastern complains that Delco's bid should have been rejected because Delco failed to include proof that the bidder is a member of the Lightning Protection Institute as required by the solicitation.

Generally, a solicitation provision like the one here, requiring a prospective contractor to obtain a specific certification, license or permit, involves the firm's responsibility rather than the responsiveness of the bid, since it relates to the ability of the successful bidder to perform. United Int'l Investigative Servs., B-243720, May 6, 1991, 91-1 CPD ¶ 443. A requirement that relates to responsibility may be satisfied at any time prior to award. Norfolk Dredging Co., B-229572.2, Jan. 22, 1989, 89-1 CPD 62. Even though the solicitation stated that the information was required at bid opening, the terms of a solicitation cannot convert a matter of responsibility into one of responsiveness. Norfolk Shipbuilding & Drydock, B-248549; B-248549.2, Aug. 26, 1992, 92-2 CPD ¶ 127. Consequently, we have no basis to question the agency's decision to allow Delco to submit proof of its certification after bid opening. See Coastal Elecs., Inc., B-250718, Feb. 16, 1993, 93-1 CPD ¶ 144.

We dismiss the protest.

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