

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WASHINGTON, D.C. 20219

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18 MAY 1973

This is in reply to your letter of April 23, 1973 and attached report requesting a final determination as to whether [REDACTED] is eligible for contract award as a manufacturer within the meaning of the Walsh-Healey Public Contracts Act and the regulations issued thereunder.

We have carefully reviewed the evidence contained in your report, including information the firm submitted in its own behalf, and can find no reason to question your initial determination that [REDACTED], is ineligible as a manufacturer within the meaning of the Public Contracts Act and ASPR 12-603.1, in that the firm has not provided sufficient evidence to show that it has made all necessary, definite prior arrangements for space, equipment and personnel to perform the manufacturing operations required for contract fulfillment. The limited arrangements it has made are, at best, contingent upon award of a Government contract. As you know, this factor alone would disqualify the bidder.

Sincerely,

/s/ Ben P. Robertson

Ben P. Robertson
Acting Administrator
Wage and Hour Division