

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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DISMISSED FOR LACK OF JURISDICTION: June 17, 2002

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GSBCA 15780

FENTRESS BRADBURN ARCHITECTS, LTD.,  
f/k/a C.W. FENTRESS J.H. BRADBURN AND ASSOCIATES, P.C.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

G. Henry Seaks of Wells Love & Scoby, LLC, Boulder, CO; and David E. Leavenworth of Hall & Evans, LLC, Denver, CO, counsel for Appellant.

Dalton F. Phillips and David M. Smith, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **HYATT, WILLIAMS**, and **GOODMAN**.

**GOODMAN**, Board Judge.

Appellant, Fentress Bradburn Architects Ltd., submitted a claim to the contracting officer by letter dated November 30, 2001, in the amount of \$1,200,000. By notice of appeal dated February 20, 2002, appellant appealed the contracting officer's deemed denial of the claim, and this appeal was docketed as GSBCA 15780. On March 26, 2002, appellant filed its complaint.

On April 25, 2002, respondent filed a motion to dismiss the appeal, on the ground that the claim exceeded \$100,000, and appellant failed to certify the claim as required by the Contract Disputes Act, 41 U.S.C. §§ 601-613 (1997), and therefore the Board lacked jurisdiction. On April 30, 2002, appellant resubmitted its claim, including a certification, and the contracting officer issued a final, appealable decision by letter dated May 22, 2002.

Respondent correctly asserts that the appeal of the uncertified claim should be dismissed for lack of jurisdiction. In TMD USA, Inc. v. GSA, GSBCA 15363, 00-2 BCA ¶ 31,031, the Board dismissed an uncertified claim for lack of jurisdiction and stated:

In the event that appellant submits a proper certification to the contracting officer, and the contracting officer issues a decision on the claim . . . , appellant may timely appeal that decision to us. The appeal would be docketed separately from this case.

00-2 BCA at 153,249.

Decision

Accordingly, GSBCA 15780 is **DISMISSED FOR LACK OF JURISDICTION**, and concurrently with this dismissal, we docket the appeal of the contracting officer's denial of the certified claim as GSBCA 15898. The hearing in GSBCA 15780 previously scheduled to commence on June 18, 2002, will be deemed to be a hearing in GSBCA 15898.

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ALLAN H. GOODMAN  
Board Judge

We concur:

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CATHERINE B. HYATT  
Board Judge

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MARY ELLEN COSTER WILLIAMS  
Board Judge