

ARMED SERVICES BOARD OF CONTRACT APPEALS

Petition of -)
)
Alutiiq Management Services, LLC) ASBCA No. 63175-PET
)
Under Contract No. N00189-02-D-0042)

APPEARANCES FOR THE PETITIONER: Stowell B. Holcomb, Esq.
Mark G. Jackson, Esq.
Jackson Holcomb LLP
Seattle, WA

APPEARANCES FOR THE GOVERNMENT: Craig D. Jensen, Esq.
Navy Chief Trial Attorney
Joe D. Baker, II, Esq.
Trial Attorney
Jacksonville, FL

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

Petitioner, Alutiiq Management Services, LLC (Alutiiq) has filed, under Rule 1(a)(5), a request for an order directing the contracting officer to render a decision on some 250 claims previously submitted on the above-captioned contract over the last several years.* The government has advised that, for various reasons, decisions upon all the claims cannot be made immediately, but will take a matter of years.

We conducted a status conference to discuss this matter and the parties agreed to a framework in which the government would decide a minimum number of claims every quarter until all were resolved. The parties have since submitted a joint proposal that the government process at least 20 claims per quarter until all remaining claims are decided, with decisions upon the entirety of pending claims to be issued within 3 years. The government also agrees to provide a status report to Alutiiq within 10 days of the end of each quarter. During the status conference, the Board entertained the possibility of retaining jurisdiction so as to receive the quarterly status reports, but upon further consideration, we have determined that this would be unworkable since this decision concludes the Board's actions upon the petition. In any event, we deem the parties' proposal to be reasonable under the circumstances. Accordingly, the Board hereby directs the contracting officer to issue decisions on Alutiiq's claims as contemplated in

* Alutiiq submitted a list of its claims in an attachment to its Petition to the Board. We incorporate this attachment, by reference, into this decision.

the joint agreement, with the first quarter beginning to run on April 15, 2022, and for the government to provide status reports to Alutiiq within ten days of the end of each quarter.

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 remaining claims, 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), or 7104, as appropriate.

Dated: April 13, 2022



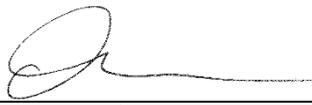
J. REID PROUTY
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I concur



RICHARD SHACKLEFORD
Administrative Judge
Acting 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 No. 63175-PET, Petition of Alutiiq Management Services, LLC, rendered in conformance with the Board's Charter.

Date: April 13, 2022



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