

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

61385

98640

FILE: B-186144

DATE: August 24, 1976

MATTER OF: Scanforms Inc.

DIGEST:

GAO concurs in recommendation of Public Printer to remit liquidated damages assessed under one of two contracts, but must deny similar request under other contract because agency has recommended against remission and Comptroller General may not remit liquidated damages in the absence of favorable agency recommendation.

Scanforms Inc. (Scanforms) requests that we remit liquidated damages in the amount of \$4,152.89 and \$10,587.50 assessed against it by the United States Government Printing Office (GPO) under Jackets 534-743 and 534-513, respectively. By report dated May 3, 1976, GPO recommended against remission of the liquidated damages assessed under Jacket 534-743 and by report dated July 19, 1976, recommended the remission of such damages under Jacket 534-513. Under 10 U.S.C. 2312 (1970), our Office is authorized to remit liquidated damages in whole or part upon the recommendation of the head of the contracting agency. It is apparent from the statute, and it has consistently been our view, that a favorable recommendation by the head of the agency concerned is a prerequisite to a remission action by our Office. C.M. Cooke & Company, B-185005, February 13, 1976, 76-1 CPD 100.

Consequently, we are unable to grant Scanforms remission of all or any part of the liquidated damages assessed under Jacket 534-743. However, we concur with the Public Printer's recommendation to remit all of the liquidated damages assessed under Jacket 534-513.

A handwritten signature in dark ink, appearing to read "R. K. + 11-22", written over the typed name of the Acting Comptroller General.

Acting Comptroller General
of the United States