NIH POLICY MANUAL

6308 - ACQUISITION OF PRINTING REQUIREMENTS AT THE NIH

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1. **Explanation of Material Transmitted:** This Chapter is being revised in order to comply with recommendations by the NIH Office of Management Assessment in a November 2001, Corrective Action Report. One of the recommendations was to incorporate as a best practice the Government Printing Office (GPO) policy emphasis on online distribution of publications to Federal Depository Libraries and the online use of the Form 3868. This Manual Chapter update complies with the recommendation and brings the NIH into compliance with statute, regulation and policy. The Chapter discusses the direct acquisition for printing, as well as printing that is a peripheral deliverable in a contract for a larger purpose.

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ACQUISITION OF PRINTING REQUIREMENTS AT THE NIH

A. PURPOSE: This Chapter is being revised in order to comply with recommendations by the NIH Office of Management Assessment in a November 2001, Corrective Action Report. One of the recommendations was to incorporate as a best practice the Government Printing Office (GPO) policy emphasis on online distribution of publications to Federal Depository Libraries and the online use of the Form 3868. This Manual Chapter update complies with the recommendation and brings the NIH into compliance with statute, regulation and policy. The guidance in this Chapter pertains to direct acquisition of printing requirements, as well as incidental printing that is a part of a contract for a larger purpose (e.g., an R&D contract for a study, the results of which are to be published).

B. BACKGROUND: Chapter 5 of Title 44 of the United States Code, 44 U.S.C. §501, generally requires all printing by Government agencies to be done through the GPO.

The Government Printing and Binding Regulations (GP&BR), published by the Congressional Joint Committee on Printing (JCP), pursuant to its authority under 44 U.S.C. §§103, 501, and 502, provide rules for printing, binding and distribution of public documents produced under 44 U.S.C. §501. The JCP rules implement 44 U.S.C. §§103, 501, and 502, and therefore apply only to printing that is consistent with these provisions.

The Federal Acquisition Regulation (FAR) Subpart 8.8, "Acquisition of Printing and Related Supplies," promulgated under 40 U.S.C. §486(c), provides policy for all Federal agencies for acquisition of Government printing and related supplies. The FAR Section 8.802(a) states that Government printing must be done by the GPO unless, among other things, the printing is specifically authorized by statute to be done by an entity other than the GPO.

The Public Health Service (PHS) Act, 42 U.S.C. §284(c)(4), states that Directors of Institutes "may publish, or arrange for the publication of, information with respect to the purpose of the Institute without regard to Section 501 of Title 44, United States Code." Printing by the NIH Institute Directors, therefore, is not subject to the GP&BR that implement 44 U.S.C. §§103, 501 and 502, or the Departmental approval process for printing by the GPO.

The NIH Manual 1130, "Delegations of Authority," General Administration No. 4 (June 12, 1985), states that the authority of the NIH Director to procure printing, duplicating, and related services from the GPO and from commercial and other Federal Government sources on an NIH-

wide basis is delegated to the NIH Printing Officer[1] and his/her alternate. The NIH Director has no independent authority under the PHS Act to procure printing from entities other than the GPO. Any acquisition of printing by the NIH Director or any other entity within NIH other than an Institute, is subject to 44 U.S.C. §501 and the Government GP&BR and must be approved by the NIH Printing Officer and by the Director of the Departmental Printing and Publication Management Staff, in accordance with the HHS Printing Management Manual.

In March 1999, the Office of the Inspector General (OIG) issued a final report, which concluded that the NIH did not always adhere to the GPO regulations regarding the required distribution of copies of printed publications to the Federal Depository Libraries, or the provision of single copies to the GPO for cataloging and indexing purposes. In addition, the OIG found that the NIH did not report its monthly commercial printing activity to the GPO as required. In response to that report, the NIH has reestablished the NIH Central Printing and Publications Management Organization (CPPMO)[2], as required in the GP&BR, to ensure future compliance with Federal printing rules and procedures.

In October 2001, the NIH Office of Management Assessment completed its review of the NIH Printing Program, and concluded that the NIH had corrected the weaknesses identified in the March1999 OIG report, but that by making publications available to Federal Depository Libraries by online distribution of electronic copies instead of tangible copies, the NIH could save thousands of dollars. The recommendation to incorporate this as a best practice has now been included in this Manual Chapter.

