

12054 PK-II

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-196604; B-196604. DATE: November 16, 1979

MATTER OF: Complex Industries & Associates;
Delta Services Company \ DLG03357

DIGEST:

1. Contracting officer has discretion not to provide for state licensing as a bidding requirement in solicitation. Fact that bidder may lack license necessary under state law but which is not required under solicitation's terms would not affect validity of contract award as matter is one which then must be settled between contractor and state and local authorities.
2. Protests are summarily denied where it is clear from protesters' initial submissions that protesters are not entitled to relief.

DLG03356
 [Protest of] Complex Industries & Associates (Complex) and Delta Services Company (Delta) protest the United States Navy's failure to include a licensing requirement in invitation for bids (IFB) No. N00612-70-B-0005 to procure guard services.

AGC00001 The protesters maintain that the contracting officer must require bidders to possess a Florida license to perform guard services because previous solicitations for the same work contained the licensing requirement and under Florida law possession of the license is required before a firm can perform guard services. The Navy advises us that it did not require bidders to meet the Florida licensing requirement here because the guards who are to perform the required services will not leave Federal property or carry weapons during performance.

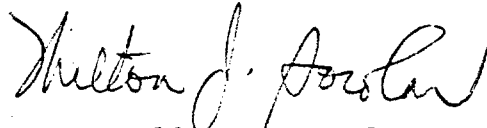
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In our opinion the Navy need not require bidders in its solicitation to satisfy a licensing requirement. Rather, the decision whether to include such a requirement, which if included is a prerequisite to an affirmative determination of a bidder's qualifications to perform a contract, is within the sound discretion of the contracting officer. Inter-Con Security Systems, Inc., et al., B-192188, February 9, 1979, 79-1 CPD 86; 53 Comp. Gen. 51, 54 (1973). Moreover, the fact that a bidder under a solicitation may lack a license necessary under state law but which is not required as a bidding requirement under the terms of a solicitation would not affect the validity of contract award as the matter is one which then must be settled between the contractor and the state and local authorities. 51 Comp. Gen. 377 (1971).

We have decided this case mainly on the basis of the protesters' submissions because it is clear that the protesters are not entitled to relief. Penco Products, Inc., B-196529, November 2, 1979, 79-2 CPD ____.

The protests are summarily denied.



For the Comptroller General
of the United States