



Comptroller General  
of the United States

Washington, D.C. 20548

McAuliffe  
145607

## Decision

**Matter of:** Mobile Medic Ambulance Service, Inc. ---  
Reconsideration

**File:** B-245445.3; B-245483.2

**Date:** January 7, 1992

Charles D. Porter, Esq., for the protester,  
Susan K. McAuliffe, Esq., and Michael R. Golden, Esq.,  
Office of the General Counsel, GAO, participated in the  
preparation of the decision.

### DIGEST

Solicitation requirements for contractor to comply with state law are not ambiguous where state law sets forth requirements but also requires compliance with local county ordinances (that establish higher minimum requirements) since the only reasonable reading of the requirements is that the contractor must meet state requirements and any applicable, more stringent local requirement.

### DECISION

Mobile Medic Ambulance Service, Inc. requests reconsideration of our dismissals of its protests of the specifications in solicitation Nos. 586-01-92 and 586-02-92, issued by the Department of Veteran Affairs Medical Center, Jackson, Mississippi, for emergency ambulance services and non-emergency convalescent transport services. Mobile Medic contended that the solicitations are ambiguous regarding the agency's minimum vehicle requirements.

We initially dismissed these protests as untimely filed. On the basis of material presented in the reconsideration request, we now consider the protests timely. However, we nonetheless find dismissal of the protests to be appropriate; we therefore affirm the dismissals.

According to the protester, the solicitations, as amended, provide the agency's minimum vehicle requirements (as established by Mississippi state law) and require bidders to meet all applicable federal and state requirements regarding

the operation of these types of services. As the protester points out, Mississippi state law, at section 41-59-21 of the Mississippi Code Annotated, states that:

"The issuance of a license shall not be construed to authorize any person, firm, corporation or association to provide ambulance services or to operate any ambulance not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district or authority."

The protester essentially contends that the minimum vehicle requirements of the "Hinds County, Mississippi Ordinance for Ambulance Service" are more stringent than the general Mississippi state law requirements (e.g., the Hinds County requirements for "advanced life support" vehicles exceed the minimum standards otherwise referenced in the solicitation or set forth by Mississippi state law). Since some patient transport will originate in Hinds County, and in other counties that have enacted similarly restrictive ordinances, the protester contends that the solicitation is "ambiguous and fatally defective" because "there is a conflict on the face of the solicitation as to the minimum requirements." Mobile Medic therefore claims that prospective bidders do not clearly know whether to prepare a response to the solicitation based upon the more general solicitation and state law provisions, or the more stringent local county requirements incorporated into Mississippi state law.

We see no ambiguity in the solicitations since, by the clear terms of the solicitations, the contractor is required to comply with all state law requirements and state law provides that issuance of a license does not excuse noncompliance with county requirements. The only reasonable reading of the solicitations, therefore, is that the contractor must comply with state law, including any applicable county or other local requirements.

Accordingly, we think Mobile Medic does not set forth a valid basis for protest. Therefore, the dismissals are affirmed.

  
Ronald Berger  
Associate General Counsel