DISMISSED WITH PREJUDICE: November 24, 2015

CBCA 4088, 4091, 4557

KEVCON, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William L. Bruckner and Thomas M. Regan of Bruckner Law Firm, APC, San Diego, CA, counsel for Appellant.

David G. Fagan, Office of Regional Counsel, Department of Veterans Affairs, Portland, OR, counsel for Respondent.

DANIELS, Board Judge.

ORDER

The Department of Veterans Affairs (VA) entered into two contracts with Kevcon, Inc. (Kevcon), one to provide design-build services for the renovation of a building at the VA Roseburg Healthcare System in Roseburg, Oregon, and another to renovate portions of a building at the VA Puget Sound Health Care System in Seattle, Washington.

Kevcon filed appeals of contracting officer decisions regarding disputes under the two contracts. Two of the appeals involve the Roseburg contract: CBCA 4088 (addressing the contracting officer's termination for default of the contract) and CBCA 4091 (addressing the contracting officer's deemed denial of Kevcon's claim for damages due to delays allegedly

caused by the VA). The third appeal, CBCA 4557, addresses Kevcon's claim for damages due to alleged delays and defective specifications on the Seattle contract.

On June 11, 2015, the Board issued a decision in the three appeals, awarding a stipulated monetary judgment to Kevcon. *Kevcon, Inc. v. Department of Veterans Affairs*, CBCA 4088, et al., 15-1 BCA ¶ 36,005. We stated in that decision, "The non-monetary aspects remain before the Board. The parties have promised that once the Department of Veterans Affairs performs the actions to which it has agreed under the settlement agreement, the parties will file a joint motion to dismiss the non-monetary aspects of the appeals – and consequently, the appeals in full." *Id.* at 175,876.

The parties have now filed a joint request that the appeals be dismissed with prejudice.

Accordingly, the appeals are **DISMISSED WITH PREJUDICE**.

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STEPHEN M. DANIELS
Board Judge