This updated Manual Chapter incorporates all GPO requirements for ICs and other entities at the NIH.

C. POLICY: Based on law and regulation, the NIH is required, except when exempted by statute, to arrange for printing through the GPO. Compliance with the GP&BR is also required, except where exempted by statute. The PHS Act §284(c)(4) specifically exempts the Directors of Institutes from these laws and regulations, insofar as the requirement to obtain printing through the

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[1]The NIH Printing Officer is now the Central Printing and Publications Management Office (CPPMO) Manager.

[2]See Section D, Items 1 and 2, for the NIH Organizational location of the CPPMO

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GPO. However, all of NIH, (including all ICs), must adhere to Title 44, Chapter 19, U.S.C., Subpart 1903, which requires that all Government publications (except those determined to be required for strictly administrative purposes having no public interest or educational value, and documents classified for reasons of national security) must be made available to the Federal Depository Library Program (FDLP) of the GPO Library Service, the Library of Congress and the Cataloging and Indexing Program (C&I). In January, 2001, the GPO issued a new dissemination/distribution policy for the FDLP. (http://www.access.gpo.gov/su_docs/fdlp/pubs/adnotes/ad011501.html#4). This policy, as directed by Congress, places heavy emphasis on making publications available to Federal Depository Libraries by online distribution of electronic copies rather than tangible ones.

Finally, Title 44 U.S.C. Chapter 19 §1902 requires monthly and semi-annual reports. Compliance with these requirements is assured for acquisition of printing for Centers and other NIH entities, solely due to the need for interaction with the NIH Printing Officer, CPPMO. However, Institutes that choose to contract for printing from sources other than the GPO must provide the copies of these publications to the sources noted above, and report such publications to the CPPMO as a part of their own duties.

D. RESPONSIBILITIES:

1. **Central Printing and Publications Management Office (CPPMO)**: Provides a coordinated program controlling the development, production, procurement, and distribution of printed materials. At the NIH, the Reprographic Communications Branch (RCB), Division of Support Services (DSS), Office of Research Services (ORS) is the organization where the CPPMO resides.

2. **CPPMO Manager:** The NIH Printing Officer, RCB, DSS, ORS, serves as the CPPMO Manager and is the focal point for management of publications and the reporting process.

3. **Contracting Officer**: A contracting officer who is acquiring printing for a Center or entity other than an Institute is responsible to ensure that contracts for printing, either as a direct acquisition, or as peripheral deliverables of a contract, are accomplished through the GPO and comply with the GP&BR established by the Congressional JCP. This can be readily accomplished through communications with the CPPMO.

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Contracting officers acquiring printing for Directors of Institutes may arrange for the acquisition of such printing without regard to these regulations; however, they must comply with the FDLP and C&I requirements, as well as commercial printing activities reporting requirements.

E. REFERENCES:

1. Title 44, Chapters 5 and 19, United States Code, Production and Procurement of Printing and Binding, 44 U.S.C. §§103, 501, 502, 1902, 1903, and 1905 (http://www.access.gpo.gov/aboutgpo/title44/44usc.html).

2. Government Printing and Binding Regulations, Joint Committee on Printing, U.S. Congress (February 1990), Items 35-1, 35-2, 35-3.

3. GPO Circular Letter 413 (http://www.access.gpo.gov/customer-service/cir413.html).

4. GPO Circular Letter 456, Guidelines for the Provision of Government Publications for Depository Library Distribution, (http://www.access.gpo.gov/customer-service/cir456.html). Paragraph 4, Procedures, states that the ordering procedures may be found in GPO Circular Letter No. 452, Use of GPO Form 3868, Notification of Intent to Publish (http://www.access.gpo.gov/customer-service/cir457.html).

