JBR ENVIRONMENTAL CONSULTANTS, INC.,	)	**AGBCA Nos. 2005-159-1**
	)	**2006-103-2**
Appellant	)	
	)	
Representing the Appellant:	)	
	)	
Robert J. Bayer, President	)	
8160 South Highland Drive	)	
Sandy, Utah 82093	)	
	)	
Representing the Government:	)	
	)	
Susan B. Altman, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
33 New Montgomery, 17th Floor	)	
San Francisco, California 94105	)	

ORDER OF THE BOARD OF CONTRACT APPEALS

February 16, 2006

Opinion for the Board by Administrative Judge POLLACK.

These appeals arise out of Contract No. 53-9327-4-31 between JBR Environmental Consultants, Inc., Sandy, Utah and the U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS), Reno, Nevada. The contract between the parties called for training and orientation for Appellant's field staff and then accomplishment of 4 tasks, each of which consisted of detailed field soil and habitat description at randomly selected sites located on private land in four Northern Nevada counties. For purposes of tracking, the Board docketed as AGBCA No. 2005-159-1, a filing the Board received under cover letter of July 15, 2005. While the filing indicated to the Board that there was a dispute, it was unclear as to whether there had been a request for and a final Contracting Officer's decision on the contractor's claim.

Accordingly, the Board, by letter of July 29, 2005, requested the parties to clarify the matter. That led to the Appellant filing a formal notice of appeal dated October 18, 2005. The Board docketed that timely appeal as AGBCA No. 2006-103-2. The parties were advised that the earlier assigned appeal number would be dismissed, once AGBCA No. 2006-103-2 was resolved.

The Board has jurisdiction over AGBCA No. 2006-103-2 pursuant to the Contract Disputes Act of 1978, 41 U.S.C. § 601-613, as amended.

On December 6, 2005, the Board held a telephone conference with the parties regarding scheduling. During that conference the Board addressed various matters including the needed proof and documentation that Appellant would have to provide to establish the dollars claimed. It appeared from the conference that at least up to that point, NRCS did not believe that Appellant had provided it with enough documentation during the claim process to allow NRCS to accurately assess and evaluate the claimed costs.

Due to the election of the expedited procedure, a hearing was scheduled for February 8 and 9, 2006. The Board urged Appellant to provide the cost data as soon as possible to NRCS and encouraged the parties to consider settlement.

On January 20, 2006, the Board received a fax from counsel for NRCS. There counsel attached a Stipulation for Compromise Settlement. In the settlement the parties agreed to a price to settle AGBCA No. 2006-103-2 and all other claims or actions relating to the performance of the contract between the parties. The parties further agreed that the appeal would be dismissed with prejudice.

DECISION

The parties have agreed on a settlement which includes a request to dismiss AGBCA No. 2006-103-2. The earlier appeal number, AGBCA No. 2005-159-1 was assigned for tracking purposes and has been superceded by the later appeal. Moreover, the parties were advised that such appeal would be dismissed upon resolution of AGBCA No. 2006-103-2. The Board dismisses AGBCA No. 2006-103-2 with prejudice. With the settlement and dismissal of AGBCA No. 2006-103-2, the Board also dismisses AGBCA No. 2005-159-1.

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HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
February 16, 2006