

Released 1-28-92

DIGEST - I - GGM

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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20348



D B 112701-1 June 28, 1954 modified
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DIVISION
PA Z-2729010-32E

~~XXXXXXXXXXXX~~ B-189738, Sept. 30, 1977
O.M.

The Comptroller General

Herewith is the file pertaining to the claim of San Diego Community College, San Diego, California 92108, for \$11,184.00 representing 1976 Spring Semester tuition and fees provided without contractual coverage for forty-eight students.

The record shows that the National Naval Medical Center has customarily obtained educational services from civilian institutions and processed the requisitions for payment after the invoices for payment were received. Changes in Navy regulations, however, now require that services must be requested prior to the commencement of service school classes.

The Navy recommends allowance of the claim and states that San Diego Community College performed the work in good faith; that the Government received a benefit therefor; that correct procedures will be followed in the future; and that the amount claimed is fair and reasonable.

In view of the foregoing, it appears that payment may be made on a quantum meruit, quantum valebat basis; however, since the amount claimed is in excess of \$10,000.00, the matter is submitted for your consideration in accordance with item 11, B-112701, June 28, 1954. In view of the effects of inflation on the amounts in these types of cases, it is also requested that the amount of the monetary limitation imposed by item 11, B-112701, dated June 28, 1954, be increased to at least \$20,000.00.

H. Siskind
Chief, Payment Claims Branch

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Indorsement

TO: Director, Claims Division

Returned. Here it appears that the Government derived a benefit which satisfied a legitimate need; the contractor performed the work in a good faith; and that payment would not violate a statute or statutory regulation. Accordingly, payment may properly be made on a quantum meruit basis. See, e.g., B-183289, December 3, 1975; B-174769, January 26, 1972.

You also request an increase in the monetary limitation in item 11 of B-112701-O.M. June 28, 1954, which now requires in effect a legal submission by the Claims Division of claims exceeding \$10,000 for increased cost on account of extra work or material for which no proper written orders were issued by the contracting office. It does not appear that the claim in the instant case would fall within that class of claims described by item 11 of our 1954 memorandum. In any event, we have no objection to increasing this limitation due to the effects of inflation. Accordingly, B-112701-O.M. June 28, 1954, is modified by increasing the monetary limit in item 11 from \$10,000 to \$25,000.

R.F. KELLER

Acting
Comptroller General
of the United States

Attachments