

# PGI 1.602-3 Ratification of unauthorized commitments.

(c) Use the following checklist as prescribed at [1.602-3 Ratification of unauthorized commitments](#).  
(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 Ratification of unauthorized commitments](#). (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 Ratification of unauthorized commitments](#).  
[1.602-3 Ratification of unauthorized commitments](#). [1.602-3 Ratification of unauthorized commitments](#).

### **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.

**Parent topic:** PGI SUBPART 1.6 – CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES