



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter Of:** Bernard Packaging, Inc

**File No.:** B-260282

**Date:** February 2, 1995

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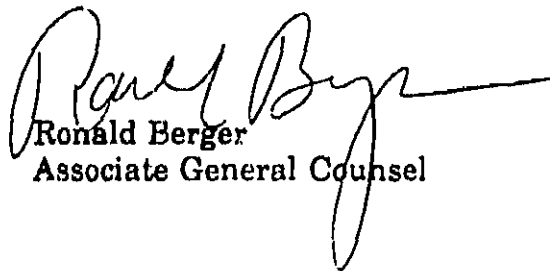
### DECISION

Bernard Packaging, Inc. protests the award of a contract to Northland Container by the Federal Prison Industries, Department of Justice under solicitation No. IPI-B-1257-95. Bernard contends that Northland is not a regular dealer under the Walsh-Healey Act.

We dismiss this protest because our Office does not determine the legal status of a firm as a regular dealer or a manufacturer within the meaning of the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1988).

Under our Bid Protest Regulations, 4 C.F.R. § 21.3(in)(9), our Office does not consider the legal status of a firm as a regular dealer or manufacturer under the Walsh-Healey Act. By law this matter is to be decided by the contracting agency, in the first instance, subject to review by the Small Business Administration, where a small business is involved, and the Secretary of Labor. The Pratt & Whitney Co., Inc.; Orgrud Mach. Corp., B-232190; B-232190.2, Dec. 13, 1988, 88-2 CPD ¶ 588.

The protest is dismissed.

  
Ronald Berger  
Associate General Counsel