

20010 Morrow

DECISION



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

FILE: B-211807

DATE: June 3, 1983

MATTER OF: General Fire Extinguisher
Corporation

DIGEST:

Whether bidder is 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 Department of Labor.

General Fire Extinguisher Corporation protests the award of a contract to FRC International (FRC) under invitation for bids No. DLA400-82-B-6325 issued by the Defense General Supply Center, Richmond, Virginia, on the basis that FRC does not qualify as a regular dealer under the Walsh-Healey Act, 41 U.S.C. § 35, et seq. (1976).

Our Office does not consider whether a bidder is a regular dealer within the meaning of the Walsh-Healey Act, since by law that is 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. Attack Incorporated, B-208512, September 15, 1982, 82-2 CPD 227.

Therefore, we dismiss the protest.

J. H. Rowley Jr.
for Harry R. Van Cleve
Acting General Counsel

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