NIH Policy Manual

6308 - Acquisition of Printing Requirements at the NIH

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Transmittal Notice

1. **Explanation of Material Transmitted:** This Chapter is being revised to establish the HHS Program Support Center (PSC) as the servicing entity for NIH printing requirements; to reflect current office titles and acronyms; to revise dates; and to update provisions as necessary. The Chapter pertains to the direct acquisition of printing requirements, as well as printing that is a supplementary deliverable in a contract for a larger purpose.
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A. Purpose

This Chapter is being revised in order to establish the Department of Health and Human Services (HHS) Program Support Center (PSC) as the servicing entity for NIH printing requirements; to reflect current office titles and acronyms; to revise dates; and to update provisions as necessary. The Chapter pertains to the direct acquisition of printing requirements, as well as printing that is a supplementary deliverable in 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

44 United States Code (U.S.C.) §501 generally requires that all printing by Government agencies be done through the Government Printing Office (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) 48 Code of Federal Regulations (CFR) Subpart 8.8, "Acquisition of Printing and Related Supplies," governs all Federal agencies for acquisition of Government printing and related supplies. 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.

Effective January 30, 2012, printing services previously provided by the NIH Office of Research Services, Division of Medical Arts, were transferred to the HHS PSC. This transfer was to produce better efficiencies in the print management functions, including print procurement and document conversion, which had been previously duplicated by both agencies. PSC printing staff will continue to provide print procurement, document management, and copying and duplicating.

This updated Manual Chapter incorporates all GPO requirements for Institutes and Centers (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. Section 405(c)(4) of the PHS Act, 42 U.S.C. §284(c)(4) specifically exempts the Directors of Institutes from these laws and regulations as it relates to the requirement to obtain printing through the GPO. However, all of NIH (including ICs) must adhere to 44 U.S.C.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 (C&I) Program. In January, 2001, the GPO issued a new dissemination and distribution policy for the FDLP that emphasizes making publications available to Federal Depository Libraries by online distribution of electronic copies rather than tangible ones.

Finally, Title 44 U.S.C. §1902 requires monthly and semi-annual reports (detailed in F. Procedures, item 8). Compliance with these requirements is necessary for printing

acquisitions by Centers and other NIH entities to ensure that PSC Publishing Services are involved with the requirements. However, Institutes have the option to choose to contract for printing from sources other than the GPO. Should they choose to do so, they must provide copies of these publications to the entities noted above and report such publications to PSC Publishing Services as a part of their duties.

D. Responsibilities

1. **Contracting Officer**: Acquiring printing for:

    a. A Center or entity other than an Institute, either as a direct acquisition or as peripheral deliverable of a contract, ensuring that it is accomplished through the GPO and complies with the GP&BR established by the Congressional JCP. PSC Publishing Services is available to assist with this process.
    b. Directors of National Research 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. PSC Publishing Services is available to assist with these activities.

2. **PSC Printing Officer**: Serves as the Manager for printing requirements within PSC Publishing Services and is the focal point for management of publications and the reporting process.
3. **PSC Printing Specialist**: Processes printing requirements in conjunction with the requester.
4. **PSC Publishing Services**: Provides a coordinated program that controls the development, production, procurement, and distribution of printed materials. This organization is located within the Administrative Operations Service, PSC, HHS.

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.gpo.gov/pdfs/customers/sfas/jcpregs.pdf
2. Government Printing and Binding Regulations, Joint Committee on Printing, U.S. Congress (February 1990), Items 35-1, 35-2, 35-3.
3. Federal Acquisition Regulation (FAR) Part 8.8, 48 CFR §§8.800 and 8.802.
4. Section 301 of the Public Health Service (PHS) Act, 42 U.S.C. §241.
5. Sections 405(b) and (c)(4) of the PHS Act, 42 U.S.C. §§284(b) and (c)(4).
6. NIH Delegations of Authority Program General No. 3, Publish Articles and Results of Scientific Research: http://www.delegations.nih.gov/DOADetails.aspx?id=1637.
7. NIH Delegations of Authority Program General No. 18, PHS Act, Title III: http://www.delegations.nih.gov/DOADetails.aspx?id=1656.
8. NIH Manual Chapter 1183, Publications
9. NIH Chapter 1743, Keeping and Destroying Records, Appendix 1, NIH Records control Schedule

