CHIEF CLK
1923 OCT 3 PM 1 46
615
LIGHTHOUSES
1923 OCT 3 PM 3 27

Office of Comptroller General of the United States
Washington

September 28, 1923.

A D 7879

10/86/2 = Wrote 10th

The Honorable

The Secretary of Commerce.

Sir:

There has been received your letter of September 8, 1923, requesting to be advised whether the cost of electric wiring and fixtures installed in the keeper's dwelling, Manhattan Range Light Station, Toledo, Ohio, by the keeper thereof prior to his death on June 21, 1923, and at his own expense, can be reimbursed the keeper's estate at the present appraised value of the fixtures, and also, the method of reimbursing the keeper's estate for the improvements referred to.

It is explained that while the improvements were made without any contract or agreement with the Department, the superintendent of that station in a recommendation to the Department stated that installation of electricity in the dwelling effected a permanent and desirable improvement which would probably have been made in a short time by the Lighthouse Service.

Section 3709 of the Revised Statutes provides as follows:

Hydro.
Engr. Cons.
Mar. Engr.
Personnel.
Contracts.
Chf Clk.
Dep. Comm
Comm.

Oct 10th
Byn
DD

"All purchases and contracts for supplies or service, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the place and in the manner in which articles are usually bought and sold, or such service engaged between individuals."

The purpose of this law was to insure the Government the advantage of competition, but as said by the Attorney General, "it contemplates only those purchases and contracts where competition as to the article needed is possible." See 17 Op. At. Gen., 87.

In this particular instance there is of course no possibility of competition if the Department is to purchase the electric fixtures installed by the deceased keeper in the lighthouse dwelling for they could only be purchased from the widow and no one else.

No doubt had the keeper lived and continued in possession of the building no charge against the Government would ever have been made; the installation being for the benefit and enjoyment of the keeper and his family without any thought of reimbursement. Since by the death of the keeper the duration of possession and enjoyment of the premises has been cut short, the widow having to relinquish possession of the building, may remove the fixtures, if the removal can be accomplished

without damage to the building. If it is contemplated by the Lighthouse Service to purchase and install other electric fixtures in the event the present fixtures are removed from the dwelling there appears to be no legal objection to purchasing the fixtures from widow of deceased at their present appraised value, the cost of same apparently being less expensive to the Government than by the usual method of advertising for bids. It is not so much a reimbursement of the cost of wiring and fixtures paid by the keeper as a purchase of the fixtures, and such purchase is authorized.

Payment may be made to deceased keeper's widow from the appropriation "General Expenses, Lighthouse Service," upon a proper showing that ownership of the fixtures devolved upon the widow by the death of the keeper.

Respectfully,

(SIGNED) J. R. McCARL,

Comptroller General.

Copy
P

Copies to
Assistant Secretary
Chief Clerk (2)
Disbursing
Appointments
Publications
Supplies
Census
Foreign and Domestic
Standards
Fisheries
Lighthouses (2)
Survey
Navigation
Steamboats
Solicitor (2)
Traffic Manager

CJL-R

Bureau of Lighthouses, Washington
October 4, 1923.

COPY to Superintendent of Lighthouses, Buffalo, N.Y. Be guided accordingly. A copy of this ~~opinion~~ decision should be attached to the voucher.

J. S. CONWAY
Acting Commissioner of Lighthouses

115

S.L.O
CJL-R
2 inclos.

Electric
fixtures.

October 6, 1923.

Superintendent of Lighthouses, Buffalo, N. Y.

1. Referring to your indorsement of August 27, 1923, and to copy of Comptroller's decision sent you on October 4, 1923, relative to purchase of electric fixtures Manhattan Range Light Station:

2. There are returned herewith the bills for electric fixtures and for wiring the dwelling, which accompanied your previous correspondence.

J. S. CONWAY

Acting Commissioner of Lighthouses.