5. Federal Acquisition Regulation (FAR) Part 8.8, 48 C.F.R. §8.800.

6. Section 301 of the Public Health Service (PHS) Act, 42 U.S.C. §241.

7. Sections 405(b) and (c)(4) of the PHS Act, 42 U.S.C. §284(b) and (c)(4). .

8. Section 486 of the PHS Act, 42 U.S.C. §286.

9. NIH Manual, Chapter 1130, Delegations of Authority, General Administration No. 4, Printing and Reproduction (June 12, 1985), (http://www3.od.nih.gov/oma/manualchapters/delegations/genadm/genad04/). Program: General No. 3 Publish Articles and Results of Scientific Research (June 12, 1985), (http://www3.od.nih.gov/oma/manualchapters/delegations/progen/pg03/) and Program:

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General No. 18, PHS Act, Title III (June 12, 1985).
(http://www3.od.nih.gov/oma/manualchapters/delegations/progen/pg18/).

10. NIH Manual, Chapter 1183, Publications, (March 31, 1985), or latest issuance in effect (http://www1.od.nih.gov/oma/manualchapters/management/1183/**).**

F. PROCEDURES:

1. Printing Procured for Directors of Institutes

Section 405(c)(4) of the PHS Act, 42 U.S.C. §(c)(4) specifically exempts Directors of Institutes from the GPO printing requirements, as well as from any approval requirements of the HHS for printing by the GPO. The acquisition of printing for Institute Directors is, therefore, exempt from the GP&BR. In other words, all contracting officers acquiring printing for Institute Directors may contract for printing services without regard to the statute that requires that printing be acquired through the GPO, and they do not need any further clearance or approval to proceed with their printing requirements (but see Item 3 below for clearance requirements for publications; Item 4 below for waivers and exemptions; Item 6 below for FDLP, Library of Congress and C&I requirements, and reporting requirements). Also see Item 2 below for procedures to follow should the Institute determine to utilize the services of the RCB, DSS, and ORS to acquire its printing needs.

2. Printing Procured for Centers and NIH Entities Other than Institutes

Under 44 U.S.C. §501, all printing by Government agencies must be done by the GPO. The contracting officer who is acquiring printing directly, or as a peripheral deliverable under a contract for Centers and other entities that cannot be classified as Institutes, (e.g., NLM, FIC, the NIH Office of the Director, etc.), must comply with 44 U.S.C. §501 and the GP&BR, and seek approval of these printing requirements from the NIH CPPMO. In addition, approval must be obtained from the Director of the Departmental Printing and Publication Management Staff. See Item 3 below for clearance requirements for publications; Item 4 below for waivers and exemptions; and Item 6 below for printing and reporting requirements.

3. Clearance Requirements for Publications

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The Manual Chapter 1183, Publications, requires that any publication (including books, bibliographies, chapters of a book or textbook, booklet, brochure, collection of abstracts, fact sheets, house organs, indices, leaflets, manuals, monographs, newsletters, pamphlets, reviews, periodicals, proceedings, recurring report, statistical compendium, etc.), prepared by any NIH component directly or through a contract must be sent for Health and Human Service (HHS) clearance through the Editorial Operations Branch, using Form HHS-615, Publication Planning and Clearance Request (http://forms.psc.gov/forms/HHS/HHS-615.pdf). This clearance requirement does not apply to publication of articles in journals. See NIH Manual Chapter 1183 for further information regarding this requirement.

4. Waivers and Exemptions

On March 19, 1984, the JCP granted the HHS a waiver of paragraphs 38 and 46-1 of the GP&BR to permit the initial publication of articles written by employees of the HHS in privately published journals, encyclopedias and textbooks. This includes permission to pay page charges and to purchase separates of the articles (commonly referred to as reprints without covers and associated publication costs) at the time of their publication, directly from the publisher.

In addition, under Section 301(a)(1) of the PHS Act, the PHS has allowed private publishers to print the results of PHS scientific research in technical journals and distribute any required copies within the Federal Government or to experts within the specific field.

