

SCHIBLEY EXHIBITION DESIGN,)	AGBCA No. 2000-124-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Tony Schibley, President)	
Schibley Exhibition Design)	
317 North Main Avenue)	
Tucson, Arizona 85701)	
)	
Representing the Government:)	
)	
Patricia Leigh Disert)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
4017 Federal Building)	
517 Gold Avenue, S.W.)	
Albuquerque, New Mexico 87102-0079)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 23, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal, received at the Board January 19, 2000, arises out of Contract No. 54-8197-8-001 for the fabrication, delivery and installation of exhibits at the Sabino Visitor Center, Santa Catalina Ranger District, Coronado National Forest, Arizona. Schibley Exhibition Design of Tucson, Arizona (Appellant), and the U. S. Forest Service, Coronado National Forest (the Government or Forest Service) were parties to the contract. The Forest Service is an agency of the U. S. Department of Agriculture. The timely appeal was from a decision of the Contracting Officer denying Appellant's claim in the amount of \$30,562.50 for alleged Government-caused delays to performance.

The Board has jurisdiction to decide the appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613.

The appeal was originally docketed as an Accelerated appeal under Board Rule 12.3 requiring a decision within 180 days of election. However, due to the parties' inability to meet the shortened deadlines of an Accelerated appeal, it was transferred to the regular docket. The parties undertook discovery and the Board conducted several telephonic conferences. Appellant desired a hearing and initially a hearing was set for December 5 and 6, 2000; however, it was postponed at the request of the parties who indicated discovery was not complete. Subsequently, the Board scheduled a hearing for March 28 and 29, 2001. On or about March 6, 2001, the parties informed the Board that the appeal had been settled. On April 9, 2001, the Board received a copy of a bilateral modification to the contract, providing that the Government agreed to pay Appellant \$15,000 in settlement of all claims on the contract. In addition, the Board has been furnished a copy of a statement signed by Appellant's president, stating that he was in receipt of check No. 311 in the amount of \$15,000 and hereby released the Government from all liability and claims under the contract. He requested that the appeal to the Agriculture Board of Contract Appeals be dismissed.

DECISION

The parties having settled the appeal, the Board hereby dismisses it with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
April 23, 2001