

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Washington, D.C. 20210

P.D. SOL files
6339 ML
4PC 120

JAN 12 1973

DAS-126

Re: Solicitation No. OSAF03-72-D-1215

This is in further reply to your letter of November 27, 1972, and enclosed report, requesting our final determination as to whether ~~XXXXXXXXXXXXXXXXXXXX~~ is eligible for contract award for rubber hollows as a manufacturer within the meaning of the Walsh-Healey Public Contracts Act.

Based on a careful review of all the material contained in your report, including the information the firm submitted in its behalf, we concur in the initial determination of your agency that ~~XXXXXXXXXXXX~~ is not eligible for award of this procurement as a manufacturer of hollows for purposes of the Public Contracts Act, in that there is no evidence that the firm produces on the premises, or has the equipment necessary to produce on the premises, the goods required under the contract and of the general character described by the specifications (rubber goods).

The fact that a firm may qualify as a manufacturer for certain commodities (machined items) does not make it eligible as a manufacturer for a different commodity. Nor does the fact that a procurement agency may previously have awarded contracts subject to the Act to a firm automatically confer upon the firm the status of "manufacturer" for purposes of the Act.

Sincerely,

/s/ Ben F. Robertson

Ben F. Robertson
Acting Administrator
Wage and Hour Division