

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Alliance Roofing & Sheet Metal, Inc.) ASBCA No. 59663
)
Under Contract No. N40080-12-D-0494)

APPEARANCES FOR THE APPELLANT: Lawrence M. Prosen, Esq.
Daniel P. Broderick, Esq.
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Washington, DC

APPEARANCES FOR THE GOVERNMENT: Ronald J. Borro, Esq.
Navy Chief Trial Attorney
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Senior Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE MELNICK ON APPELLANT'S
MOTION FOR RECONSIDERATION

Appellant, Alliance Roofing & Sheet Metal, Inc. (Alliance), has filed a timely motion for reconsideration of the Board's 4 May 2015 decision denying the appeal. Alliance had elected to conduct the appeal under the Board's Accelerated Procedure (Rule 12.3). The government has submitted a response and Alliance has replied.

Alliance had been awarded a contract to provide roofing work and sought increased costs it claimed to have incurred complying with a direction from the United States Navy to provide a manufacturer's warranty that exceeded contract requirements. The Board denied the appeal because Alliance failed to prove that it incurred any extra costs as a result of the Navy's direction.

In evaluating a motion to reconsider, an examination is performed into whether the motion is based upon newly discovered evidence, mistakes in the findings of fact, or errors of law. "Reconsideration is not intended to provide a party with the opportunity to reargue its position." *Robinson Quality Constructors*, ASBCA No. 55784, 09-2 BCA ¶ 34,171 at 168,911. Alliance contends that the government never challenged the validity of its costs and that it "provided a record establishing a reasonable probability of damages," which it suggests shifts to the Board the duty to "determine with a reasonable approximation the amount of damages incurred by Alliance" (app. mot. at 8-9).

Alliance is rearguing its case or advancing new arguments not made before. It does not present newly discovered evidence, or demonstrate errors in either fact finding or law. Accordingly, the motion is denied.

Dated: 6 August 2015



MARK A. MELNICK
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



RICHARD SHACKLEFORD
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. 59663, Appeal of Alliance Roofing & Sheet Metal, Inc., rendered in conformance with the Board's Charter.

Dated:

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