



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

MOTIONS FOR SUMMARY JUDGMENT DENIED: February 14, 2023

CBCA 7024

MANAGEMENT TECHNOLOGY, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Ray Brooks, Vice President of Management Technologies, Inc., Clinton, MD, appearing for Appellant.

James F. H. Scott, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **VERGILIO**, **GOODMAN**, and **ZISCHKAU**.

GOODMAN, Board Judge.

Appellant, Management Technologies, Inc., has appealed a decision by the contracting officer of respondent, General Services Administration (GSA), demanding repayment of what GSA asserts is the total amount of overpayments made by GSA to appellant arising from appellant's performance of a task order. The parties have filed cross motions for summary judgment, which we deny.

This dispute involves the interpretation of a task order issued by GSA to appellant in 2016 for data management. In mid-2020, the GSA contracting officer reviewed the number of appellant's employees that had been performing the work pursuant to the task order and concluded that appellant had provided fewer than the number of employees required. In October 2016, the contracting officer issued a decision demanding repayment of amounts

representing alleged overpayments for appellant's invoices previously submitted as the result of the alleged failure to provide the required number of employees.

Appellant interprets the task order as requiring a fixed price for work ordered and the number of employees sufficient to perform the work. Appellant further asserts that it has performed all work to the satisfaction of GSA, properly billed the fixed price, and denies that it has been overpaid.

The parties briefed the motions and responded to Board requests, but the record remains incomplete. The underlying contract for the task order and a predecessor task order, both executed in 2015 and entered into a GSA electronic data base, are no longer available. Neither party has copies of these documents. Appellant has stated that its contract manager previously reviewed the predecessor task order in the electronic data base but not the contract. GSA states that the current GSA contracting officer has never reviewed the underlying contract or the predecessor task order.

The parties' inability to produce these documents creates disputed issues of material fact as to their contents, the resolution of which would be relevant to the interpretation of the task order at issue in this appeal. Without these documents, we are unable to render an interpretation of the task order at issue, and the parties' motions for summary judgment are therefore **DENIED**.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge

We concur:

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge