

Draft Proposed Rule
FAR Case 2002-011
Procurement of Printing and Duplicating through the Government Printing Office

6.302-5 Authorized or required by statute.

(a) * * *

(b) *Application.* This authority may be used when statutes, such as the following, expressly authorize or require that acquisition be made from a specified source or through another agency:

(1) Federal Prison Industries (UNICOR)-18 U.S.C. 4124 (see Subpart 8.6).

(2) Qualified Nonprofit Agencies for the Blind or other Severely Disabled-41 U.S.C. 46-48c (see Subpart 8.7).

~~(3) Government Printing and Binding 44 U.S.C. 501-504, 1121 (see Subpart 8.8).~~

([3]4) Sole source awards under the 8(a) Program 15 U.S.C. 637 (see Subpart 19.8).

([4]5) The Robert T. Stafford Disaster Relief and Emergency Assistance Act-42 U.S.C. 5150 (see Subpart 26.2).

([5]6) Sole source awards under the HUBZone Act of 1997-15 U.S.C. 657a (see 19.1306).

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8.002 Use of other Government supply sources.

Agencies shall satisfy requirements for the following supplies or services from or through specified sources, as applicable:

(a) Public utility services (see Part 41);

~~(b) Printing and related supplies (see Subpart 8.8);~~

([b]e) Leased motor vehicles (see Subpart 8.11);

([c]d) Strategic and critical materials (e.g., metals and ores) from inventories exceeding Defense National Stockpile requirements (detailed information is available from the--
Defense National Stockpile Center
8725 John J. Kingman Rd., Suite 4528
Fort Belvoir, VA 22060-6223; and

ATTACHMENT A

([d]e) Helium (see Subpart 8.5-Acquisition of Helium).

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Subpart 8.8 -- Acquisition of Printing and Related Supplies

8.800 Scope of subpart.

This subpart provides policy for the acquisition of Government printing and related supplies.

8.801 Definitions.

As used in this subpart-

"Government printing" means printing, binding, and blankbook work for the use of an executive department, independent agency, or establishment of the Government.

["Government publication," means informational matter which is published as an individual document at Government expense, or as required by law. The term does not include publications required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security.]

"Related supplies" means supplies that are used and equipment that is usable in printing and binding operations.

8.802 Policy.

[(a) Agencies are not required to satisfy requirements for Government printing and related supplies from or through a specified source. Agencies may address needs for Government printing and related supplies by --

- (1) contracting with a private source;
- (2) using the Government Printing Office (GPO); or
- (3) relying on in-house or other executive branch printing operations.

(b) Agencies shall make awards for Government printing in accordance with applicable parts of the FAR, including Parts 5, 6, 13, 14, 15, 17 and 19.

(c) When printing of Government publications is performed by a source other than the GPO, the agency shall--

(1) ensure copies are provided to the GPO, through electronic means whenever feasible, for distribution to the Federal Depository Library Program; and

(2) consult with the GPO before issuing a solicitation to determine the number of copies the GPO may wish to purchase under the contract, pursuant to the Economy Act or other applicable law, for purposes such as for sale to the public.]

8.803 Solicitation provision and contract clause.

Insert the clause at 52.208-XX, Information Dissemination, in all solicitations and contracts for Government printing of a Government publication.

PART 52 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.208-XX Information Dissemination

As prescribed in 8.803, insert the following clause:

INFORMATION DISSEMINATION (DATE)

The contractor shall submit to the Government Printing Office copies of Government publications, as identified in the contract, in the format and quantity specified in the contract.

(End of Clause)]

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 6 and 8, and 52

[FAR Case 2002-011]

Federal Acquisition Regulation; Procurement of Printing and Duplicating through the Government Printing Office

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are proposing amendments to the Federal Acquisition Regulation (FAR) to implement the policy set forth in the Office of Management and Budget (OMB) policy memorandum of May 5, 2002, Procurement of Printing and Duplicating through the Government Printing Office (GPO). The memorandum eliminates restrictions that mandated use of a single source (i.e, GPO) for printing and related services and frees agencies to select these services from a wide array of sources that can demonstrate their ability to effectively meet the Government's needs.

