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DECISION



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

FILE: B-206498

DATE: March 19, 1982

MATTER OF: Atlantic Pacific International

DIGEST:

Whether small business is manufacturer or regular dealer under Walsh-Healey Act is for determination by contracting agency subject to final review by Small Business Administration if small business is involved and by Secretary of Labor, and is not for consideration by GAO.

Atlantic Pacific International protests the award of a contract by the Federal Supply Service, General Services Administration (GSA) under solicitation No. 10PN-HSS-5100.

Atlantic contends that GSA improperly determined that it did not qualify as a manufacturer or regular dealer under the Walsh-Healey Act, 41 U.S.C. §§35-45 (1976), and should therefore be precluded from receiving the award. Atlantic states that it is in fact a qualifying "non-stocking broker or agent or dealer for the General Tire and Rubber Company" and as such is eligible for award.

We will not consider the matter. Our Office does not consider issues as to whether a bidder is a regular dealer or manufacturer within the meaning of the Walsh-Healey Act, since such matters are by law for the contracting agency's determination in the first instance, subject to final review by the Small Business Administration (where a small business' status is challenged), and the Secretary of Labor. MISSO Services Corporation, B-197373, June 19, 1980, 80-1 CPD 432.

Although Atlantic has requested our Office to conduct an "investigation" of the matter, it is not our function to conduct investigations pursuant to our Bid Protest Procedures. Sheldon G. Kall, B-199120, September 23, 1980, 80-2 CPD 221.

In view of the foregoing, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel