



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: December 2, 2011

CBCA 2521, 2550

DRENNON CONSTRUCTION & CONSULTING, INC.

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Traeger Machetanz and Jessy J. Vasquez of Oles Morrison Rinker & Baker LLP, Anchorage, AK, counsel for Appellant.

Eric R. Trew, Office of the Regional Solicitor, Department of the Interior, Lakewood, CO, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Drennon Construction & Consulting, Inc. (Drennon) and the Department of the Interior's Bureau of Land Management (BLM) entered into a contract under which Drennon was to reconstruct and widen the Tangle Lakes Access Road in an area west of Paxson, Alaska. Drennon filed with the Board appeals of three contracting officer decisions regarding claims made under the contract. In CBCA 2391, Drennon contends that BLM owes it \$167,605.04 as a result of defective specifications, differing site conditions, and suspension of work. In CBCA 2521, the contractor maintains that it is due \$75,124.10 to compensate it for costs incurred to perform work which was outside the scope of the contract.

In CBCA 2550, Drennon challenges the contracting officer's determination that BLM made overpayments in the amount of \$28,375 to the contractor and that the contractor must reimburse the agency for those overpayments.

Following a mediation session conducted by a Board judge, the parties have filed a joint motion to dismiss CBCA 2521 and CBCA 2550 with prejudice. They report that they have settled these two cases through the issuance of a contract modification which provides for the payment by BLM to Drennon of \$44,277.21. CBCA 2391 remains before the Board.

As requested by the parties, CBCA 2521 and CBCA 2550 are **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge