



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

AMENDED; GRANTED: January 6, 2014

CBCA 3498

CROCKETT FACILITIES SERVICES, INC.

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Eden Brown Gaines of Brown Gains, LLC, White Plains, MD, counsel for Appellant.

Claire L. O'Donnell, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before **GOODMAN**, Board Judge.

On August 16, 2013 appellant Crockett Facilities Services, Inc. filed a notice of appeal of a deemed denial by the respondent General Services Administration contracting officer of appellant's claim pursuant to the Contract Disputes Act. Appellant's claim was submitted to the contracting officer on May 14, 2013. Pursuant to Board Rule 52, appellant elected the small claims procedure. Accordingly, this decision is final and conclusive and does not have value as precedent.

In its notice of appeal designated as its complaint, appellant stated:

Nature of Claim: Pursuant to Modification P003 of the above referenced Contract, and executed August 16, 2011, CFSI agreed to provide additional inventory. . . The Modification facilitated payment for additional inventory at the amount of \$2,664.48 per month for Option Year III. . . .

When GSA formally exercised Option Year III by Modification P006, the contracting office inadvertently omitted the line item for the additional inventory. . . . CFSI contacted the contracting office to confirm the existence of requirements for additional inventory and payment for the same. The contracting office confirmed that an adjustment to the contract, to include the additional inventory, was forthcoming. . . .

Despite the communication from the contracting office confirming the government's intent that CFSI provide service to the additional inventory and despite CFSI's continued provision of such services, the Contracting Officer has not made appropriate adjustments to the Contract to facilitate payment to CFSI.

CFSI is entitled to payment of \$26,644.80, plus interest pursuant to the Prompt Payment Act and/or FAR 52.233- 1(h), as representative of payments owed for the period between November 1, 2012 and August 31, 2013. CFSI is entitled to \$2,664.48 each month thereafter, plus interest pursuant to the Prompt Payment Act and/or FAR 52.233-1(h), until the satisfaction of its claim.

Relief Requested: CFSI seeks payment in the amount of \$26,644.80, plus accrued interest; payment of \$2,664.48 for each month until satisfaction of the claim; an appropriate modification to the Contract reflecting payment in the amount of \$2,664.48 per month to service the additional inventory; and attorney fees and costs.

Respondent requested extensions of time to file an answer and an appeal file, and these requests were granted by the Board. Appellant and respondent entered into settlement discussions but did not resolve the dispute by agreement. On December 9, 2013 respondent filed a stipulation that stated: "Respondent, General Services Administration, concedes the . . . appeal on the merits."

The Board issued a decision dated December 13, 2013 pursuant to respondent's stipulation. Thereafter, the parties advised that the Board's decision contained a clerical error and did not accurately state the resolution of the appeal. The Board directed the parties to file a joint stipulation stating with specificity the decision they wished the Board to issue.

On December 20, 2013, the parties filed a joint stipulation which is reproduced in the decision below.¹

Decision

As respondent has conceded the appeal on the merits, the appeal is **GRANTED** in the amount of \$31,973.76 and applicable interest in accordance with the Prompt Payment Act, 31 U.S.C. § 3902 (2006) and Contract Disputes Act, 41 U.S.C. § 7109 (Supp. IV 2011). The Board cannot address appellant's demand for attorneys fees and costs in this proceeding.

ALLAN H. GOODMAN
Board Judge

¹ The Board's decision dated December 13, 2013 is amended by including this paragraph in this decision and substituting the parties' stipulation as the decision below.