

DECISION

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

60203

FILE: B-184992

DATE: November 21, 1975

MATTER OF: Cashman Equipment Company; Motor Rim & Wheel
Service; J. A. Sexauer Mfg., Inc.

97694

DIGEST:

Where it is administratively determined that contractors provided agency with goods and services, Government received benefit, and any unauthorized action was ratified by Government, invoices may be paid on quantum valebant and quantum meruit basis.

The Accounting and Finance Center Officer, Naval Air Station, Fallon, Nevada (Fallon), has requested a decision as to whether three invoices (Nos. N60495-73F-0801, N60495-73M-0555, N60495-74M-0474), submitted by Cashman Equipment Company, Motor Rim & Wheel Service and J. A. Sexauer Mfg., Inc., respectively, may be paid. The record discloses the following concerning the claim of the individual companies.

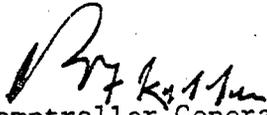
The claim of Cashman Equipment Company (Cashman) involves two invoices. The first invoice of \$11.25 is for payment of repair manuals which were ordered, along with certain equipment, but were inadvertently not priced on the requisition and invoice. The manuals were received and accepted. However, the contract was not modified to reflect the price charge for the manuals. The second invoice (\$45.00) is for repair of a turbo-charger delivered to the company for repair by an authorized Navy driver. The item was repaired and returned to Fallon. No payment documents were processed. The total amount of the claim by Cashman is \$56.25.

Fallon ordered eight P/N B1820A dust shields from Motor Rim & Wheel Service. However, only six were received as noted on the invoice. The bill was processed and paid. Subsequently, four more dust shields were received and accepted by Fallon. The contract was not modified to authorize payment for the two additional dust covers. The dealer's claim is for \$13.29.

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In the case of J. A. Sexauer Mfg., Inc., a contract was issued for the original requisition of 22 items. Later, size number "6" O-rings were added to the order without modifying the contract. Although the item was not on the original invoice, it was received and accepted at Fallon. The cost of the rings is \$12.90.

Since the above companies have completed delivery, the Government has received a benefit, and any unauthorized action has been expressly or implicitly ratified by authorized contracting officials of the Government, payment may be made for services rendered on a quantum meruit (the reasonable value of work or labor) and for goods furnished on a quantum valebant basis (the reasonable value of goods sold and delivered), Defense Mapping Agency, B-183915, June 25, 1975; ElectroSyn Corporation, B-180630, May 2, 1974, 74-1 CPD 222, as administratively recommended, if the prices are determined to be reasonable and are otherwise correct.


Acting Comptroller General
of the United States