



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: January 5, 2016

CBCA 3868, 3869, 4687, 4688, 4745

GONZALES CONSULTING SERVICES, INC.,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Mark J. Meagher of Dentons US LLP, Denver, CO, counsel for Appellant.

Timothy J. Lorenzi, Office of General Counsel, Department of Homeland Security, Philadelphia, PA, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

The Department of Homeland Security's Federal Protective Service (FPS) contracted with Gonzales Consulting Services, Inc. (GCS) to staff call centers (known as "MegaCenters") in Battle Creek, Michigan; Philadelphia, Pennsylvania; Suitland, Maryland; and Denver, Colorado. These centers answer dispatching calls from security personnel at federal facilities and monitor alarm systems at those facilities. The centers have been called the Federal Government's "911 emergency response service."

Disputes arose between the parties as to payment for the services provided by GCS under these contracts. Each party made claims against the other, contracting officer decisions were issued, and appeals were taken. The appeals involving the Battle Creek center were

docketed as CBCA 3868 and 4687; the appeals involving the Philadelphia center were docketed as CBCA 3869 and 4688; and the appeal involving the Suitland center was docketed as CBCA 4745.

The parties engaged in an alternative dispute resolution session with the presiding judge in September 2015. They had agreed in advance that during the session, the judge would mediate the disputes with the objective of having the parties reach a voluntary settlement of the cases, but that if the mediation were to fail to achieve this objective, the parties would submit the cases to binding arbitration, with the judge issuing an unappealable decision. The parties did not resolve the cases voluntarily. Accordingly, the judge issued a binding, unappealable arbitration decision.

The parties have now complied with the judge's arbitration decision and have jointly moved the Board to dismiss the appeals with prejudice.

The motion is granted. CBCA 3868, 3869, 4687, 4688, and 4745 are **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge