

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Kandahar Gravel Supplies and Logistics ) ASBCA No. 60531  
 )  
Under Contract No. W91B4L-11-P-0133 )

APPEARANCE FOR THE APPELLANT: Mr. Asadullah Qureshi  
President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT Sarah E. Park, JA  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE D’ALESSANDRIS  
ON APPELLANT’S MOTION FOR RECONSIDERATION

Appellant has timely moved for reconsideration of our 6 March 2017 decision in *Kandahar Gravel Supplies and Logistics*, ASBCA No. 60531, 17-1 BCA ¶ 36,688.\* In that decision, we granted the government’s motion to dismiss for lack of jurisdiction based upon our finding that the record contained no evidence that appellant ever submitted to the contracting officer the certification required by the Contract Disputes Act (CDA), 41 U.S.C. § 7103(b), for claims exceeding \$100,000. Familiarity with our prior decision is presumed.

In deciding a motion for reconsideration, the Board examines whether the motion is based upon newly discovered evidence, mistakes in our findings of fact, or errors of law. *J.F. Taylor, Inc.*, ASBCA Nos. 56105, 56322, 12-2 BCA ¶ 35,125 at 172,453. Reconsideration is not intended to afford a party an opportunity to reargue positions previously presented and rejected by the Board. *Precision Standard, Inc.*, ASBCA No. 58135, 16-1 BCA ¶ 36,504 at 177,859. Absent a compelling reason to modify our original decision, the Board will deny a motion for reconsideration. *ADT Construction Group, Inc. by Timothy S. Cory, Chapter 7 Trustee*, ASBCA No. 55358, 14-1 BCA ¶ 35,508 at 174,041.

Appellant’s motion fails to demonstrate that the Board erred in finding that appellant did not provide a CDA certification to the contracting officer. Moreover, the

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\* Judge Stempler who participated in the decision has since retired.

Board has previously considered and rejected the arguments presented in appellant's motion. Accordingly, appellant has failed to show a compelling reason for us to modify our original decision.

CONCLUSION

For the reasons stated above, appellant's motion for reconsideration is denied.

Dated: 6 June 2017



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

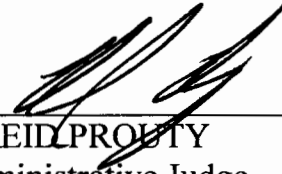
I concur



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

I concur



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J. REID PROBSTY  
Administrative Judge  
Acting 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. 60531, Appeal of Kandahar Gravel Supplies and Logistics, rendered in conformance with the Board's Charter.

Dated:

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