

AID work orders;

2. 224 items or 29.2% had been completed within a maximum of 30 man-hours;
3. 179 items or 23.2% "found one or more major components missing, were

matters he had authority to approve initially as an amendment to the work order. These ratifications were considered in two contexts. If the ratification by the Site Superintendent in some cases and the officer-in-charge in the others, came within their respective authority to approve the hours in the work order, the Government cannot repudiate their acts or deny its effect.¹ This conclusion seemed unassailable in the absence of any evidence that the ratifications related to wrongful acts.

Secondly, if these representatives of the Government lacked authority to ratify the additional work performed, but the circumstances under which they were operating were such that the most sensible conclusion to draw is that they had been authorized to take the action in question—the ratification—both contract appeals boards and the courts would draw this conclusion in support of the Contractor's position. Thus, where a person was in general superintendence of all the Contractor's activities on the particular contract—technical and financial—although not officially appointed and authorized by the Contracting Officer for the purpose in question, he was held to be, in fact, an authorized representative.²

The entire circumstances were examined against these alternatives. I concluded that the prospects of repudiating the acts of the Marshalling Site Superintendent and the officer-in-charge and sustaining a valid claim against the Contractor

¹ *Ritter v. U.S.*, 28 F. 2nd 265 (1928); *Lindsey v. Hawes*, 67 U.S. 544; *U.S. v. Standard Oil of California*, 20 F. Supp. 427; *U.S. v. Jones*, 176 F. 2nd 278.

² The Government Contractor, Briefing Papers, *Who Is the Contracting Officer*, No. 67-2, April 1967, p. 5, citing Clevite Ordnance Division of Clevite Corp. ASBCA 5359 (1962 BCA § 3330); Tenney Engineering Inc. ASBCA 7352 (1962 BCA § 3471); Also appeals of Swinerton and Walberg Co. ASBCA No. 3144 (56-2 BCA 1038); Lillard's, ASBCA No. 6630

Mr. BEASER. Which is that depot, Lorain?

Mr. LIPPMAN. No, that is the name of the equipment. The depot is Frankfurt. We don't know whether it was done in Antwerp or Rota. (Displays exhibit.)

Mr. JACOBSON. I cannot comment on Frankfurt.

Mr. BEASER. But we are going to put this into the record. And it would be well if you did comment.

INVESTIGATORS AT FRANKFURT

Mr. LEE. I would be glad to comment on the Frankfurt operation. As I indicated earlier in my statement, we do have a team of investigators in there. We are going through the same type of detailed investigation of all the work that they have done. And I think that we will have a report very soon. We would be glad to submit it to the