

<b>SANDMARC CONSTRUCTION, INC.,</b>	)	<b>AGBCA No. 2004-188-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Sandra Paramore	)	
President and CEO	)	
SandMarc Construction, Inc.	)	
P. O. 1462	)	
Matthews, North Carolina 28105	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Judith E. McKenzie-Abraham, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1718 Peachtree Road, Suite 576	)	
Atlanta, Georgia 30309	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

August 10, 2004

**Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge WESTBROOK.**

On July 9, 2004, the Board received from SandMarc Construction, Inc., of Matthews, North Carolina (SandMarc), a letter with attachments alleging breach of contract, wrongful termination and discrimination regarding a contract with the City of Charlotte, North Carolina. Nothing in the letter indicated any involvement by any agency of the U. S. Department of Agriculture (USDA). In an earlier telephone conversation with the Recorder of the Board, Ms. Sandra Paramore, SandMarc’s representative, had indicated that the contract with the city was federally funded.

The Board assigned a docket number and sent a letter to the parties stating that the Board is a forum of limited jurisdiction existing to adjudicate disputes between agencies of the USDA and parties in privity of contract with such agencies. Because Ms. Paramore had alluded to federal funding, the Board provided a copy of the Board’s decision in Raji Abdus-Salaam, AGBCA No. 1999-106-1, 99-

1 BCA ¶ 30,235, aff'd, 232 F.3d 907 (2000) (non-precedential), holding that federal funding alone did not operate to confer Board jurisdiction over a dispute between a municipality and a contractor in privity of contract with that municipality.

The Board has now received from SandMarc a letter dated July 26, 2004, acknowledging the Board's lack of jurisdiction and stating that the appeal to the Board was in error.

**DECISION**

The Board dismisses the appeal for lack of jurisdiction.

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**ANNE W. WESTBROOK**  
Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**  
Administrative Judge

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**JOSEPH A. VERGILIO**  
Administrative Judge

Issued at Washington, D.C.  
August 10, 2004