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COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

modified by 57 Comp. Gen. _____
(B-190784, 5-25-78)

JUL 22 1965

E-156424

Post Patrol Agency
5827 North Temple City Boulevard
Temple City, California 91780

Gentlemen:

Further reference is made to your letter of March 27, 1965, protesting the award of a contract to General Security Service under Invitation for Bids No. AVI-04-225-65-37 issued January 15, 1965, by the Purchasing and Contracting Division, Fort MacArthur, San Pedro, California, for armed security and guard patrol services at Cheli Air Force Station, Bell, California.

Bids were opened on February 15, 1965. The low bidder was disqualified for failure to meet the minimum standards of responsibility as required by ASER 1-903.1. Upon being informed of the proposed award to General Security Service (General), the next low bidder, you protested such action on the ground that General was a detective agency and that therefore any award to that bidder would be in contravention of the Anti-Pinkerton Statute, 5 U.S.C. 53, providing that:

"No employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia."

Following the submission of your formal protest on February 26, 1965, General submitted a copy of its letter of March 5, 1965, to the California State Bureau of Private Investigators and Adjusters, wherein it was stated that in 1962 it had requested the Bureau to effect a change in the company's title with reference to its State license and listing in the "Private Investigator and Adjuster Act" handbook; that General was renewing its request; that the company operates as a protective service and not as a detective service; that while the company is shown in the handbook as a GENERAL DETECTIVE AND GUARD SERVICE it has not engaged in or accepted any detective or investigative work since 1958; and that General's sole business is security guard service. By letter dated March 26, 1965, the Bureau advised the contracting officer that General would be issued a new private patrol license carrying the "C" classification authorizing General to do business under the name of "General Security Service" and that at the same time the company's private investigator license would be canceled. The record shows that on March 29, 1965, General was issued private patrol license No. 2516 carrying the E-C classification which restricted

B-156424

its activities to private patrol service and that on March 30, 1965, award was made to General for the eleven-month period beginning at 12:01 a.m., April 1, 1965.

The fact that General was not operating as a detective agency at the time its bid was submitted and had not engaged in or accepted detective work since 1958 is immaterial and would not serve to qualify General for an award since our Office has held that the statutory prohibition is against the employment of a detective agency or its employees regardless of the character of the services being performed by them. 41 Comp. Gen. 819, 823; B-146293, July 14, 1961. In the instant case, however, since at the time of the award General was not licensed to operate an investigative or detective agency and was limited solely to private patrol or protective services, our Office is not required to object to the award to General. In this regard, there has been furnished our Office a copy of your letter of April 16, 1965, to the contracting officer, wherein it was stated that your agency has checked with Mr. Billings of the Bureau of Private Investigators and Adjusters in Los Angeles and that your agency concurs with the action taken by the Purchasing and Contracting Division at Fort MacArthur.

Very truly yours,

FRANK H. WEITZEL

Acting Comptroller General
of the United States