

13180 *Wash Post*



**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-195566

DATE: March 17, 1980

MATTER OF: The Daily Sentinel *DLG-04150*

*[Authority for Payment of Printing Costs]*

DIGEST:

*AG-00178*

This Office is without authority to authorize payment of printing costs incurred outside provisions of 44 U.S.C. § 501 (1976) requiring that, with certain exceptions, all printing be done at the Government Printing Office.

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DLG-04149*

The Daily Sentinel, Woodstock, Illinois, has filed a claim for \$1,372.08 for printing the Lightning Flash, the unit newspaper of the Army 12th Special Forces Group (Group), Arlington Heights, Illinois. This Office may not authorize payment because it would violate the statute requiring that all printing be done at the Government Printing Office (GPO).

The record shows that on April 6, 1978, after misconstruing a commitment of funds form as authority to contract for the desired services, the editor of the Lightning Flash, who is also a Group Member, placed an order with the Daily Sentinel for publication of the Lightning Flash. The Daily Sentinel performed the printing services, delivering the newspapers to the Group on May 26. Upon submission of an invoice for payment, the Procurement Division (Division), Fort Sheridan, Illinois notified the Daily Sentinel that the procurement was unauthorized and that the Division lacked authority to formalize an unauthorized purchase or commitment. Further attempts by the Daily Sentinel to obtain payment proved fruitless.

*DLG-04151*

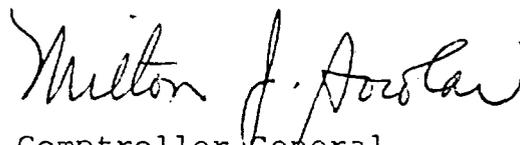
The Army has advised us that although it cannot ratify the unauthorized commitment, the Daily Sentinel provided the printing services in good faith and the Government benefited from those services.

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Nevertheless, neither the Army nor our Office can allow payment because the procurement of local printing services is prohibited by law. All printing and binding for the Government, with certain exceptions not applicable here, is to be done at the GPO. See 44 U.S.C. § 501 (1976). The statute also provides that the Joint Committee on Printing (Committee) may permit the Public Printer to authorize an executive department, independent office, or establishment of the Government to directly purchase printing services elsewhere. Since the individual ordering the services was unaware of the prohibitions in 44 U.S.C. § 501, permission was not sought prior to ordering these services. The record also indicates that the Committee has informed the Army that it will not issue a retroactive waiver for these services.

We have held that 44 U.S.C. § 501 prohibits contracts for printing services to be performed outside the GPO except as otherwise authorized by law and that we do not have the authority to waive this requirement. B-163762, September 2, 1975; see also George M. Davis dba Consolidated Supply Co. v. United States, 59 Ct. Cl. 197 (1924). It has also been held that where a contract is prohibited by law the United States is neither bound nor estopped by the acts of its officers or agents in entering into, approving, or purporting to authorize the contract even though it appears that the contractor performed in good faith and the Government received the benefit of the contract, since general principles of equity will not be applied to frustrate the purpose of the statute or to thwart public policy. George M. Davis, supra; B-163762, supra. Thus, we have no basis to recommend payment of the claim.

The claim is denied.



FOR THE Comptroller General  
of the United States