

JOHN BLOOD,)	AGBCA Nos. 2001-103-1, 2001-104-1
)	2001-105-1
Appellant)	
)	
Representing the Appellant:)	
)	
John Blood)	
611 Homestead Road)	
Flagstaff, Arizona 86001)	
)	
Representing the Government:)	
)	
Lynn W. Flanagan)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
Room 3311, South Building)	
1400 Independence Avenue, S.W.)	
Washington, DC 20250-1400)	

DECISION OF THE BOARD OF CONTRACT APPEALS

December 4, 2000

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On October 10, 2000, the Board received from John Blood of Flagstaff, Arizona, three submittals, each captioned as an appeal of the contractor performance information decision. The first, docketed as AGBCA No. 2001-103-1, relates to RFQ R3-01-0-26, the Brookbank thinning and slash procurement issued by the Apache-Sitgreaves National Forests, Springerville, Arizona. The second, docketed as AGBCA No. 2001-104-1, relates to RFQ RMAST-00-080, the precommercial thinning--Tower/Rifle procurement issued by the Rocky Mountain Acquisition Service Team, Delta, Colorado. The third, docketed as AGBCA No. 2001-105-1, relates to RFQ RMAST-00-104, the Bighorn National Forest tree thinning procurement issued by the Rocky Mountain Acquisition Service Team, Durango, Colorado. With a reference to the Federal Acquisition Regulation (FAR), 48 C.F.R. 42.15, John Blood states that he appeals the decision to not award each referenced contract due to the conclusion based on past performance reports regarding him. The respondent is the U. S. Department of Agriculture, Forest Service.

In the docketing notice for each matter, the Board notified the parties that each should be prepared during the initial telephone conference to address the Board's authority, or lack thereof, to resolve each matter. The Government filed a motion to dismiss each matter for lack of jurisdiction. During the telephone conference the parties agreed that none of the requests for quotations contain a provision identifying the Board as a forum to resolve a past performance or source selection dispute, and that no alternative dispute resolution (ADR) agreement exists between the parties, which specifies that this Board is to resolve the issues raised. Mr. Blood suggested that the actions of the Government constituted a de facto debarment and violated FAR 42.15. Mr. Blood was to file and serve a response to the Government's motion to dismiss for lack of jurisdiction. Mr. Blood has not provided a response.

The record fails to establish that the Board is the proper forum to resolve each matter. The underlying decisions to not award to Mr. Blood may give rise to a protest, but not an appeal under the Board's authority arising under the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. Similarly, the record identifies neither a contract nor specific contracting officer action which constitutes a claim within the meaning of the CDA. 7 C.F.R. 24.4(a). The record does not demonstrate that the Board has authority over the alleged debarment. 7 C.F.R. 24.4(c).

DECISION

The Board dismisses these matters for lack of jurisdiction.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
December 4, 2000