

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
KiewitPhelps) ASBCA No. 62308
)
Under Contract No. W9128F-12-C-0023)

APPEARANCES FOR THE APPELLANT: Vivian Katsantonis, Esq.
Christopher M. Harris, Esq.
Watt, Tieder, Hoffar & Fitzgerald, L.L.P.
McLean, VA

APPEARANCES FOR THE GOVERNMENT: Michael P. Goodman, Esq.
Engineer Chief Trial Attorney
Thomas J. Ingram, Esq.
Engineer Trial Attorney
U.S. Army Engineer District, Omaha

OPINION BY ADMINISTRATIVE JUDGE CLARKE

The Board's April 25, 2019 entitlement decision sustained KiewitPhelps' appeal and remanded the matter of quantum to the parties. Pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' stipulation and agreement, the quantum appeal is sustained. In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$5,972,267.45. Interest shall be paid on the base amount of the claim of \$5,469,225.00 pursuant to 41 U.S.C. § 7109 from February 29, 2020 until date of payment.

Dated: February 18, 2020



CRAIG S. CLARKE
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur



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

I concur



J. REID PROUTY
Administrative Judge
Vice Chairman
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. 62308, Appeal of KiewitPhelps, rendered in conformance with the Board's Charter.

Dated:

PAULLA K. GATES-LEWIS
Recorder, Armed Services
Board of Contract Appeals