

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Accenture, LLP) ASBCA No. 61562
)
Under Contract No. FQ-11248-3)

APPEARANCES FOR THE APPELLANT: George D. Ruttinger, Esq.
Robert J. Sneckenberg, Esq.
Sharmistha Das, Esq.
Crowell & Moring LLP
Washington, DC

APPEARANCES FOR THE AUTHORITY: Jon B. Crocker, Esq.
Chief Counsel
Stephen D. Thompson, Esq.
Senior Counsel II
Washington Metropolitan Area
Transit Authority
Washington, DC

Eric W. Leonard, Esq.
George E. Petel, Esq.
Wiley Rein LLP
Washington, DC

SUMMARY BINDING DECISION
BY ADMINISTRATIVE JUDGE D’ALESSANDRIS

By alternative dispute resolution (ADR) agreement approved by the Board on August 6, 2018, the parties requested that this appeal be decided by a one-judge “summary proceeding with binding decision.” The parties agreed that this “decision shall be final, conclusive, not subject to reconsideration or appeal, and may not be set aside, except for fraud.” (ADR Agreement at 2) This decision has no value as precedent and cannot be cited in any other proceeding. The undersigned conducted a five-day evidentiary hearing beginning March 18, 2019 at the Board’s offices in Falls Church, Virginia, after which the parties responded to questions posed by the Board.

DECISION

This appeal is sustained in part. Accenture, LLP (Accenture) failed to establish entitlement regarding its claims for the pilot payment deferral, R1 planning, R1 schedule development, regional partner engagement and subcontractor demobilization

costs. Accenture demonstrated entitlement, but failed to establish quantum regarding revisions R.3.2, R.3.3, R.3.3.1 and the rules engine for WMATA specific enhancements to Accenture assets. Accenture is awarded [REDACTED] for its claims regarding the VBLOCK asset, the Microsoft SPLA license, and legal settlement costs, as well as *pro rata* entitlement to its costs on its operation support claim, and entitlement based upon its costs for revision R.3.1 for WMATA specific enhancements to Accenture assets. This amount is not subject to Contract Disputes Act interest.

Dated: May 2, 2019



DAVID D'ALESSANDRIS
Administrative Judge
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 61562, Appeal of Accenture, LLP, rendered in conformance with the Board's Charter.

Dated:

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