



12 February 2004

The Honorable Robert W. Ney
Chairman, Joint Committee on Printing
Attn: Maria Robinson, Policy Director
1309 Longworth House Office Building
Washington, DC 20515

Re: The Printing of the Columbia Accident Investigation Board Report

Dear Mr. Chairman:

This report responds to the inquiry by the Joint Committee on Printing (JCP) concerning the publication of the National Aeronautics and Space Administration (NASA) Columbia Accident Investigation Board (CAIB) report. Principally, the JCP has requested a review to determine whether the CAIB report was subject to the requirements of Title 44, and if so, whether the report was completed consistent with these requirements. The JCP requested that the GPO Office of the Inspector General (OIG) work with NASA's OIG to gather information concerning the printing of the CAIB report and to determine the effect, if any, on GPO programs.

Our investigation reveals that the CAIB was not exempted from the mandates of Title 44. The CAIB never requested, and GPO did not grant, any waiver from Title 44's requirement regarding the printing of any reports by the CAIB. Due to the failure of CAIB to use GPO for the publication of the report, there were additional costs borne to the general public as well, compromises to the availability of the report information to the general public.

I. Background

The CAIB conducted a nearly seven month independent investigation into the February 1, 2003 loss of the Space Shuttle *Columbia* and its seven-member crew. A staff of more than 120, along with some 400 NASA engineers, supported the Board's 13 members. Accident Investigators examined more than 30,000 documents, conducted more than 200 formal interviews, heard testimony from dozens of expert witnesses, and reviewed more than 3,000 comments from the general public.¹

As part of its charter, the CAIB was required to "provide the public with detailed updates on the progress of its investigation through frequent public hearings, press

¹ Columbia Accident Investigation Board Report, Volume I, page 9.

briefings, and by immediately releasing all significant information..."² and to "simultaneously release its report to Congress, the White House, NASA, the public, and the astronauts' families."³

One of the first actions by the CAIB was to change its charter to ensure adequate independence from NASA. One of the principal items of change was to "*simultaneously release its report to the Congress, the White House, NASA, the public, and the astronaut's families.*"⁴ On February 18, 2003, NASA Administrator Sean O'Keefe ratified the charter and authorized CAIB to "*pursue whatever avenue [it] deem[ed] appropriate*"⁵ for the investigation. In so doing, Administrator O'Keefe waived the requirements specified in the NASA Contingency Action Plan in an attempt to provide for the greatest degree of independence from the agency.

In producing the report, CAIB relied heavily on a contractor supplied workforce. In this case, Valador, Inc. was the principal contractor and supplied the majority of the workforce for editorial and production services. A Valador employee, Dennis R. Jenkins, advisor to the CAIB Chairman, Admiral Harold W. Gehman Jr. (Retired), decided to publish the report outside of GPO.⁶

The CAIB report was published on August 26, 2003. Copies were sent to the White House, Members of Congress, NASA, families of the shuttle crew and to some members of the media.

On this same date, the GPO first became aware of the CAIB report. The Superintendent of Documents, Managing Director of Customer Services, and other GPO officials were unaware of the CAIB's intent to publish on that date. CAIB did not request that GPO print the report or outsource the printing on behalf of the Federal Government.

My office worked with NASA OIG and interviewed CAIB officials, NASA officials, NASA printing officers, and CAIB contract employees involved in the publishing/printing decision chain of command.

² Ibid at page 232.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Mr. Jenkins argued, however, that he contacted someone at GPO to pursue publication but was told that, "*GPO does not do accident reports.*" We found no evidence that any GPO employee made such a statement; further, Mr. Jenkins could not provide a name or record of his contact with GPO who allegedly made the comment. Given the customer service-focused environment at GPO and the Public Printer's edicts about customer service, we find Mr. Jenkins's supposed conversation even more incredulous.

II. Was the CAIB report subject to Title 44?

CAIB was not exempted by the GPO or granted a waiver by the JCP from the mandates of Title 44. Such a request is standard operating procedure for matters like the CAIB report. NASA Boards have used GPO in accordance with the law for similar reports in the past.⁷

A principal reason for the mandates of Title 44 is to ensure public access to government documents. Because CAIB did not use GPO for the publication of the report, the public was disadvantaged; GPO did not have the CAIB report available electronically, printed for sale, or for the Federal Depository Library Program, which Congress established to keep the public informed of the Government's actions and reports.

III. Selection of Reischling Press, Inc.

CAIB selected Reischling Press, Inc. (RPI) of Seattle, WA, to produce the report. In a public interview, Mr. Jenkins⁸ was asked what criteria CAIB used when it selected RPI; he stated that:

*"Because of severe deadline constraints, we didn't have much time to look for qualified printers. We tried East Coast printers with little luck. RPI's 24/7 On Demand web site was credible, so we checked them out thoroughly. We discovered that not only has RPI perfected new patent-pending software enabling breakthrough laborless automatic press technology used to produce their new personalized iPad consumer products, but they enjoy an enviable national reputation for commercial printing quality, innovative digital press production methods, client responsiveness and high speed performance."*⁹

Concerning the printer selection process, our investigators interviewed Steven Schmidt, Special Assistant to the NASA Administrator and NASA's representative to the CAIB as Executive Secretary for Management. Mr. Schmidt was the approving official for invoiced Valador services. Mr. Schmidt provided a

⁷ Report to the President: actions to implement the recommendations of the Presidential Commission on the Space Shuttle Challenger Accident, February 3, 1986.