F. Procedures

1. **Printing Services Mechanisms and Processes:**

   To begin the process of obtaining a printing requirement, the IC must establish a type "A" Inter-agency agreement (IAA) in the NBS system. This will allow it to procure printing services from HHS/PSC. The IAA can be established at the IC level or Division/Office level and renewed either quarterly or annually as determined by IC management.

   Once the IAA is in place, a completed HHS-26A, Request for Printing Services, is required to obtain printing services. The form can be accessed at http://intranet.hhs.gov/forms/hhs_forms/hhs-26a.pdf. The requester must input both the IAA CAN Number and a Purchase Order Number, and obtain all authorizing signatures.

   When this is completed, the approved HHS-26A must be routed to the PSC Printing Procurement Office. This can be as an e-mail attachment to PSCpublishing@psc.hhs.gov, a fax to 301-443-3089, or an interoffice mailing to PSC Printing Office, Parklawn Building, Rockville, MD. Upon receipt, the PSC Printing Officer will assign a PSC Printing Specialist to process the requirement.
2. **Printing Procured for Directors of Institutes:**

   Section 405(c)(4) of the PHS Act, 42 U.S.C. §284(c)(4) exempts Directors of Institutes from the GPO printing requirements as well as from any approval requirements of the HHS for printing by the GPO, including the GP&BR. Therefore, 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. Further, they do not need any clearance or approval to proceed with their printing requirements. However, see Item 4 below for clearance requirements for publications; Item 5 below for waivers and exemptions; Item 7a below for FDLP and Library of Congress requirements, Item 7b below for C&I requirements, and Item 8 for reporting requirements and for procedures to follow should the Institute decide to utilize the PSC Publishing Service to acquire its printing needs**.**
3. **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 PSC Publishing Service. In addition, approval must be obtained from the PSC Printing Officer. See Item 4 below for clearance requirements for publications; Item 5 below for waivers and exemptions; and Item 8e below for printing and reporting requirements.

4. **Clearance Requirements for Publications:**

   NIH 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 reports, statistical compendia, internet documents, audiovisuals or the like), other than the publication of articles in journals prepared by any NIH component directly or through a contract, must be cleared through the Editorial Operations Branch, Public Information Office, Office of Communications and Public Liaison, HHS. Form HHS-615, Publication Planning and Clearance Request, which can be accessed at http://intranet.hhs.gov/forms/hhs_forms/hhs-615.pdf, is to be used for the clearance. See NIH Manual Chapter 1183 for further information regarding this requirement.

5. **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 HHS employees 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, 42 U.S.C. §241, 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.

   For printing which is acquired by Centers and NIH entities other than Institutes (e.g., NLM, FIC, etc.), Title III of the GP&BR, Items 35-2, 35-3, and 35-4 exempt three types of printing from the prohibition under 44 U.S.C. §501 to directly contract for printing:

   - writing, editing, and preparing 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 PSC Printing Officer, HHS Printing Officer, or by the Joint Committee); and
   - printing of less than 250 duplicates from original microform.

6. **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.

7. **Distribution Requirements applicable to all Government publications:**

   a. FDLP - 44 U.S.C. §1903 requires that all Government publications, other than those determined to be required for strictly administrative purposes that have no public interest or educational value and documents classified for reasons of national security, be made available to the FDLP.

