



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Crown Worldwide Moving & Storage

File: B-406614

Date: July 17, 2012

Robert S. Bowen and Peter A. Vargus, Crown Worldwide Moving & Storage, for the protester.

Kate Gorney, Esq., Department of Veterans Affairs, for the agency.

Matthew T. Crosby, Esq., and Glenn G. Wolcott, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation did not require submission of licenses or permits prior to award, protest that agency improperly awarded contract to firm that allegedly lacks various business licenses and permits constitutes a challenge to the agency's affirmative responsibility determination, which this Office does not review absent exceptions not alleged here.

DECISION

Crown Moving and Storage Company, d/b/a Crown Worldwide Moving & Storage, of San Leandro, California, protests the award of a task order to CG Moving Company, of San Bruno, California, under request for quotations (RFQ) No. VA-261-12-Q-0082, issued by the Department of Veterans Affairs, for relocation services for the San Francisco Veterans Affairs Medical Center. Crown contends that CG does not hold various licenses and permits and that CG therefore was ineligible for award.

We deny the protest.

BACKGROUND

On February 7, 2012, the agency issued the solicitation as a total small business set-aside to five vendors holding contracts under General Services Administration (GSA) Federal Supply Schedule (FSS) 48, Transportation, Delivery, and Relocation Solutions, Special Item Number 653-8, Office Relocation. RFQ at 1; Contracting Officer's Statement ¶ 1. The solicitation established the following four evaluation

factors: technical capability, management capability, past performance, and price. RFQ at 25-26. Award was to be made based on the lowest-priced, technically acceptable proposal received in response to the solicitation.¹ Id. at 24-25.

The agency received five submissions in response to the solicitation. Contracting Officer's Statement ¶ 1. After evaluating the submissions, the agency selected CG for award. Id. ¶ 2. This protest followed.

Crown contends that the agency should have disqualified CG from consideration for award because, according to Crown, CG does not hold the following four licenses and permits: a California Public Utilities Commission moving company permit; a California Department of Motor Vehicles motor carrier permit; a "[b]usiness license to conduct business in California"; and a "Department of Transportation license." Protest at 1.

As relevant to Crown's contention, the solicitation provided that "[t]he contractor shall obtain all necessary licenses and/or permits" and that the "Contractor's vehicles shall meet all current applicable Federal, State and local . . . licensing, registration and safety standards." RFQ at 13, 17. Additionally, the solicitation provided that the agency "reserves the right to inspect [the] Contractor's vehicles and equipment or require documentation of compliance with contract specifications and State[] laws [and agency] rules and policies governing transportation vehicles." Id. at 17. The solicitation did not require vendors to submit any licenses or permits with their proposals.

Provisions, such as those in the solicitation here, that require a contractor to obtain necessary licenses and permits establish performance requirements that must be satisfied by the successful offeror during contract performance; as such, vendors are not required to satisfy the requirements prior to award, and the requirements do not affect the award decision, except as a matter of a contractor's general responsibility. See Chem-Spray-South, Inc., B-400928.2, June 25, 2009, 2009 CPD ¶ 144 at 5; United Seguranca, Ltd., B-294388, Oct. 24, 2004, 2004 CPD ¶ 207 at 4. Our Bid Protest Regulations generally preclude our review of a contracting officer's affirmative determination of a vendor's responsibility, except in circumstances not alleged or demonstrated here. 4 C.F.R. § 21.5(c) (2012). Moreover, because this

¹ Although the solicitation is designated as an RFQ, see RFQ at 1, 6, key sections of the solicitation describe the GSA FSS vendors' responses to the solicitation as "proposals," id. at 22-26. Additionally, in her statement on this protest, the contracting officer refers to the vendors' responses as "proposals." Contracting Officer Statement ¶ 1. Because the distinction between a quotation and a proposal is not relevant to our analysis in this protest, we adopt the agency's usage of the term "proposal" in this decision.

solicitation was set aside for small businesses, any issue concerning CG's responsibility is a matter for the Small Business Administration under its certificate of competency program. Federal Acquisition Regulation subpart 19.6. Ultimately, whether CG complies with the license and permit requirements is a matter of contract administration, which we will not review. 4 C.F.R. § 21.5(a). Crown's contention therefore provides no basis for questioning the agency's evaluation.²

Finally, Crown for the first time in its comments on the agency report alleges that CG failed to comply with a solicitation requirement for a closed circuit television system. Comments at 2. Crown bases its allegation that CG does not have a closed circuit television system on a visit to CG by a Crown representative that took place after Crown received the agency report. Id. Under our Bid Protest Regulations, a protest based on other than alleged improprieties in a solicitation must be filed no later than 10 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Crown's allegation does not appear to be based on anything in the agency report, and Crown has not presented any information to explain why this allegation was not raised in its initial protest. Accordingly, this allegation is untimely. Id.

The protest is denied.

Lynn H. Gibson
General Counsel

² Crown also argues, based on its belief that CG lacks a California Department of Motor Vehicles motor carrier permit, that CG should be disqualified from the competition for allegedly including the agency as a "reference" in its proposal. Protest at 1; see also Comments at 2. This argument lacks adequate explanation or supporting evidence to satisfy the requirement that a protester provide a sufficiently detailed statement of the legal and factual grounds to state a valid basis for protest. 4 C.F.R. §§ 21.1(c)(4), (f); American Ordnance, LLC, B-292847 et al., Dec. 5, 2003, 2004 CPD ¶ 3 at 6 n.3.