

U.S. DEPARTMENT OF LABOR  
WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS  
WASHINGTON, D.C. 20210

MAR 11 1970

GCSMB

## Eligibility Under the Walsh-Healey Public Contracts Act

4 PC 126  
6 PC 244.53

This is in further reply to your letter of February 18, 1970, concerning the eligibility

to receive contracts as regular dealers under the provisions of the Walsh-Healey Public Contracts Act.

Upon careful review of the information you furnished, we find no reason to question your agency's determination that these two firms do not qualify as regular dealers for purposes of the Public Contracts Act, since it does not appear that either of the firms meet the requirement in ASPR 12-603.2 that they maintain a stock of goods from which regular, recurrent sales are made from a regularly stocked inventory to the general public in the usual course of business.

This finding does not affect the right of the firms to bid on contracts under \$10,000 nor does it preclude them from establishing eligibility under future procurements subject to the provisions of the act. Thus, if the eligibility of either of these firms is a material factor in the award of a contract at a future time, their eligibility may be reinvestigated to ascertain whether they are then eligible.

Sincerely,

Robert D. Moran  
Administrator

WH-9

(1)