

HARVEST CONSTRUCTION COMPANY, INC.,)	AGBCA Nos. 98-123-1
)	& 1999-165-1
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

September 22, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On January 6, 1998, and May 25, 1999, the Board received these appeals from Harvest Construction Company, Inc. of La Mesa, California. The appeals involve a contract, No. 50-91U4-7-1B008, between Harvest and the respondent, the U. S. Department of Agriculture, Forest Service (Government) involving the 1995 ERFO (Emergency Relief Federally-Owned, 23 U.S.C. § 125) program. The contract required the construction/repair of roads and related work in the Trabunco and Palomar Ranger Districts of the Cleveland National Forest in California. Through the appeals the contractor seeks to recover \$60,297.87; the Government seeks repayment of \$14,000. The disputes focus upon alleged quantity differences for line items identified as “designed quantities,” an error apparent on the face of the bid when line items do not sum to the specified total for one site, and a request for monetary relief (in excess of that compensated pursuant to the prompt payment provisions) related to delayed payments.

The Board has jurisdiction over these timely-filed appeals pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended.

The parties engaged in and completed discovery (written interrogatories and responses, and depositions). The parties and presiding judge convened in San Diego, California, on August 16, 1999, in a “mediation/settlement conference.” The parties agreed to utilize the informal procedure, with questioning by counsel and the judge, and discussion among the parties, with the goal to provide a clear understanding of what transpired. As part of the process, the judge would provide factual and legal conclusions to enable the parties to resolve the disputes. Through the process, the parties resolved the matters in dispute.

On September 17, 1999, the parties submitted to the Board a joint request for the Board to dismiss with prejudice the appeals.

DECISION

The Board dismisses with prejudice the appeals.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
September 22, 1999