



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Central Forwarding, Inc.

File: B-222531.4

Date: August 4, 1986

DIGEST

1. Where solicitation does not require bidder to have a specific license, allegation that successful bidder does not possess the necessary state operating authority to permit it to provide moving services required by the solicitation does not affect eligibility of bidder for award; rather, it raises a matter to be settled between the contractor and state authorities, not federal officials.
2. The General Accounting Office does not review affirmative determinations of responsibility except in limited circumstances not alleged here.

DECISION

Central Forwarding, Inc. (CFI), protests against award of a contract to Lone Star Van Lines, Inc. (Lone Star), under invitation for bids (IFB) No. F41613-85-B0084, for moving services, issued by the Department of the Air Force. CFI protests that the awardee, Lone Star, does not have the necessary intrastate license for transporting household goods which is issued by the Texas Railroad Commission and, thus, Lone Star is not eligible for award because it does not meet the IFB's requirement that a bidder comply with all relevant laws and obtain necessary licenses.

We dismiss the protest without obtaining an agency report because it is clear on its face that the protest is without legal merit. 4 C.F.R. § 21.3(f) (1986).

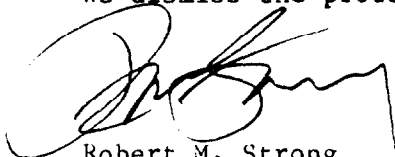
CFI alleges that Lone Star should not have received the award because it did not comply with a general licensing requirement. While this general requirement imposes an obligation on the contractor, it does not involve the federal government in the requirements of state licensing requirements; compliance with applicable state and local licensing requirements is generally a matter to be settled between state or local authorities and contractors, not federal officials. See Lewis & Michael, Inc., B-215134, May 23, 1984, 84-1 C.P.D. ¶ 565.

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We previously have held that the requirement for operating authority is properly a matter of responsibility. See Allison-Hilliard Van & Storage, B-201621, Feb. 9, 1981, 81-1 C.P.D. ¶ 82. Where, as here, the operating authority requirement is contained only in nondefinitive terms, compliance with the requirement does not generally affect the propriety of the award. What-Mac Contractors, Inc., 58 Comp. Gen. 767 (1979), 79-2 C.P.D. ¶ 179. It is only where the solicitation requires the bidder to have a specific license that evidence of having or being able to obtain that license must be furnished prior to award. United Security Services, Inc., 53 Comp. Gen. 51 (1973).

Before awarding the contract, the contracting officer is required to determine Lone Star to be responsible. Federal Acquisition Regulation, 48 C.F.R. § 9.103(b). Our Office does not review protests of affirmative determinations of responsibility absent an allegation of fraud on the part of procuring officials, or unless the solicitation contains definitive responsibility criteria which allegedly have been misapplied. 4 C.F.R. § 21.3(f)(5). Lake Shore, Inc., B-213877, Dec. 22, 1983, 84-1 C.P.D. ¶ 14. CFI has not indicated that either exception is applicable here.

We dismiss the protest.



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