



Comptroller General
of the United States

Washington, D.C. 20548

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B-251481.3

February 15, 1994

The Honorable Wendell H. Ford
Chairman, Joint Committee on Printing
Congress of the United States

Dear Mr. Chairman:

This responds to your request that we review the Department of Defense's (DOD) Joint Computer Aided Acquisition and Logistic Support (JCALS) program for compliance with current law. Specifically, we have been asked to determine whether a JCALS contract modification violated the restrictions on printing through other than the Government Printing Office (GPO) in section 207 of the Legislative Branch Appropriations Act, 1993, and in section 501 of title 44 of the United States Code. To the extent the modification violated these restrictions, we also have been asked whether the modification was outside the scope of the contract.

In our view, sections 207 and 501, which apply to "the procurement of any printing related to the production of Government publications" and "[a]ll printing, binding and blank-book work" respectively, do not apply to the design and engineering services and related automatic data processing (ADP) equipment provided under the contract modification. On that basis, the contract modification was not outside the scope of the contract. Nevertheless, as DOD acknowledges, once the system is implemented it may only be used for activities that are consistent with the requirements of the cited provisions.

Background

In December 1991, DOD selected the Computer Sciences Corporation (CSC) to design and implement the JCALS system under contract DAHC94-89-C-0008.¹ The contract requires CSC to design and implement a system of hardware, software, and communications to facilitate the handling of logistics information for weapon systems. DOD will be able to use the system to receive weapon system information and documents from industry sources in either printed or digitized form

¹The contract was entered into under a Delegation of Procurement Authority (KMA-87-0029) from the General Services Administration.

and to store, access, and process the collected data at several workstations.

After award of the contract, DOD officials concluded that the Department's overall technical manual requirements were closely related to the existing capabilities of the JCALS design. Therefore, in November 1992, DOD modified the contract (Modification No. P00035) to consolidate the contract's "Technical Manual Source Data" and "Depot Maintenance Work" functional requirements and to add a requirement that the system have the capability to develop "reproducible masters" from the technical manual source data.² The two functional requirements directed the contractor to provide the automated tools and capabilities necessary to collect technical manual source data and to arrange the data into specified formats.

Analysis

Section 207 of the Legislative Branch Appropriations Act, 1993, and section 501 of title 44 essentially require that all government printing be done by or through the GPO. Section 207 prohibits, with limited exceptions, any entity of the executive branch, including DOD, from using funds appropriated for any fiscal year to procure any printing related to the production of government publications, unless the procurement is by or through the GPO.³ This prohibition does not apply to "individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, and as certified by the Public Printer, cannot be provided more economically through the Government Printing Office."⁴ The prohibition also does not apply to "printing from other sources that is specifically authorized by law."⁵ Section 501 of title 44 requires, with similar exceptions, that all printing, binding and blank-book work for the government be performed at the GPO.

The issue here is whether DOD's modification of the JCALS contract constituted a procurement of printing subject to these statutory provisions. Section 207 defines "printing" as "the process of composition, platemaking, presswork, silk

²The November modification finalized DOD's directions in modification No. P00027 for the contractor to begin work on the technical manual requirements.

³Pub. L. No. 102-392, § 207, 106 Stat. 1703, 1719-20 (1992).

⁴Id.

⁵Id.

screen processes, binding, microform, and the end items of such processes." Although section 501 does not specifically define "printing," the Government Printing and Binding Regulations contain a definition similar to the definition in section 207.⁶

In our view, the services required by the contract modification do not constitute "printing" under either definition. The modification was a procurement of design and engineering services and some related ADP equipment. CSC will provide software development, systems engineering, system integration, training, and project support. These activities do not involve any processes (composition, platemaking, presswork, etc.) that are specifically included in the statutory and regulatory definitions of printing.

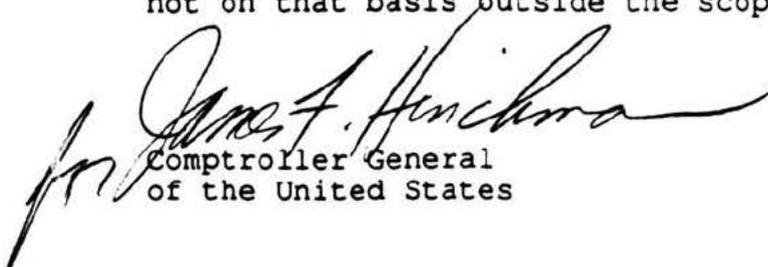
In order for the statutory or regulatory definitions to apply, DOD would have to use the JCALS system to perform one of the specified processes. For example, once implemented, the JCALS system will provide DOD with the capability to perform electronic composition of documents. However, section 207 and the Government Printing and Binding Regulations both include the process of "composition" in the definition of printing. According to the regulations, the process of "composition" involves the "setting of type . . . by electronic character generating devices for the purpose of producing camera copy . . . to be used in the production of printing or microform."

DOD acknowledges that the JCALS system may only be used for activities performed consistent with the requirements of the cited provisions. As such, unless one of the specified exceptions under section 207 or 44 U.S.C. § 501 applied, DOD could not use the system to develop reproducible masters of technical manuals for the purpose of printing to the extent that would constitute the process of "composition" under the above definition. The use of the system to develop "reproducible masters" thus would be proper under section 207 where, for example, it involves individual printing orders that cost less than \$1,000, are not of a continuing or repetitive nature, and, as certified by the Public Printer, could not be provided more economically by GPO. DOD could also use the system for "printing from other sources that is specifically authorized by law" and, presumably, for "duplicating/copying," which is defined in

⁶S. Pub. 101-9, 101st Cong., 2d Sess., § 1-1 (1990).

the Government Printing and Binding Regulations as distinct from "printing."

In sum, DOD's purchase of design and engineering services under the contract modification was not itself a procurement of printing and thus did not violate section 207⁷ or 44 U.S.C. § 501⁸, although, once implemented, the DOD may only use the system for activities consistent with the statutory printing requirements. Further, since the modification did not violate the cited provisions, it was not on that basis outside the scope of the contract.


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⁷Section 2-1 of the Government Printing and Binding Regulations defines "duplicating/copying" as "that material produced by use of (a) equipment listed in column 2 of the [regulations'] equipment tables and (b) duplicating equipment employing the lithographic process; and automatic copy-processing or copier-duplicating machines employing electrostatic, thermal, or other copying processes: Provided, That work exceeding 5,000 production units of any one page, and work exceeding 25,000 production units in the aggregate of multiple pages, shall not be done without prior authority of: (a) the Central Printing and Publications Management Organization . . . or, (b) the Joint Committee on Printing."

⁸There is no provision like section 207 in the Legislative Branch Appropriations Act, 1994, Pub. L. No. 103-69, 107 Stat. 692 (1993). We note, however, that section 207 restricted the use of funds "appropriated for any fiscal year."

⁹We also note that, under the Brooks Act, 40 U.S.C. § 759, the General Services Administration has the exclusive authority to procure (either directly or, as was the case here, indirectly by means of a delegation of procurement authority) ADP equipment for the federal government. In a prior decision, we held that this authority applies to the procurement of computers, software, support services, and related items even if those items are related to the procurement of "printing, binding, and blank-book work." 48 Comp. Gen. 462 (1969).