



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: June 5, 2017

CBCA 3797

CERES CARIBE, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Karl F. Dix, Jr., Garrett E. Miller, and Douglas L. Tabeling of Smith, Currie & Hancock LLP, Atlanta, GA, counsel for Appellant.

Mark R. Simpson, Office of the General Counsel, Department of Agriculture, Atlanta, GA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **VERGILIO**, and **DRUMMOND**.

DANIELS, Board Judge.

The Department of Agriculture's Forest Service contracted with Ceres Caribe, Inc. (Ceres) for construction of a parrot recovery aviary complex in the Caribbean National Forest in Puerto Rico. Ceres claimed entitlement to \$642,574 in contract adjustments for which it considered the Forest Service liable. The contractor appealed the contracting officer's deemed denial of the claim.

As a result of mediation conducted by Board Judge Kyle Chadwick, the parties have resolved their differences and have jointly filed a request, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2016)), that the Board issue a decision awarding to Ceres \$339,000,

inclusive of interest. By filing certificates of finality with the Board, each party has stated that it will not request reconsideration or relief from a decision which makes such an award, and it will not appeal such a decision. The parties have agreed that the funds shall be paid from the permanent indefinite judgment fund established pursuant to 31 U.S.C. § 1304 (2012).

Decision

The appeal is **GRANTED IN PART**. The Department of Agriculture shall pay to Ceres Caribe, Inc. the sum of \$339,000, inclusive of interest.

STEPHEN M. DANIELS
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

JEROME M. DRUMMOND
Board Judge