Title III of the GP&BR, Items 35-2, 35-3, and 35-4 exempts three types of printing from the prohibition under 44 U.S.C. §501 to directly contract for printing:

! procurement of writing, editing, and preparation of manuscripts and illustrations, and administrative printing as part of contracts;

! duplicating of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages. Pages may not exceed a maximum image size of 10-3/4 x 14-1/4 inches. (Under Item 2-1, printing in excess of these amounts must be authorized by the Departmental central printing and publications management organizations, or by the Joint Committee itself); and

! printing of less than 250 duplicates from original microform.[3]

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[3] Please note that the limitations of Title III do not apply to printing procured by Institutes, but only to printing which is acquired by Centers and NIH entities other than Institutes, e.g., NLM, FIC,

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5. Approvals

Before publishing reprints, new editions and/or revisions of publications, periodicals, newsletters, informational bulletins and proceedings or transcripts, all Centers and NIH entities other than Institutes should review the latest edition of the NIH Manual Chapter 1183, Publications, to determine the proper review and approval procedures.

6. Distribution Requirements

NOTE: This section applies to all Government publications.

Title 44, Chapter 19 of the United States Code, 44 U.S.C. §1903, requires that all Government publications, with the exception of those determined to be required for strictly administrative purposes having no public interest or educational value and documents classified for reasons of national security, be made available to the FDLP.

If printing is to be acquired directly for an Institute (i.e., outside of the auspices of the CPPMO, NIH), the following procedures MUST be followed:

The acquisiton of printing directly through commercial sources for Institutes

a. The project officer must contact the GPO Superintendent of Documents prior to issuing the requirement for printing in order to ascertain the additional number of copies required for the FDLP. **The cost for printing these extra copies shall be borne by the Institute responsible for the issuance.**

GPO Contacts:	Betty Jones	202-512-1071 FAX: 202-512-1432 e-mail: bjones@gpo.gov
	Earl Lewter	202-512-1129 FAX: 202-512-1636 e-mail: elewter@gpo.gov
	Acquisitions Desk	202-512-1585

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etc.

FAX: 202-512-1196
e-mail: sdaniel@gpo.gov

b. Detailed procedures for the FDLP

(1) Determine whether the publication is suitable for depository distribution. To assist in your determination, you may obtain advice from one of the GPO contacts above.
(2) Ascertain how many additional copies are required by the FDLP.
(3) Include this amount plus 15 file copies for the Library of Congress in the print order.
(4) **The Institute bears the printing and binding costs of all copies.**
(5) Direct the commercial printer (or contractor) to deliver the required number of copies addressed exactly as follows:

FDLP Copies (Number of copies to be determined by GPO):

Depository Copies
U.S. Government Printing Office
Depository Receiving Station
Stop: SSLA, ATTN: Mr. James Maudlin
Jackson Alley, Room A-150
Washington, DC 20401

File Copies: **15 File Copies**
Library of Congress
Madison Building
Exchange and Gift Division
Federal Documents Section
C Street, N.E.
Washington, DC 20540

Note that the words "Depository Copies" and "15 File Copies" must be part of the address label.

c. Detailed Procedures for C&I Program

The Institute must furnish the C&I with 2 copies of every publication produced or procured through other than GPO sources, except those determined to be required for

strictly administrative or operational purposes having no public interest or educational value. These copies are to be forwarded to:

Chief, Cataloging Branch
Library Programs Services (SLLC)
U.S. Government Printing Office
Washington, DC 20401

d. Detailed Procedures for GPO Form 3868, "Notification of Intent to Publish."

The GPO Form 3868 is used to notify the Superintendent of Documents of a forthcoming publication. At least thirty days prior to submission of a publication for printing, Institutes acquiring printing commercially should complete and submit GPO Form 3868 on-line, by accessing the following GPO Access Internet address: http://www.access.gpo.gov/su_docs/forms/3868/form_3868.html.

Hard copy submissions should include two completed of the GPO Form 3868 and be mailed to:

U.S. Government Printing Office
Document Control Branch
STOP: SSMC
Washington, DC 20401

Telephone: 202-512-1707
FAX: 202-512-1657
e-mail: salespubs@gpo.gov

e. Commercial Printing Activity Reports - Monthly and Semi-Annual

Per Title 44, U.S. Code, Chapter 19 §1902, Institutes printing publications directly through commercial sources must furnish a monthly listing of those publications to the GPO's Superintendent of Documents. Semi-annual Commercial Printing Activity Reports are also required by the JCP of the U.S. Congress. Institutes shall submit their monthly and semi-annual printing reports to the NIH CPPMO for consolidation and submission.

