

## DECISION



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

FILE: B-180126

DATE: January 25, 1974

MATTER OF:

, Finance and Accounting  
Officer, Department of the Army

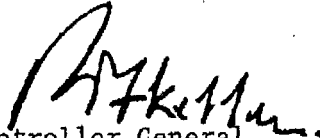
**DIGEST:** Where procurement activity contracted for unauthorized installation of rug, payment may be made for installation on basis that it would be unfair for one party to have benefit of other's services without fair compensation. See decisions cited.

Because it was determined that a rug and drapes were needed to replace the worn and faded ones in the office and reception area of the Director of Personal Property, which was to be located on the same floor as the offices of the Commander and Deputy Commander, Eastern Area, the Military Traffic Management and Terminal Service (EAMTMTS), requested authority from the United States Army General Materiel and Parts Center, New Cumberland Army Depot, to procure the items locally with available funds. The advice card from the Commodity Manager of the Materiel and Parts Center authorizing the procurement was coded CW, which according to the record authorizes the procurement of the items but not costs for installation. It is reported that the Commodity Manager was unaware of the contemplated installation charges and that the procurement personnel of EAMTMTS did not understand the authorization to be limited only to purchase of the items. Consequently, the question before us is whether the cost of having the rug installed may be paid.

Our Office has permitted payment on a quantum meruit or quantum valebat basis in cases where a Government agent contracts in the name of the Government although lacking authority to do so. See 38 Comp. Gen. 38 (1958) and B-167790, April 12, 1973. Where the right to payment on this basis is recognized, it is predicated on the theory that it would be unfair for one party to have the benefit of the other's services without compensation, and recovery is limited to the fair value of the benefit conferred. B-167790, supra.

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Consequently we would not object to payment of the voucher in the sum of \$255 presented by the contractor for the rug installation. Reference should be made to this decision on the voucher in question.

  
Deputy Comptroller General  
of the United States