



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: November 13, 2015

CBCA 3642

INTERACTIVE ELEMENTS, INC.,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Kara M. Sacilotto and William M. Novak of Wiley Rein LLP, Washington, DC, counsel for Appellant.

Stephen F. Pereira, Office of the Chief Counsel, Federal Transit Administration, Department of Transportation, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Through an appeal filed on December 18, 2013, Interactive Elements, Inc. (IEI) challenged the decision of a Department of Transportation contracting officer which demanded payment of \$87,891 under a contract for the provision of project management services to the Federal Transit Administration. The demand was based on audits of the contractor's incurred costs for fiscal years 2009 and 2010. As a result of mediation conducted by a Board Judge, the parties entered into a settlement agreement which included ground rules for audits of IEI's indirect cost proposals for fiscal years 2011 through 2014.

IEI has now filed a motion to dismiss the appeal. In the motion, the contractor notes, with the agency's concurrence, that the audits for fiscal years 2013 and 2014 have not been completed, and that if the contracting officer issues a final decision for either of those years which IEI disputes, the contractor may appeal such a decision to the Board.

At IEI's request, CBCA 3642 is **DISMISSED**.

STEPHEN M. DANIELS
Board Judge