

DOCUMENT RESUME

03333 - [A2433568]

[Determination of Bidder's Eligibility to Submit Offer as Manufacturer]. B-189672. August 29, 1977. 1 pp.

Decision re: Rhinco Industries, Inc.; by Hilton Socolar (for Paul G. Dembling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government (806).

Organization Concerned: General Services Administration.
Authority: Walsh-Healey Act (41 U.S.C. 35 et seq.). (P.L. 95-89 ; 91 Stat. 553; 91 Stat. 562). B-182212 (1975). F.P.R. 1-12.603. F.P.R. 1-12.604.

Company protested rejection of its offer based on the determination that the bidder was not a "manufacturer" or "regular dealer" within the meaning of the Walsh-Healey Act. The protest was dismissed since authority for determining bidder's eligibility under the Act is vested in the Department of Labor.
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03333

F. Johnson
Page II



DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20546

FILE: B-189672

DATE: August 29, 1977

MATTER OF: Rhimco Industries, Inc.

DIGEST:

Contracting officer's determination that bidder is not "manufacturer * * * or * * * regular dealer" within purview of Walsh-Healey Act is not for review by GAO because authority for determining finally that bidder is ineligible under the Act is vested in Department of Labor.

Rhimco Industries, Inc. (Rhimco) protests the determination by the General Services Administration (GSA) to reject its offer under solicitation No. FPOO-EX-49052-A.

The procurement is for a Federal Supply Schedule requirements contract for notebooks under which other federal agencies may place orders in excess of \$10,000 for each item. Pursuant to the Walsh-Healey Act (Act), 41 U.S.C. § 35 et seq. (1970) and the applicable Federal Procurement Regulations (FPR) 1-12.603 and 1-12.604 (1964), the contracting officer found that Rhimco is not a "manufacturer" or "regular dealer" within the purview of the Act and rejected its offer.

This Office does not review determinations by contracting officers as to whether particular firms are "manufacturer[s]" or "regular dealer[s]" within the meaning of the Walsh-Healey Act. Trans Advertising Company, B-182212, February 19, 1975, 75-1 CPD 101. The authority to finally determine that a bidder is ineligible due to the provisions of the Walsh-Healey Act is vested in the Department of Labor. Cf. Public Law 95-89, August 4, 1977, 91 Stat. 553, 562.

In view of the above, the protest is dismissed.

Milton J. Dowler
for Paul G. Dabbling
General Counsel