



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

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B-179898

December 11, 1973

Mr. R. G. Bordley
Chief Accounting and Finance Division
Office of the Comptroller
Defense Supply Agency
Headquarters Cameron Station
Alexandria, Virginia 22314

Dear Mr. Bordley:

Reference is made to your letter DSAH-CFF of October 15, 1973, requesting a decision with respect to the payment of two vouchers for printing orders in the amounts of \$3,496 and \$11,458 to Embossing Printers, Inc., and to Speaker-Hines and Thomas, Inc., respectively.

The orders were issued by telephone by an employee of the Defense Logistics Services Center (DLSC) who was not a contracting officer. The employee acted under the mistaken belief that issuance of waivers to obtain the printing outside the Government Printing Office (GPO) was a delegation of authority to act as contracting officer.

Since the printing under the orders was received, accepted, and distributed for use by DLSC, the disbursing officer has recommended that payment be made on a quantum valebat basis.

Our Office has authorized payment on a quantum valebat basis for benefits received prior to the determination of contract invalidity. 38 Comp. Gen. 368 (1958). We have permitted payment on the same basis where a Government agent contracts in the name of the Government although lacking authority. See 38 Comp. Gen. 38 (1953) and B-173765, November 8, 1971. Where the right to payment on a quantum valebat basis is recognized, it is predicated on the theory that it would be unfair for one party to have the benefit of the labor of another without recourse, and recovery is limited to the fair value of the benefit conferred. B-77416, February 8, 1973.

[Payment for Printing Orders]

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Since it appears from the record that the amounts claimed have been determined to be reasonable and the Government has obtained the benefit of the services, the vouchers may be certified for payment.

Enclosures 1 through 5 accompanying the disbursing officer's report are returned herewith.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States