



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

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B-178709

July 13, 1973

Mrs. Jila B. Hannebrink
Authorized Certifying Officer
Division of Program and
Financial Management
Denver Service Center, Building 50
Bureau of Land Management
United States Department of the Interior
Denver, Colorado 80225

Dear Mrs. Hannebrink:

We refer to your letter of May 18, 1973, concerning your request for a decision as to whether an additional amount of \$499.80 may be certified for payment to a contractor who completed work under construction contract No. 36010-C13-3, awarded on October 18, 1972, by the Bureau of Land Management, Lakeview, Oregon.

Pursuant to Section 302(c)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c)(3)), the state director, Oregon, redelegated his procurement authority to the district managers within his area of operation to enter into contracts for supplies and services not to exceed \$2,500 per transaction, and for construction not to exceed \$2,000 per transaction.

The invitation issued on October 3, 1972, for a construction contract was entitled "Fence Construction and Maintenance for the Lakeview, Oregon, District." Since there was some service (maintenance) involved in the work, the district manager considered his spending authorization to be \$2,500 for the contract. Therefore, award was made to David W. Williams for \$2,100, but payment has only been allowed for \$2,000.

The construction contract bid schedule stated that the quantity of work was "estimated" and requested prices for designated items for the purpose of "adjusting the contract price in the event of additions to the estimated number as indicated on the specification supplement * * *." In this regard, the

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contractor claimed \$399.80 for additional work over the contract price to complete the fence construction.

From the record it is clear that this was a construction contract and that the district manager exceeded his authority in making an award in an amount greater than the \$2,000 spending limitation. However, our Office has permitted payment in similar situations for unauthorized work and services received on a quantum valebat or quantum meruit basis if the Government received a benefit therefrom and the performance of unauthorized work or services was ratified by the cognizant contracting officials. See 37 Comp. Gen. 330 (1957); 38 id. 368 (1958). The record discloses that the Chief, Branch of Procurement, Portland Service Center, has agreed to ratify the additional payment for the contract if our Office approves the instant request.

Since it appears that the work was satisfactorily performed by the contractor in good faith, which resulted in substantial benefit to the Government, the claim may be allowed in the amount of \$499.80, as administratively recommended. A copy of this decision should be attached to the voucher on which payment is made.

Sincerely yours,

Paul G. Dembling

Acting Comptroller General
of the United States