

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
QAF Technologies, Inc.) ASBCA No. 61875
)
Under Contract No. M67004-17-P-1071)

APPEARANCES FOR THE APPELLANT: Theodore P. Watson, Esq.
Cheryl Emerson Adams, Esq.
Watson & Associates, LLC
Aurora, CO

APPEARANCES FOR THE GOVERNMENT: Craig D. Jensen, Esq.
Navy Chief Trial Attorney
Nicole R. Best, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE SHACKLEFORD

On September 30, 2017, the Department of the Navy, United States Marine Corps, Blount Island Command (USMC or government) awarded Contract No. M67004-17-P-1071 (the contract) to QAF Technologies, Inc. (QAF or appellant). The contract was for delivery of dry freight and refrigerated cargo containers.

The contract incorporated by full text Federal Acquisition Regulation (FAR) 52.212-4, CONTRACT TERMS AND CONDITIONS—COMMERCIAL ITEMS (JAN 2017).

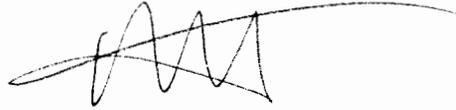
By letter dated September 21, 2018, the contracting officer terminated the contract for cause for QAF's failure to deliver the containers by the delivery date required by the contract. QAF timely appealed the decision by notice dated November 12, 2018, to the Armed Services Board of Contract Appeals (ASBCA or Board). The appeal was docketed as ASBCA No. 61875.

The parties have settled their dispute and have jointly requested that the Board issue a decision incorporating the terms of their agreement as set forth in their March 25, 2019 "RULE 19(d) STIPULATION AND JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT."

In accordance with Board Rule 19(d) of the ASBCA and the stipulation of the parties, it is the Board's decision, in the nature of a consent judgment, that:

- 1) The termination for cause is converted to a no-cost termination for convenience of the government;
- 2) The Board makes no (zero) monetary award to appellant;
- 3) Any claim for termination costs or other costs associated with or arising out of the contract by appellant is waived.

Dated: April 10, 2019



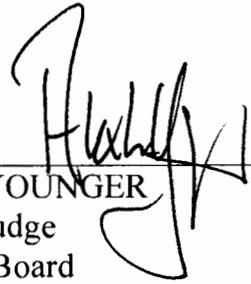
RICHARD SHACKLEFORD
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



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

I concur



ALEXANDER YOUNGER
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. 61875, Appeal of QAF Technologies, Inc., rendered in conformance with the Board's Charter.

Dated:

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