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DECISION



M. Angle 1/1
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-186133

DATE: October 20, 1977

MATTER OF: Charles J. Dispenza & Associates

DIGEST:

Whether bidder is "regular dealer" under Walsh-Healey Act is for determination by contracting agency, subject to review by Secretary of Labor, and will not be considered by GAO.

Charles J. Dispenza & Associates (Dispenza) protests the Department of Labor's final determination that Dispenza is not a "regular dealer" within the meaning of the Walsh-Healey Public Contracts Act and implementing regulations and thus is ineligible for award under solicitation No. DSA-400-76-B-3243, issued by the Defense Logistics Agency. Dispenza additionally contends that the Minnesota Chemical Corporation, the awardee under another solicitation, should also be determined not to be a "regular dealer" within the meaning of the same act and regulations.

The responsibility for determining whether a bidder is a regular dealer under the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1970), rests in the first instance with the contracting agency and is subject to review by the Secretary of Labor and will not be considered by this Office. Acme Plastics, Inc., B-189018, June 8, 1977, 77-1 CPD 415.

Therefore, we are closing our file without further action.

Milton J. Dowling
for Paul G. Debling
General Counsel