



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: July 24, 2008

CBCA 1169

KVA ELECTRIC, INC.,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Kevin T. Duncan, General Manager and President of KVA Electric, Inc., Arlington, WA, appearing for Appellant.

Dennis J. Gallagher and Luisa M. Alvarez, Office of the Legal Adviser, Buildings and Acquisitions, Department of State, Rosslyn, VA, counsel for Respondent.

**SHERIDAN**, Board Judge.

ORDER

This appeal arose out of task order 0006 issued under contract SALMEC05D0011 to provide labor and materials to upgrade the electrical service equipment and install a new automatic voltage regulator at the staff housing in Port Moresby, Papua, New Guinea. The dispute centered on appellant's request for an equitable adjustment due to alleged delays associated with the work.

On July 15, 2008, a telephone conference was held between the undersigned, Mr. Kevin Duncan, representing appellant, and Ms. Luisa Alvarez, representing respondent. The

parties advised the undersigned that the matter has been settled, and provided the Board with a copy of contract modification M001, setting forth the terms of the settlement, which was jointly executed by the parties on June 6, 2008.

Respondent represented that contract modification M001 had been submitted for electronic payment and that payment should be received by appellant by July 18, 2008. The parties asked that this appeal be dismissed with prejudice upon payment of the contract modification. Appellant was instructed to notify the undersigned by no later than July 23, 2008, if it had not received payment, and that absent such notification the appeal would be dismissed with prejudice. Appellant has not notified the Board as to its receipt of payment.

Accordingly, this appeal is **DISMISSED WITH PREJUDICE**.

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PATRICIA J. SHERIDAN  
Board Judge