



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20541

30977

11-167790

MAY 25 1973

The Honorable Howard H. Callaway
The Secretary of the Army

Dear Mr. Secretary:

Reference is made to letter DAEN-GCC, dated March 23, 1973, from the General Counsel, Office of the Chief of Engineers, requesting authorization to pay Keuffel and Esser Company/Cooper-Trent Operation (Cooper-Trent) the sum of \$65,577 for the printing of 60,000 copies of the brochure "Agnes."

As a result of tropical storm Agnes, a decision was made by the U.S. Army Corps of Engineers, which had performed a large portion of the clean-up and restoration work in the storm's aftermath, to publish a brochure showing the losses caused by the storm. The Corps reports that in the haste to have this information disseminated as quickly as possible to the public, an employee without contracting authority, orally contracted with Cooper/Trent for the printing of 60,000 copies of "Agnes." The permission of the Joint Committee on Printing was not obtained as required by section 504, title 44, United States Code, to have such work done by other than the Government Printing Office.

Our Office has contacted the Joint Committee to ascertain if a waiver would have been granted had the matter been presented to it in a timely manner. In response to our inquiry, the Committee forwarded to our Office a copy of a memorandum which the Committee had sent to the Department of the Army concerning the "Agnes" brochure. The pertinent portion of the memorandum reads as follows:

It is the policy of the Public Printer not to issue retroactive waivers. However, since the action was precipitated by the devastating effect of the hurricane and the need for furnishing immediately helpful information to the public, a waiver probably would have been issued by this Office, with the proper justification furnished. Therefore, we recommend payment of this bill, and that all concerned consider this letter in lieu of or the equivalent of a waiver.

*Request for [Authorization for Payment of
Printing Services]*

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Therefore, as the equivalent of a waiver has been granted and the Government has received the benefit of the services performed, payment is authorized in the amount of \$65,557.

Sincerely yours,

Paul G. Dambling

For the Comptroller General
of the United States