DATES: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before (30 days after publication date).

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW., Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405. Submit electronic comments via the Internet to: 2002-011@gsa.gov. Please submit comments only and cite FAR Case 2002-011 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for

information pertaining to status or publication schedules. The TTY Federal Relay Number for further information is 1-800-877-8973. For clarification of content, contact Mrs. Linda Nelson, Procurement Analyst, at (202) 501-1900. Please cite FAR Case 2001-011.

SUPPLEMENTARY INFORMATION:

A. Background

1. Procurement of printing and related supplies.

This proposed rule amends FAR Subpart 8.8 to implement OMB policy memorandum no. M-02-07, Procurement of Printing and Duplicating through the Government Printing Office (GPO) (May 5, 2002). The memorandum eliminates restrictions that mandated use of a single source (i.e., GPO) for printing and related services and gives agencies the discretion to consider a wide range of options for meeting their printing needs.

OMB's memorandum highlights problems that arise when agencies are prevented from selecting services based on the best quality, cost, and time of delivery. It shares the conclusion reached by the General Accounting Office (GAO), that "GPO's monopoly-like role in providing printing services perpetuates inefficiency because it permits GPO to be insulated from market forces and does not provide incentives to improve operations that will ensure quality services at competitive prices." The memorandum points out that these inefficiencies are magnified by the \$50 to \$70 million per year in premiums and fees imposed by the GPO when it contracts work to private sector printers.

Rather than having the GPO make decisions for agencies, OMB's new policy gives agencies the freedom to conduct their own competitions and control the cost and quality of the printing products and services for which they are accountable. To implement the OMB policy, this rule amends the FAR by -

- Removing restrictions in FAR 8.8 that mandated the use of GPO for printing and related supplies;

- Providing agencies express authorization to address printing needs by: (1) contracting with a private source, (2) using the GPO, or (3) relying on in-house or other executive branch printing operations; and
- Requiring that agencies acquire printing needs using the same established procurement processes that are required for the acquisition of goods and services generally.

As part of the Administration's competitive sourcing initiative, OMB will require that agencies identify the overall cost of their Government printing and duplicating operations. Reports to OMB will include a full accounting of all costs of work performed by GPO, work performed in-house, and work contracted directly to the private sector.

2. Information Dissemination.

The proposed rule reiterates agencies' responsibility to ensure that Government publications are made available to the Federal Depository Library Program (FDLP) through the Superintendent of Documents. Effective dissemination of Government information is a cornerstone of citizen-centric Government. Unfortunately, many Government publications (as many as 50 percent by some estimates) become so-called "fugitives," never making their way to the Superintendent of Documents, who is responsible for indexing, cataloging and distributing documents to the public through the FDLP.

OMB intends to work with agencies to minimize the number of fugitive documents. Among other things, agencies will be required, as part of their reporting on printing, to advise OMB on compliance with their responsibility for making information available to the public, including through the FDLP. Consistent with the Administration's efforts to harness the efficiencies of electronic technologies, OMB will also consider, in consultation with interested stakeholders, whether current policies, and practices related to the publication of Government information need to be refined to ensure maximum possible reliance on dissemination in cost-effective electronic formats.

In addition, this proposed rule provides for a clause to be inserted in all solicitations and contracts for Government publications. The clause would require a contractor to submit to the GPO copies of Government publications, as identified in the contract, in the format and quantity specified in the contract

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because GPO already contracts out a vast majority of its work to the private sector. In Fiscal Year 2001, GPO contracted with private printing enterprises to perform the vast majority of printing work. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR part in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, et seq., (FAR Case 2002-011), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104-13) does not apply because the proposed rule does not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 6 and 8, and 52:

Government procurement.