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**DECISION**



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

**FILE: B-208512**

**DATE: September 15, 1982**

**MATTER OF: Attack Incorporated**

**DIGEST:**

Where bidder is rejected as nonresponsible for failure to qualify as a regular manufacturer or dealer under Walsh-Healey Act, protest is dismissed since by law such determination is for contracting agency subject to final review by Small Business Administration, where bidder is small business, and Department of Labor.

Attack Incorporated protests its rejection as nonresponsible under invitation for bids No. FD2060-82-53424 issued by Robins Air Force Base, Georgia. We understand that Attack Incorporated was found nonresponsible because it failed to qualify as a regular dealer or manufacturer within the meaning of the Walsh-Healey Act, 41 U.S.C. § 35 (1976), and that the matter has been referred to the Department of Labor via the Small Business Administration.

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, subject to final review by the Small Business Administration, where the bidder is a small business, and the Department of Labor. Express Marketing International Oil Corporation, B-207322, May 11, 1982, 82-1 CPD 457.

Therefore, we dismiss the protest.

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