



DEPARTMENT OF THE INTERIOR HEARINGS DIVISION

Ninilchik Traditional Council v. Director, Contracting Officer,
Juneau BIA Area Office

Docket No. IBIA 00-10-A (03/31/2000)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
HEARINGS DIVISION
ELKS BUILDING
139 EAST SOUTH TEMPLE, SUITE 600
SALT LAKE CITY, UT 84111

March 31, 2000

ORDER

NINILCHIK TRADITIONAL COUNCIL,	:	IBIA 00-10-A
	:	
Appellant	:	Appeal of an August 31, 1999, decision issued by the Contracting Officer, Juneau Area Office, Bureau of Indian Affairs, Juneau, Alaska
v.	:	
	:	
DIRECTOR, CONTRACTING OFFICER, JUNEAU BIA AREA OFFICE,	:	Indian Self Determination ACT (ISDA) 25 U.S.C. §§ 450-450n
	:	
Appellee	:	

Proceeding Dismissed

The parties having filed the attached Stipulation for Settlement and Joint Motion for Dismissal of Appeal dated March 20, 2000, and the stipulated settlement therein being found appropriate for resolution of the issues in dispute, it is approved and accepted.

Accordingly this appeal and this proceeding are hereby dismissed.

//original signed
Harvey C. Sweitzer
Administrative Law Judge

**STIPULATION FOR SETTLEMENT AND JOINT MOTION FOR
DISMISSAL OF APPEAL**

Come now the parties, by and through their undersigned counsel, and move for dismissal of the above captioned appeal, based upon their agreement to settle the issue raised in this proceeding on the following terms:

1. Indian Self-Determination Act (ISDA) Contract No. CTW01T34820 will promptly be modified to increase the amount of funds provided for FY'99 indirect costs from \$43, 593, already paid, to \$69,025, an increase of \$25,432 which is to be paid promptly upon filing of this stipulation.

2. Although that increase will be based on a revision in the recognized level of need for Fiscal Year 1999 contract support costs to \$78,171, Appellant agrees that for purposes of any possible future invocation of the provisions of ISDA § 106(b), 25 U.S.C. § 450j-1(b), the amount of need recognized for FY 1999 shall be deemed to have been \$69,000. However, nothing herein shall be deemed an admission that Appellant's true need for FY 1999 or any future year is limited to \$69,000 under ISDA § 106(a), 25 U.S.C. § 450j-1(a) or any other applicable law.

3. Appellant agrees that for FY 2000 and future contract years, to the extent consistent with law, any and all contract support cost proposals submitted to the Bureau of Indian Affairs will include accurate and up-to-date information on all of Appellant's funding sources, including the total amount expected to be provided by each, and with respect to each funding source, identifying as well how much of such amounts are available for administrative costs and/or indirect costs or contract support costs. Nothing herein diminishes Appellant's right to have the annual amount of its contract support costs determined according to the requirements of ISDA § 106(a), 25 U.S.C. § 450j-1(a) or other applicable law.

4. The above captioned appeal from the decision of August 31, 1999 shall be dismissed with each side to bear its own costs and attorney fees.

Respectfully submitted this 20th day of March, 2000 at Anchorage, Alaska.

LANDYE BENNETT BLUMSTEIN LLP

By: _____ //original signed _____
David S. Case, P.C.
Attorney for Ninilchik Traditional Council

By: _____ //original signed _____
Roger L. Hudson
Counsel for Appellee