   For printing that is being acquired for an Institute directly from a commercial source outside the auspices of PSC Publishing Services, the Contracting Officer's Representative (COR) must contact the GPO Superintendent of Documents prior to issuing the requirement 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.
   The FDLP contacts are:

Stephanie Daniel	and	Karen Peregoy
Phone: 202-512-1585		Phone: 202-512-1408
Fax: 202-512-1196		Fax: 202-512-1196
email: sdaniel@gpo.gov		email: kperegoy@gpo.gov

   With the assistance of the FDLP contact, the project officer must also:

   1. Determine whether the publication is suitable for FDLP distribution, and if so, the number of copies as determined by GPO.
   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. Direct the commercial printer (or contractor) to deliver the required number of copies addressed exactly as follows:

   Depository Copies:

   Depository Copies
   U.S. Government Printing Office
   Depository Receiving Station,
   44 H St., NW, Loading Dock
   Stop: FDLP
   Washington, DC 20401

   File Copies:

   15 File Copies
   Library of Congress
   U.S./Anglo Division
   101 Independence Ave., S.E.
   Washington, DC 20540-4274
   All copies should be shipped or mailed – No couriers accepted.

Additionally, the Institute is responsible for bearing the printing and binding costs.

b. C&I Program - The Institute must furnish the C&I with 2 copies of every publication produced or procured through other than GPO sources other than those determined to be required for strictly administrative or operational purposes that have no public interest or educational value. These copies are to be forwarded to:

Chief, Cataloging Branch
Content Acquisition Specialist
Information Dissemination Division
U.S. Government Printing Office
732 N. Capital Street, N.W., Room A-508
Stop: IDAD
Washington, DC 20401

c. GPO Form 3868, "Notification of Intent to Publish." (http://www.gpo.gov/pdfs/customers/sfas/3868.pdf)

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.

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

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

GPO can be contacted for additional information by:
Phone: 202-512-1707
Fax: 202-512-1657
email: salespubs@gpo.gov

8. **Commercial Printing Activity Reports - Monthly and Semi-Annual**

44 U.S.C. §1902 requires Institutes that print publications directly through commercial sources to furnish the information requested below to PSC Publishing Services for consolidation and submission:

- A monthly listing of these publications to go to the GPO's Superintendent of Documents, and

- A semi-annual Commercial Printing Activity Report to go to the JCP of the U.S. Congress

To facilitate these reporting requirements, PSC Publishing Services has an on-line database (http://mitts.hhs.gov/jcp/scripts/jcp_form.asp) which allows Institutes to input commercial printing information. For additional information, contact PSC Publishing Services at 301-594-0553.

Institutes may request that the PSC Publishing Service 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 a National Research Institute decides not to directly acquire printing services, the PSC Publishing Service will handle all FDLP, Library of Congress and C&I requirements, as well as reporting requirements.

If it is decided that PSC Publishing Services will acquire the printing services, then the following procedures are to be followed for Centers and entities of NIH other than Institutes, and for Institutes desiring to acquire their printing services using PSC Publishing Services:

- PSC Publishing Services 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.
- Centers and entities other than Institutes, (and those Institutes that opt to use the PSC Publishing Service) 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 a PSC Publishing Service printing specialist prior to commercially procuring such printing.
- All reporting requirements will be handled by PSC Publishing Services. Questions shall be directed to the PSC Printing Officer.

G. Record Retention and Disposal

All records 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 Schedules" (as amended). These records must be maintained in accordance with current NIH Records Management and Federal guidelines. Contact your IC Records Liaison or the NIH Records Officer for additional information.

H. Internal 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 Internal Controls Relative to this Chapter:** The Division of Acquisition Policy and Evaluation (DAPE), Office of Acquisition Management and Policy (OAMP), Office of Acquisition and Logistics Management (OALM) is accountable for the method used to ensure that internal controls are implemented and working.
2. **Frequency of Reviews**: Ongoing
3. **Method of Review**: The Acquisition Plan (AP) format contains a requirement for the contracting officer/contracting officer's representative (COR) 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 AP 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 pre-solicitation and pre-award 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.
4. **Review Reports**: The HCA is routinely notified of problems and takes necessary action to resolve them.