

DECISION



12967 *Lieberman*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548
T. Ross

FILE: B-196947

DATE: February 28, 1980

MATTER OF: Henry B. Katz Associates

DLG 03994

DIGEST:

Request for remission of liquidated damages assessed by Government Printing Office is denied since agency's refusal to recommend remission precludes GAO under 41 U.S.C. 256(a) from remitting all or any part of such damages.

Henry B. Katz Associates *ed pr* requests relief from an assessment of liquidated damages of \$20,000 assessed by the Government Printing Office under Purchase Order No. 071739. In a report dated January 16, 1980, the Public Printer has recommended against remission of these liquidated damages. *AGC 000178*

The authority of our Office to remit liquidated damages rests solely upon 41 U.S.C. 256(a) (1976), which provides that upon the recommendation of the head of the contracting agency, the Comptroller General may remit all or part, as he considers just and equitable, of any liquidated damages for delay in performing a contract made by the agency. As the statute makes apparent, and as we have consistently held, a favorable recommendation by the agency head is a prerequisite to any remission action by this Office. See B-182706, June 23, 1975; B-180566, August 19, 1974.

Accordingly, we must decline to grant the relief requested.

Milton J. Avetian

For The Comptroller General
of the United States

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