

**DECISION**



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

**FILE:** B-215030

**DATE:** May 22, 1984

**MATTER OF:** JGB Enterprises, Inc.

**DIGEST:**

Whether offeror is regular dealer or manufacturer under Walsh-Healey Act is for determination by contracting agency subject to final review by Small Business Administration, where offeror is small business, and Department of Labor and, thus, will not be considered by GAO.

JGB Enterprises, Inc. protests the award of a contract to Power Control Company under solicitation No. DLA700-84-B-0476 issued by the Defense Construction Supply Center, Columbus, Ohio.

JGB contends that Power Control is neither a regular dealer nor manufacturer as defined in the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1982), and, therefore, is ineligible for award of the contract. In support of its position, JGB asserts that an investigation has disclosed that Power Control has no manufacturing facilities or production equipment as required for qualification under the Walsh-Healey Act.

Our Office does not consider issues as to whether an offeror 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 offeror is a small business, and the Department of Labor. Aviation Enterprises, Inc., B-205522, Dec. 1, 1981, 81-2 CPD ¶ 439.

The protest is dismissed.

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