

DANIEL ROSE,)	AGBCA No. 2000-133-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Daniel Rose)	
P. O. Box 133)	
Henrieville, Utah 84736)	
)	
Representing the Government:)	
)	
Elise Foster)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
507 25 th Street, Room 205)	
Ogden, Utah 84401)	

DECISION OF THE BOARD OF CONTRACT APPEALS

August 3, 2000

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Purchase Order No. 43-8462-7-1240 between the U.S. Department of Agriculture, Forest Service (FS), Geospatial Service and Technology Center, Salt Lake City, Utah, and Daniel Rose (Appellant) of Henrieville, Utah. The dispute arises out of the FS termination for default of Appellant’s purchase order. Among the issues were whether Appellant had been advised by an authorized FS official that he had more time to complete the project. As part of the Contracting Officer’s (CO’s) decision terminating the contract, the CO noted that Appellant would be liable for excess reprocurement costs, once such costs were determined. Appellant filed a timely appeal.

The Board has jurisdiction over this appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613.

The matter was docketed on February 29, 2000. Thereafter, the parties engaged in discussions which ultimately led to a settlement. By letter of March 13, 2000, from FS counsel to Appellant, a copy furnished to the Board, the FS agreed not to assess reprourement costs. Further, in response to concerns of Appellant, as to the effect of the default on future contract bidding, counsel for the FS stated that she had requested that the FS take no action that would adversely affect Appellant's bidding or being awarded future contracts.

On March 23, 2000 the Board received a letter from Appellant stating that he wished to withdraw the appeal.

DECISION

Pursuant to the agreement of the parties, the appeal is dismissed.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D. C.
August 3, 2000