

DECISION

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

25/80

FILE: B-211709

DATE: May 18, 1983

MATTER OF: KLN Steel Products Company

DIGEST:

GAO does not consider the legal status of a firm as a regular dealer or manufacturer within the meaning of the Walsh-Healey Act. By law this matter is to be determined by the contracting agency in the first instance, subject to review by the Small Business Administration and the Secretary of Labor.

KLN Steel Products Company (protests the award of a contract to Baker Manufacturing Co., by the Department of the Army. KLN questions Baker's status as a manufacturer or regular dealer under the Walsh-Healey Act, 41 U.S.C. § 35-45 (1976).

This Office does not consider the legal status of a firm as a regular dealer or manufacturer within the meaning of the Walsh-Healey Act. By law, this matter is to be determined by the contracting agency in the first instance, subject to review by the Small Business Administration (if a small business is involved) and the Secretary of Labor. Express Marketing International Oil Corporation, B-207322, May 11, 1982, 82-1 CPD 457.

(The protest is dismissed.)

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

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