⁸ GPO OIG found no personal connection between Mr. Jenkins and the RPI Company. Mr. Jenkins admitted a prior business relationship with RPI outside of his government consultancy. RPI is known to GPO and is a registered printer with GPO's Customer Services department for procured printing.

⁹ PRWeB wire service (August 2003).

copy of a Request for Proposals (RFP) for media and graphic services, issued in June 2003, for the production of the CAIB report. Mr. Schmidt provided this RFP to demonstrate Valador's due diligence in obtaining competitive pricing for the CAIB report, and to illustrate that Washington area printing and reproduction costs were excessive.

GPO OIG analyzed the RFP with senior GPO printing/contracting officers and found that:

- The RFP was highly restrictive with the requirement for the contractor to be no more than a "15-minute driving time from the CAIB offices in Arlington, VA."
- The RFP also requested personnel services for layout specialists, graphic designers, and multi-media production specialists that inflated the unit cost of the CAIB report.

GPO OIG received no explanation why the CAIB's original requirement of a 15-minute drive from their offices in Arlington, VA, was waived to allow a several hour aircraft journey to Seattle, WA, other than time constraints to publish.

CAIB paid the Federal Aviation Administration \$21,202.94 to fly CAIB personnel to RPI in Seattle and return with the first distribution quantities of the report for the White House, Congress, and the Columbia crew's families. Additionally, using government per diem rates, GPO OIG estimates CAIB staff travel expenses to Seattle were approximately \$3,000. The balance of the reports was delivered via next day airfreight.

GPO OIG also obtained copies of Valador invoices for RPI's work on the CAIB report. The total amounts invoiced for the report were \$134,051. In summary, the direct costs of producing the report outside of GPO were:

- \$134,051 *Printing and Binding*
- \$ 21,202 *Aircraft and Crew*
- \$ 3,000 *Staff Travel*
- \$158,253 *Total Cost for 2,600 copies or \$60.87 per unit*

GPO OIG staff simulated the procurement with the assistance of senior GPO printing/contracting officers using the same time constraints of the CAIB. GPO OIG restricted its search to printers in the Washington, DC, area, and found the following:

Actual Cost	GPO Simulated Procurement Cost	GPO Savings
\$158,253	\$144,000 <i>Per CAIB Schedule</i> ¹⁰	\$14,253
\$158,253	\$65,000 <i>Per CAIB Schedule plus one extra day to deliver</i>	\$93,253
\$158,253	\$46,000 <i>Normal intake of work</i> ¹¹	\$112,253

GPO would have realized an estimated savings to the taxpayer and NASA between \$14,253.00 and \$112,253.00 based on the simulated proposals. The GPO contractor who offered the lowest pricing is a 20-minute drive to the CAIB within the range of their original RFP requirement.

III. Was the CAIB Report in Violation of Title 44

The relevant provisions of Title 44 are as follows:

- 44 USC 501: Requires that Government printing, binding, and blank-book work is to be completed by the GPO
- 44 USC 502: Requires the procurement of printing, binding, and blank-book work by the Public Printer
- 44 USC 504: Requires that direct purchase of printing, binding, and blank-book work be completed by Government agencies
- 44 USC 1103: Requires a Certificate of Necessity and an estimate of cost
- 44 USC 1902: Requires availability of Government publications through the Superintendent of Documents; lists of publications not ordered from GPO

The CAIB Report was printed in violation of each of the aforementioned provisions as noted below:

- 44 USC 501: The CAIB report was neither printed, bound, nor blank-booked by the GPO
- 44 USC 502: The Public Printer through GPO, did not procure the printing, binding, and blank-book work
- 44 USC 504: The JCP did not authorize CAIB to direct purchase printing, binding, or blank-book work

¹⁰ GPO contracting officers opined that a better price would have been achieved but for the fact that the contractors were aware that this was a simulated procurement.

¹¹ Normal intake is usually 10 business days.

- 44 USC 1103: A Certificate of Necessity and estimate of cost were not provided.
- 44 USC 1902: The completion of the CAIB report did not provide for the availability of the publication through the Superintendent of Documents and therefore the document was not made available for public request from the GPO

IV. Conclusion

Due to the failure to comply with provisions of Title 44, taxpayer and NASA funds were spent illegally and at much higher costs than if the legal and appropriate printing procurement procedures had been followed. Additionally, the violations of these laws caused the Superintendent of Documents to delay dissemination of the publication for sale and to the depository libraries for public use.¹² While proper print management planning would have saved over \$100,000; however, an equally important policy issue concerns the delayed dissemination of a report of this magnitude.

It is worth noting that GPO OIG received excellent cooperation at all levels of NASA management, and the NASA OIG provided valuable assistance in facilitating GPO OIG work. Similarly, CAIB employees and contract personnel were cooperative and forthcoming to all requests for assistance.

Should you require any additional information concerning this matter, please do not hesitate to contact Kevin Kaporch at 202-512-0065 or Special Agent David Kennedy at 202-512-0027.

Thank you,



MARCA. NICHOLS
INSPECTOR GENERAL

MAN/gj

¹² According to Judith C. Russell, Superintendent of Documents, the delay of "several weeks" caused GPO "to look bad to our [Federal Depository] Libraries and our customers through no fault of our own."