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To facilitate reporting requirements, the RCB, DSS has developed a new on-line database, which allows Institutes to input commercial printing information. The internet address for this database can be found at http://www.nih.gov/od/ors/dss/repro/commprinting.htm. For additional information, contact the Printing Management Team at 301-496-6781.

Institutes may request the RCB to conduct a cost analysis based on GPO, FDLP and Library of Congress file copy requirements to determine the most effective procurement method (i.e., commercial printer vs. GPO). **If the Director of an Institute decides not to directly acquire printing services, the CPPMO will handle all FDLP, Library of Congress and C&I requirements, as well as reporting requirements.**

Acquiring Printing Services using the RCB, DSS, ORS (including those printing requirements that are a peripheral part of an NIH contract): The following procedures are to be followed for the acquisition of printing for Centers and entities of NIH other than Institutes, and for Institutes desiring to acquire their printing services using the RCB and DSS:

a.. The RCB will ensure that printing materials are in compliance with all regulations and reporting requirements and that the required copies have been sent to the FDLP, the Library of Congress, and the C&I.

b. Centers and entities other than Institutes, (and those Institutes that opt to use the RCB services) will not be charged by GPO for the cost of printing additional FDLP copies. Please note that the costs of printing the additional copies for the FDLP, Library of Congress, and C&I can be substantial and, therefore, Institutes are encouraged to discuss requirements with an RCB printing specialist prior to commercially procuring such printing.

c. All reporting requirements will be handled by RCB, DSS, and ORS.

G. RECORD RETENTION AND DISPOSAL

All records (**e-mail and non-e-mail**) pertaining to this Chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records," Appendix 1, NIH Records Control Schedule, Item 2600-A-4, "Routine Procurement Files."

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NIH e-mail messages: The NIH e-mail messages, (messages, including attachments, that are created on the NIH computer systems or transmitted over the NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. **These records must be maintained in accordance with current NIH Records Management guidelines. If necessary, back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information.**

All e-mail messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, the NIH staff conducting official reviews or investigations, and the Office of the Inspector General may request access to or copies of the e-mail messages. The e-mail messages must also be provided to Congressional Oversight Committees if requested, and are subject to the Freedom of Information Act requests. Since most e-mail systems have back-up files that are sometimes retained for significant periods of time, e-mail messages and attachments may be retrievable from back-up files after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

H. MANAGEMENT CONTROLS

The purpose of this Manual issuance is to provide updated guidance to contracting officers and program officials on the statutes, regulations, policies and procedures regarding the acquisition of printing at the NIH.

1. **Office Responsible for Reviewing Management Controls Relative to this Chapter:** The Division of Acquisition Policy and Evaluation (DAPE), Office of Acquisition Management and Policy (OAMP), is accountable for the method used to ensure that management controls are implemented and working.

2. **Frequency of Reviews:** Ongoing

3. **Method of Review**: The Request for Contract (RFC) format contains a requirement for the contracting officer/project officer to check off the applicability of the acquisition of printing services in the instant contract action, and the requirement for providing copies to the FDLP, the Library of Congress, and the C&I. In addition, the RFC format provides a block to indicate the contracting officer's/ project officer's awareness of the reporting requirement. The DAPE/OAMP will maintain appropriate oversight through reviews of IC presolicitation and preaward contract files conducted by the NIH Board of Contract

Awards. The NIH Board of Contract Awards reviews a percentage of contract actions from each IC. Issues, including compliance with printing regulations and policies, are identified by the Board and provided to the IC for corrective action. When repetitive issues are identified, these are brought to the attention of the Acquisition Management Committee, which is responsible for addressing and resolving common acquisition issues. In addition, the Head of the Contracting Activity, (HCA), is routinely notified of any difficulties in IC implementation of policy. Depending on the nature and extent of the problem, the HCA may recommend additional policy guidance or training of contract staff.

In addition, the ORS as part of its oversight responsibility for the NIH Printing Program, will perform support visits to NIH components with separate printing authority on an annual basis to assist with determining compliance with NIH policy. Visit schedules and agendas will be developed and issued by the ORS at the beginning of each calendar year.

4. **Review Reports:** The HCA is routinely notified of problems and takes necessary action to resolve them.