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**DECISION**



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

PL II

*[Protest of Army Contract Award]*

FILE: B-200679

DATE: October 17, 1980

MATTER OF: Certified Power Train Specialist

**DIGEST:**

Whether small business is manufacturer or 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 by Secretary of Labor, and is not for consideration by GAO.

Certified Power Train Specialist (Certified) protests the award of a contract by the Department of the Army to American Gear Company, Inc. under solicitation No. DAAE-07-80-R-5261.

Certified contends that American Gear does not qualify as a manufacturer or regular dealer under the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1976), and should therefore be precluded from receiving the award.

The determination of whether a small business firm is a manufacturer or regular dealer under the Walsh-Healey Act rests in the first instance with the contracting agency, subject to final review by the Small Business Administration if a small business is involved and by the Secretary of Labor. MISSO Services Corporation, B-197373, June 19, 1980, 80-1 CPD 432.

Therefore, we will not consider the status of American Gear and the protest is dismissed.

*Milton J. Socolar*

Milton J. Socolar  
General Counsel

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