

OFFICE OF THE STAFF JUDGE ADVOCATE

SHADOW MOSES AIR FIELD, ALASKA

MEMORANDUM FOR: Maj Emma Emmerich, Contracting Officer, 713 CONS

FROM: Maj Naomi Hunter, Deputy Staff Judge Advocate, 713 ABW/JA

DATE: 24 August 2027

SUBJECT: Legal concurrence — proposed \$32,000 ratification, Campbell Hall Office 214

Question presented

Whether the \$32,000 commitment created when Colonel Roy Campbell directed Peace Walker to install an extra-contractual mini-split may be ratified under FAR 1.602-3 and current DAF procedure.

Legal analysis

ISSUE	LEGAL CONCLUSION	SUPPORT
Authority	Campbell had command authority but no express or implied actual contracting authority. His rank and directive wording created, at most, apparent authority.	FAR 1.602-1; The Portland Mint v. United States
Unauthorized commitment	The oral agreement was not binding solely because Campbell lacked authority.	FAR 1.602-3(a); IG-03
Benefit	Government accepted and uses a technically acceptable system.	FAR 1.602-3(c)(1); IG-04
Authority to ratify	The current DAF matrix assigns this below-SAT action to the COCO, without further delegation.	FAR 1.602-3(b); DAFFARS 5301.602-3; MP5301.601(a)(i)
Proper purchase	The in-scope facility change could have been lawfully ordered in writing by the CO before performance.	FAR 1.602-3(c)(3); IG-05
Price and funds	\$32,000 is fair and reasonable; appropriate funds existed then and remain available.	FAR 1.602-3(c)(4), (6); IG-04
Agency limits	The organization report and complete routing record satisfy the modeled DAF package requirements.	FAR 1.602-3(c)(7); IG-06 and this record
LEGAL CONCURRENCE: I concur in the Contracting Officer's recommendation to ratify \$32,000, provided the COCO approves before the Contracting Officer executes the written contractual and payment action. An ordinary bilateral modification signed before ratification would not cure the unauthorized commitment.		

/s/ NAOMI HUNTER

Naomi Hunter

Major, USAF | Deputy Staff Judge Advocate, 713 ABW/JA

24 August 2027

CONTRACTING OFFICER CASE SUMMARY

Recommendation for below-SAT ratification

Unauthorized commitment	Colonel Campbell's 11 August 2027 direction to Peace Walker
Amount	\$32,000
Contract	SM-MACC-01, Task Order FA-27-005
Recommended decision	Ratify and authorize subsequent written contractual and payment action

Case summary

Peace Walker installed a dedicated cold-climate mini-split after Colonel Campbell directed the work at the active project. Campbell lacked contracting authority; Maj Emma Emmerich did not authorize or know of the work before performance. Peace Walker's good-faith reliance on Campbell's rank and command position explains its conduct but does not bind the Government. The Government has retained and uses the technically acceptable system.

FAR 1.602-3(c) recommendation record

CONDITION	EVIDENCE	CO FINDING
Government benefit	IG-04 technical acceptance and use record	Satisfied
Ratifying-official authority	IG-05 current DAF matrix application	COCO has authority
Otherwise proper purchase	IG-02 and IG-05 scope / vehicle analysis	Satisfied
Fair and reasonable price	IG-04 independent benchmark and CO determination	\$32,000 fair and reasonable
CO recommendation / legal	This summary and signed 713 ABW/JA concurrence	Satisfied
Funds then and now	IG-04 713 CPTS certification	Satisfied
Other agency limitations	IG-03, IG-06, and routing checklist	Satisfied

Recommendation

I recommend that the COCO ratify the \$32,000 unauthorized commitment. After approval, I will execute the appropriate written contract action citing the ratification, scope, price, funds, and complete-adjustment terms; process the supported contractor invoice; update the contract and finance records; and retain the corrective-action package. No payment or ordinary modification will precede the COCO decision.

/s/ EMMA EMMERICH

Emma Emmerich

Major, USAF | Contracting Officer, 713 CONS

24 August 2027

RATIFICATION APPROVAL ROUTING RECORD

Decision authority: 713 CONS COCO | \$32,000 below SAT

PACKAGE ITEM	RECORD	STATUS
Contractor invoice and basis	IG-01	Complete
Original scope / extra-work evidence	IG-02	Complete
CO investigation and individual statements	IG-03	Complete
Benefit, technical acceptance, price, and funds	IG-04	Complete
Otherwise-proper purchase and approval authority	IG-05	Complete
Organization circumstances, corrective, and disciplinary action	IG-06	Complete
Legal concurrence and CO recommendation	IG-07 pages 1–2	Complete

Coordination

FUNCTION	NAME / POSITION	ACTION / DATE
Requiring organization	Lt Col Mei Ling, 713 CES/CC	/s/ Mei Ling — 23 Aug 2027
Funds certification	Capt Rosemary Marquez, 713 CPTS	/s/ Rosemary Marquez — 20 Aug 2027
Legal review	Maj Naomi Hunter, 713 ABW/JA	/s/ Naomi Hunter — 24 Aug 2027
CO recommendation	Maj Emma Emmerich, 713 CONS	/s/ Emma Emmerich — 24 Aug 2027

COCO decision

☐ APPROVE RATIFICATION AT \$32,000	☐ DISAPPROVE — ATTACH LEGAL BASIS
Signature: _____ Lt Col Helena Dolph Jackson Commander and COCO, 713 CONS	Date: _____ Approval is not further delegable.
FACILITATOR CONTROL: Leave the decision block unsigned until trainees select and justify a response. On the intended complete record, the strong response results in COCO approval, followed by the Contracting Officer's written contractual and payment action.	