

DOCUMENT RESUME

03035 - [A2163278]

[Unauthorized Work Performed Outside Contract Terms]. B-189304.
August 2, 1977. 2 pp.

Decision re: Moore's Auto Body & Paint, Inc.; by Robert F.
Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law I.
Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).
Organization Concerned: Defense Supply Agency: Defense General
Supply Center, Richmond, VA.
Authority: B-182781 (1975).

A contractor claimed payment for work performed outside of the contract terms and not authorized by Government personnel with the authority to contract for the Federal Government. Although the work benefitted the Government, no ratification by an authorized contracting official occurred, and therefore payment for the services and materials could not be made.
(Author/SC)

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DECISION



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

Division of
Proc. I

FILE: B-189304 DATE: August 1, 1977
MATTER OF: Moore's Auto Body & Paint, Inc.

DIGEST:

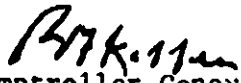
Where work done outside of contract terms was not authorized by Government personnel with authority to contract for Federal Government, although work benefited Government, no ratification by authorized contracting official has occurred, and therefore payment for services and materials may not be made.

The Defense General Supply Center (DGSC) issued purchase order No. DSA400-76MHN65 to Moore's Auto Body & Paint, Inc. (Moore), for the removal of minor scratches and dents from 10 vehicles and the painting and marking of the vehicles. Upon inspection by Moore, major body damage was found to exist on one vehicle. According to Moore, an inquiry regarding that damage was made to the DGSC Automotive Equipment Maintenance Section, instead of to the contracting officer, and Moore was told to proceed with the necessary repairs. The person who allegedly told Moore to proceed denies such approval. Moore billed the Government \$190 for the work. We have been asked whether payment may be made.

In order for payment to be made on a quantum meruit or quantum valebant basis for the reasonable value of goods or services furnished to the Government without proper authorization, it must be shown that the Government received a benefit and that there was an explicit or implicit ratification by authorized Government contracting officials. Jung Won Kim, B-182781, August 4, 1975, 75-2 CPD 78.

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We are informed by the Chief of the Automotive Equipment Maintenance Section that the work in question was performed by Moore in a satisfactory manner. Thus, the Government benefitted from the work. However, we have been advised telephonically (June 29, 1977) by the contracting officer on purchase order DSA400-70MHN65 that an investigation into the matter showed that no Government employee authorized the work and that he will not ratify the performance of the work in question. Without ratification by an authorized Government contracting official, we cannot agree to the payment of the \$190.


Deputy Comptroller General
of the United States