

DOCUMENT RESUME

03018 - [A2093186]

[Reconsideration of Claim for Payment for Services Rendered].
B-187857. July 26, 1977. 2 pp.

Decision re: Sperry Rand Corp.: Vickers Div.; by Robert F.
Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government
(806).

Organization Concerned: Department of the Navy: Charleston Naval
Shipyard; Department of the Navy: Naval Station, Newport,
RI.

Authority: B-185-16 (1976).

The claimant requested reconsideration of its claim for payment for services rendered and supplies delivered to two naval facilities. Upon reconsideration of the claim, GAO concluded that the burden of clear and convincing evidence was satisfied and that the claim was allowed where the claimant provided GAO with additional documentation that the services were rendered and that the supplies were actually received and accepted by the Government. (Author/SC)

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Proc II.



DECISION

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

FILE: B-187857

DATE: July 26, 1977

MATTER OF: Sperry Vickers

DIGEST:

Upon reconsideration of claim, GAO concludes that burden of clear and convincing evidence has been satisfied and claim will be allowed where claimant has provided GAO with additional documentation that services rendered and supplies delivered pursuant to contract were actually received and accepted by Government.

The Vickers Division of Sperry Rand Corporation (Vickers) has requested reconsideration of our decision, Sperry Vickers, B-187857, December 23, 1976 in which we affirmed our Claim Division's October 22, 1975 Settlement Certificate disallowing Vickers' claim of \$7,940 for the overhaul and installation of ammunition hoists allegedly shipped to the Charleston Naval Shipyard on May 9, 1972, and to the Naval Station, Newport, Rhode Island on February 27, 1973.

Vickers' claim arises under contract No. W00140-72-D-9044. The contract was issued by the Naval Supply Center, Newport, Rhode Island and it covered the removal, repair, and reinstallation of six hoists aboard the USS Cone. Invoices for four of the six hoists have been paid. Payment for the two remaining hoists is still outstanding.

At the time of our initial decision, we felt that Vickers had failed to sufficiently substantiate its claim that the services and materials were actually received and accepted by the Government. The claimant has now submitted additional documentation which we feel substantiates Vickers' claim. Vickers has forwarded a letter written by the Commanding Officer of the USS Cone, dated March 15, 1977, which confirms Vickers'

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contention that the equipment was overhauled at Vickers' plant, thereafter installed aboard the USS Cone by a Vickers' employee and is now operating properly. In view of the information furnished by the Commanding Officer of the USS Cone, the Navy in a letter dated June 9, 1977 now recommends that payment be made.

We feel that Vickers has established its claim by clear and convincing evidence. Jockey International, Inc., B-185416, January 23, 1976, 76-1 CPD 41. Accordingly our prior decision is reversed and we are advising our Claims Division to pay Vickers' claim in full.

Robert K. Kitten
Deputy Comptroller General
of the United States