



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DENIED: October 28, 2013

CBCA 3239-R

THE DUCKE GROUPE, LLC dba HAVEN HOUSE VETERANS RESIDENCE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Donald A. Woodruff, Director of The Ducke Groupe, LLC, Cleveland, OH, appearing for Appellant.

Lindsay C. Roop, Office of Regional Counsel, Department of Veterans Affairs, Columbus, OH; and Natica C. Neely, Office of Regional Counsel, Department of Veterans Affairs, Minneapolis, MN, counsel for Respondent.

VERGILIO, Board Judge.

On July 24, 2013, the Board received from The Ducke Groupe, LLC dba Haven House Veterans Residence (contractor) a request for reconsideration of the decision issued June 24, 2013, *Ducke Groupe, LLC v. Department of Veterans Affairs*, CBCA 3239, 13 BCA ¶ 35,337, denying the contractor's claim. The contractor alleges various factual and legal errors in the opinion, raising, in part, arguments not previously raised, and referencing material not in the evidentiary record.

The contractor has not provided a valid basis for reconsideration. Rules 26, 27 (48 CFR 6101.26, .27 (2012)). References by the contractor to regulations and case law addressing matters a contracting officer should consider when formulating a solicitation that may or may not include options are not relevant in this post-award context when the contract included options. The simple fact that the agency ordered fewer services during the first option year than estimated at the time of award does not demonstrate any inaccuracy in

formulating the estimates. The contractor overlooks the explicit cautions in the solicitation and contract, wherein the agency noted that services to be required could not be determined with any certainty, and that payment would be based upon services ordered and rendered. The contractor's further attempts to reform the contract are unavailing.

Decision

The Board **DENIES** the motion for reconsideration.

JOSEPH A. VERGILIO
Board Judge