



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 23, 2007

CBCA 103

DuRETTE CONSTRUCTION CO., INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Alan I. Saltman of Saltman & Stevens, Washington, DC, counsel for Appellant.

James J. Ustasiewski, Office of the General Counsel, Department of Agriculture, Juneau, AK, counsel for Respondent.

Before Board Judges **POLLACK**, **DeGRAFF**, and **McCANN**.

POLLACK, Board Judge.

This appeal involves a claim for termination for convenience costs of \$1,147,019 (less \$108,218 allowed by the contracting officer), as well as an additional \$6501.68 claimed for settlement expenses. The partial termination for convenience was on the Orion North Roads Contract, number 50-0109-4-0050, between the United States Department of Agriculture, Forest Service (FS), Alaska Region, and DuRette Construction Co., Inc., of Ward Cove, Alaska. The contract called for the design, construction, and reconstruction of approximately forty kilometers of road in the Tongass National Forest, in Southeast Alaska.

The parties have asked the Board to enter a stipulated award. The parties have provided the Board with a signed Stipulation and Request For Decision Granting the Appeal. The stipulation specifies that the parties have agreed to waive all claims relating to the contract, and the FS shall pay appellant the sum total of \$216,422 only. The stipulation continues that there shall be no additional amount for attorney fees or for interest, except that interest calculated pursuant to the Contract Disputes Act, 41 U.S.C.A. § 611 (2006), will begin to run from sixty days after March 9, 2007. The parties have further stipulated that the decision of the Board will be final and binding upon the parties and not subject to further appeal.

The request of the parties is **GRANTED**.

Decision

Pursuant to the stipulation of the parties and their request, the Board **GRANTS** the appeal **IN PART**. Appellant is awarded \$216,422, with interest to be paid pursuant to the parties' settlement agreement.

HOWARD A. POLLACK
Board Judge

We concur:

MARTHA H. DeGRAFF
Board Judge

R. ANTHONY McCANN
Board Judge