

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

DISMISSED: June 15, 2005

GSBCA 16637

GREENLEE CONSTRUCTION, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Gary Greenlee, President of Greenlee Construction, Inc., Alpharetta, GA, appearing for Appellant.

Gerald L. Schrader, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

NEILL, Board Judge.

ORDER

This case concerns an ongoing dispute between appellant, Greenlee Construction, Inc. (Greenlee), and the General Services Administration (GSA). On April 27, 2005, the contracting officer advised appellant that if agreement could not be reached on the matter of bonding required for work ordered under the contract, the contract would be terminated.

In response, appellant filed this appeal complaining of unfair contract practices and retaliation and seeking \$1,000,000 in damages. The Government thereupon filed a motion

to dismiss the case for lack of jurisdiction owing to the absence of a contracting officer's decision. The Government also noted that not only had the monetary claim not been presented to the contracting officer but it also lacked the requisite certification.

On May 27, the Board convened a status conference regarding this case. After a discussion of the case and its particulars, the presiding judge urged appellant's representative to consult with counsel on how best to resolve his difficulties with GSA. Further proceedings were stayed to permit appellant's representative to do this. By letter dated June 10, Greenlee advised the Board of its decision to submit new, different, or revised claims to the contracting officer for final decision. At the same time, Greenlee advised the Board of its desire to withdraw this case.

Counsel for GSA has informed the Board that he has no objection to the dismissal of this case in accordance with appellant's request. Accordingly, this case is **DISMISSED** pursuant to Board Rule 128 (48 CFR 6101.28 (2004)).

EDWIN B. NEILL
Board Judge