

SPECIAL OPERATIONS GROUP,

) **AGBCA No. 98-166-2**

Appellant)

Representing the Appellant:)

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Representing the Government:)

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DECISION OF THE BOARD OF CONTRACT APPEALS

July 29, 1998

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

This appeal arose from Emergency Equipment Rental Agreement No. 56-9A14-6-0097, between the Kaibab National Forest, Forest Service, U. S. Department of Agriculture, and the Special Operations Group of Corona, California (Appellant). The rental agreement was for bus service for transporting personnel to and from forest fire locations.

The dispute between the parties involved two unpaid invoices for bus services. The Forest Service asserted that the services had not in fact been provided and refused to pay the invoices. Appellant provided additional documentation that the services were performed. However, the Forest Service rejected the documentation because it had been copied, i.e., Appellant had not provided original documentation required by the Interagency Fire Business Management Handbook. Appellant filed a timely appeal.

Appellant elected the Board's Expedited Procedure¹ requiring a decision within 120 days of the election. The target date for a decision in this instance was August 26, 1998.

The Board conducted a conference call to explore the positions of the parties and to facilitate settlement. In this regard, the Board noted that the Interagency Fire Business Management Handbook had not been incorporated into the contract. The Board requested that the parties provide evidence of their prior dealings and/or the custom and trade practice regarding the handbook, and any other relevant information relating to whether the disputed work had been performed. The Board established a July 26, 1998 date for supplementing the record.

By letter dated July 24, 1998, the parties forwarded a signed settlement agreement indicating that the appeal had been settled and that the appeal should be dismissed.

DECISION

The appeal is dismissed as settled.

EDWARD HOURY
Administrative Judge

**Issued at Washington, D.C.,
July 29, 1998**

¹ Rule 12.2, 7 CFR 24.21, the Small Claims (Expedited) Procedure provides that the decision rendered under the Expedited Procedure may be rendered by a single administrative judge. Such decision is not appealable except for fraud and shall have no value as a precedent.