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### PGI 1.602-3 Ratification of unauthorized commitments.

(c) Use the following checklist as prescribed at [1.602-3](1.602-3.dita#DLAD_1_602-3)(c)(S-90):

**Ratification of Unauthorized Commitments Checklist**

I. Responsibilities of the contracting office that made the unauthorized commitment:

1. [ ] Provide a signed statement addressing the following:

a. [ ] Circumstances that led to the unauthorized commitment;

b. [ ] Name of the employee who made the commitment;

c. [ ] Date of commitment;

d. [ ] Government requirement that necessitated the commitment;

e. [ ] Reason(s) employee did not follow normal procurement procedures;

f. [ ] Whether the Government derived any benefit from the goods or services received;

g. [ ] Cost of the goods or services; and

h. [ ] Any other pertinent facts.

2. [ ] Provide all orders, original invoices, and other documentary evidence of the transaction.

II. Responsibilities of the supervisor of the employee who made the unauthorized commitment:

1. [ ] Provide an endorsement to the contracting officer concurring with the recommendation to ratify. Include the following:

a. [ ] Verification the documentation is accurate and complete.

b. [ ] Documentation of corrective action(s) taken or proposed to prevent a recurrence.

2. [ ] Provide complete purchase request and appropriate funding, with documentation—

a. [ ] Supporting the funding decision; and

b. [ ] Consultation with Office of Counsel, if applicable.

The obligation is generally chargeable to the fiscal year when the unauthorized commitment occurred; or, if such funds are unavailable, from currently available funds.

III. Responsibilities of the contracting officer:

1. Prepare a determination and findings (D&F). Include the following:

a. [ ] Summary statement of facts;

b. [ ] Office of Counsel coordination;

c. [ ] Recommendation for approval of ratification action or other disposition (see [1.602-3](1.602-3.dita#DLAD_1_602-3)(d) if requesting relief on a quantum meruit basis);

d. [ ] Documentation of corrective action(s) taken or proposed to prevent a recurrence; and

e. [ ] Documentation affirming the circumstances meet the following limitations in FAR 1.602-3(c):

(i) [ ] The contractor provided supplies or services to the Government, and the Government accepted those supplies or services; or the Government otherwise obtained or will obtain a benefit resulting from performance of the unauthorized commitment.

(ii) [ ] The ratifying official has the authority to enter into a contractual commitment.

(iii) [ ] The resulting contract would otherwise have been proper if made by an appropriate contracting officer. The Government was not otherwise precluded by law from procuring the supplies or services.

(iv) [ ] The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable.

(v) [ ] Payment is not for unallowable costs.

(vi) [ ] The contracting officer recommends payment.

(vii) [ ] Proper type of funds are available and were available at the time the unauthorized commitment was made.

(viii) [ ] The ratification is in accordance with any other limitations prescribed under local/regional procedures.

(d) Nonratifiable claims.

Use the following checklist as prescribed at [1.602-3](1.602-3.dita#DLAD_1_602-3)[Nonratifiable claims](1.602-3.dita#DLAD_1_602-3/p_P1_602_3_d)[.](1.602-3.dita#DLAD_1_602-3/p_P1_602_3_d_S92):

**Quantum Meruit Checklist.**

I. The contracting officer shall—

1. Obtain the following from the office that received the voluntary goods or services:

a. [ ] A written statement detailing the circumstances that led to contractor performance without a contract and/or a lapse in contract coverage; and

b. The following documentation:

(i) [ ] Contractor claim;

(ii) [ ] Contractor invoices; and

(iii) [ ] Correspondence related to the claim.

2. Obtain a statement from the contractor addressing—

a. [ ] The contractor’s knowledge or understanding regarding a lack of contract;

b. [ ] Why the contractor performed or allowed performance without a contract;

c. [ ] Why the contractor believes it is entitled to relief;

d. [ ] Why the contractor’s performance meets the good faith test; and

e. [ ] Address and contact information of contractor and, if applicable, legal counsel.

3. [ ] Consult Office of Counsel to help determine whether the circumstances warrant requesting relief on a quantum meruit basis, and obtain documentation of discussion.

II. Justification. The contracting officer shall prepare the justification. Include the following:

1. [ ] Introductory paragraph providing an overview of the claim.

2. Background paragraph that includes—

a. [ ] A detailed explanation of how and when the contractor performance without a contract and/or a lapse in contract coverage occurred.

b. [ ] Information regarding knowledge of Government employee(s) involved; and

c. [ ] Dates of events.

3. [ ] Analysis paragraph explaining how the circumstances warrant requesting relief on a quantum meruit basis. Include documentation of the following:

a. [ ] The goods or services would have been a permissible procurement had correct procedures been followed;

b. [ ] The Government received and accepted a benefit;

c. [ ] The contractor acted in good faith; and

d. [ ] The amount to be paid represents a reasonable value of the benefit received.

4. [ ] Recommendation paragraph with request for relief.

5. [ ] Description and documentation of individual and systemic corrective action(s) the supervisor or other authority have taken or have proposed to take to prevent recurrence.

**DO NOT INCLUDE ANY PERSONNEL DISCIPLINARY ACTION, WHICH IS PRIVACY ACT PROTECTED.**

6. Attach the following:

a. [ ] Documentation obtained from the office that received the voluntary goods or services and from the contractor (see Section I); and

b. [ ] Letter for CAE signature issuing initial notice and determination to the claimant.