

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL
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District Wins Judgment in Forney Enterprises Contract Dispute

Attorney General Racine Says His Office Will Always Act to Ensure the District Receives Full Benefits from All Contracts

WASHINGTON, D. C. – Attorney General Karl A. Racine announced today that the Contract Appeals Board (CAB) has granted the District of Columbia’s motion for judgment in a case over a dispute between the University of the District of Columbia and a contractor. The win means the District will save more than \$200,000.

In 2007, Forney Enterprises (Forney) was awarded a contract to replace three boilers at the University of the District of Columbia (UDC). Despite contractual requirements to keep one boiler operational while installing two new boilers, Forney did not perform repair or maintenance on the third boiler, and its failed inspection required Forney to install a temporary replacement. Forney submitted a request to the District’s Contracting Officer Technical Representative (COTR) seeking an equitable adjustment to the contract in the amount of \$231,225 for the cost of the temporary replacement boiler, which the COTR denied. Forney then requested a final decision from the District’s Contracting Officer, which was denied. Forney appealed that decision to the CAB, and the parties went to trial. The District moved for judgment as a matter of law on the basis that Forney’s claims were precluded because Forney had released the District from any and all claims when it signed the Final Release of Liens and Claims – a common part of the District’s contracting process. The CAB agreed, and granted judgment in favor of the District.

Attorney General Racine praised the decision and emphasized the importance of protecting the District’s treasury. **“We will continue to work to ensure that the District's agencies receive the full benefit of all contracts into which the city enters,”** he said.

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