

Kleman
P.L.I.

DECISION



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

04733

FILE: B-189016

DATE: January 11, 1978

MATTER OF: International Computaprint Corporation;
A&E Blueprinters, Inc. of Maryland

DIGEST:

Protests are moot where IFB was canceled after samples submitted with bids allegedly failed to pass quality assurance tests and bids were rejected as being nonresponsive and where Joint Committee on Printing revoked procuring activity's authority to procure patent reproductions and distribution and directs that henceforth such services will be procured by Government Printing Office.

The Department of Commerce (Commerce) issued invitation for bids (IFB) 7-36979 for the procurement of services necessary to accomplish the complex world-wide distribution of issued United States patents and other patent documents, including the related production of ledger and soft copies of each patent document for search files in the United States Patent and Trademark Office, in domestic and foreign libraries, and for initial and replenishment stock. The IFB was issued pursuant to waiver #25611 granted by the Joint Committee on Printing.

International Computaprint Corporation (International Computaprint) and A&E Blueprinters, Inc. of Maryland (A&E Blueprinters) submitted bids and the required samples. Commerce, however, rejected both bids as being nonresponsive because the samples failed to pass quality assurance tests and canceled the IFB. International Computaprint and A&E Blueprinters protest the rejection of their bids.

In a letter dated June 8, 1977, to the Secretary of Commerce, the Chairman of the Joint Committee on Printing (Chairman) stated that the inadequate specifications contained in the IFB " * * * contributed to excessively high costs and only two responses from the commercial printing sector." The Chairman also referred to other alleged deficiencies

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by Commerce in procuring patent reproductions. The Chairman concluded by stating that:

"It is the opinion of the Joint Committee on Printing that in an effort to avoid similar difficulties in the future, the printing and distribution of patents should be obtained through the Government Printing Office which is better equipped to make procurements of this type. Accordingly, under provisions of sections 103 and 1338, title 44, U.S. Code, the Joint Committee on Printing hereby rescinds waiver 25611, December 20, 1976, and directs that the patent work be submitted to the Government Printing Office. The current contract should be extended as necessary to provide sufficient time for the GPO to make arrangements for processing this work."

Sections 103 and 1338 of Title 44, U.S. Code, provide as follows:

"§ 103. Joint Committee on Printing: remedial powers.

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications. (Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1239.)"

"§ 1338. Patent Office: limitations and conditions concerning printing and lithographing.

Printing for the Patent Office making use of lithography or photo-lithography, together with the plates, shall be contracted for and performed under the direction of the Commissioner of Patents, under limitations and conditions prescribed by the Joint Committee on Printing, and other printing for the Patent Office shall be done by the Public Printer under limitations and conditions prescribed by the Joint Committee on Printing. The entire work may be done at the Government Printing Office when in the judgment of the Joint Committee on Printing it is to the interest of the Government. (Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1272.)"

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By letter dated August 3, 1977, to the Chairman, Commerce set forth its position regarding the propriety of the protested procurement and concluded, inter alia, that the withdrawal of its waiver was based on erroneous information. Accordingly, Commerce requested reconsideration of the decision to withdraw the waiver.

In considering Commerce's request for reconsideration, the Joint Committee on Printing consulted with the Government Printing Office, which advised as follows:

"A review of the specifications written by the Commerce Department reveal them to be voluminous, complex, and very restrictive in nature. This, we believed, attributed to part of the high costs received in their bids. The condensed GPO version will hopefully attract more bidders. In addition, the quality requirements appear to be excessively high for the nature of the majority work reviewed in the samples of patent we received. While they require extremely high quality, the nature of the copy is simple black and white reproductions of type work. The requirements that they asked for would lead one to believe that there is an extreme amount of halftone illustrations of a critical nature. The quality attributes program instituted by this Office should allow for the variety of quality requirements at a lesser overall cost."

The Chairman informed Commerce on September 26, 1977, that:

"In view of the position taken by the Government Printing Office, the collective provisions of sections 501, 502, and 1338, title 44 USC, and all other pertinent information, the June 8, 1977, decision to rescind the waiver is upheld, and your full cooperation is requested to insure a smooth transition to the GPO procurement system."

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44 U.S.C. §§ 501, 502 (1970), referred to by the Chairman, are quoted below.

"§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

"All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except-

"(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

"(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

"Printing or binding may be done at the Government Printing Office only when authorized by law.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1243.

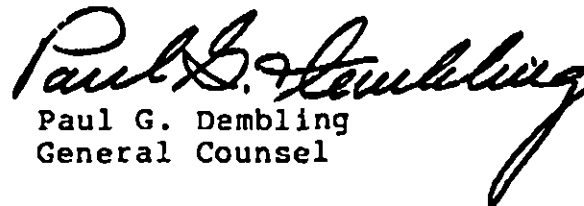
"§ 502. Procurement of printing, binding, and blank-book work by Public Printer

"Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1243."

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Since Commerce has canceled IFB 7-36979 and the Joint Committee on Printing has determined that patent reproductions and distribution will henceforth be procured by the Government Printing Office, we view the protests as moot. Accordingly, we are closing our file on this matter without further action.


Paul G. Dembling
General Counsel