

ARMED SERVICES BOARD OF CONTRACT APPEALS

Petition of --)
)
Nan Inc.) ASBCA No. 61596-985
)
Under Contract No. W9128A-13-C-0001)

APPEARANCE FOR THE PETITIONER: Mr. Nickolas Florez
Associate Vice President

APPEARANCES FOR THE GOVERNMENT: Michael P. Goodman, Esq.
Engineer Chief Trial Attorney
Janis R. Millete, Esq.
Nathan Kanale Sadowski, Esq.
Robyn U. Au, Esq.
Engineer Trial Attorneys
U.S. Army Engineer District, Honolulu

ORDER PURSUANT TO BOARD RULE 1(a)(5)
DIRECTING CONTRACTING OFFICER TO ISSUE DECISION

The contractor filed, under Rule 1(a)(5), a request for an order directing the contracting officer to render a decision on a 12 February 2018 claim for compensable delay associated with additional asbestos removal in the amount of \$126,038. The contractor did not propose a date by which the contracting officer should issue a decision. The government has advised that a final decision on the claim will be issued by 29 June 2018. We deem this date reasonable.

Accordingly, the Board hereby directs the contracting officer to issue a decision on the contractor's claim by 29 June 2018.

This Order completes all necessary action by the Board. If the contracting officer fails to comply with this Order, such failure will be deemed a decision by the contracting officer denying the claim, and the contractor may appeal to this Board or sue in the United States Court of Federal Claims pursuant to the Contract Disputes Act, 41 U.S.C. §§ 7103(f)(5) and 7104.

Dated: 16 May 2018



JOHN J. THRASHER
Administrative Judge
Chairman
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur



RICHARD SHACKLEFORD
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I concur



OWEN C. WILSON
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Order Pursuant to Rule 1(a)(5) of the Armed Services Board of Contract Appeals in ASBCA 61596-985, Petition of Nan Inc., rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals