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**DECISION**



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

FILE: B-200824

DATE December 2, 1980

MATTER OF: Fort Devens, Mass. in re Boston Water and  
Sewer Commission

DIGEST:

*[Authority to Pay for Water and Sewer Services on  
Quantum Meruit Basis]*

Although no formal contract existed between the Army and utility for water and sewer services, payment may be made on quantum meruit basis for services which have been received upon ratification by appropriate contracting official.

The U.S. Army Finance and Accounting Officer (Finance Officer) at Fort Devens, Massachusetts has requested authority to pay \$177,624.13 to the Boston Water and Sewer Commission (Commission) for water and sewer services provided to Army facilities in Boston during the period June 15, 1978 to July 24, 1979 without benefit of a written contract. The Finance Officer also requests authority to pay the Commission for services provided the same facility without a contract from July 25, 1979 to December 31, 1980. He estimates that the bill for the latter period will be about \$140,000.

The Finance Officer reports that the Commission's bills have gone unpaid because the Army challenged the statements rendered, believing that they were based on inflated usage estimates. The Finance Officer has now submitted vouchers for the \$177,624.13 along with certification that the services billed for in that amount have been furnished. He further reports that additional amounts on the Commission's statements for interest and late charges have been deducted and will not be paid.

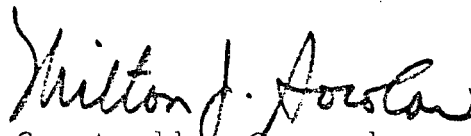
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Although no written contract existed between the Army and the Commission, in appropriate circumstances payment may be made for services rendered on a quantum meruit basis (the reasonable value of work or labor), or for goods furnished on a quantum valebat basis (the reasonable value of goods sold and delivered). 40 Comp. Gen. 447, 451 (1961). Recognition of a right to payment on this basis, however, requires (1) a showing that the Government received a benefit and (2) ratification by an authorized contracting official of the Government. DeLoss Construction Company, B-196004, November 2, 1979, 80-1 CPD 201.

It is clear that the services billed for in the amount of \$177,624.13 were provided. Also, as the amount is based on the Commission's rates, it apparently is reasonable. Consequently, upon ratification by an appropriate contracting official, payment in the amount of \$177,624.13 may be made if otherwise proper and correct.

With respect to billings for the later period, no vouchers or Commission statements have been submitted and the Finance Officer, although requesting authority to pay the Commission in the absence of a written contract (the Commission reportedly refuses to enter into a formal contract), reports that billings for this later period are still in dispute. Nevertheless, at such time as the Army determines the actual reasonable value of the services rendered, payment for those services may be made, again subject to the ratification requirement discussed above.



For the Comptroller General  
of the United States