

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
AVMAC LLC) ASBCA No. 63747-ADR
)
Under Contract No. N00178-19-D-7212)
D.O. N66604-21-F-3013)

APPEARANCES FOR THE APPELLANT: Jesse B. Gordon, Esq.
J. Bradley Reaves, Esq.
Paul Hawkins, Esq.
REAVES GovCon GROUP
Chesapeake, VA

APPEARANCES FOR THE GOVERNMENT: Craig D. Jensen, Esq.
Navy Chief Trial Attorney
Matthew S. Hawkins, Esq.
Trial Attorney

Audra L. Medeiros, Esq.
Trial Attorney
Naval Undersea Warfare Center
Newport, RI

OPINION BY ADMINISTRATIVE JUDGE PAGE

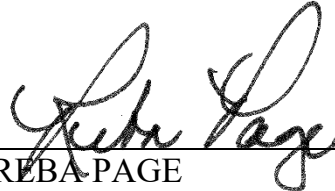
AVMAC appealed the adverse decision of the Contracting Officer, and seeks to recover \$117,081.11 withheld by the government on a prorated basis on the subject firm fixed-price contract. The parties' joint agreement dated April 25, 2024 elected to utilize the "Summary Proceeding with Binding Decision Procedure under Addendum II of the ASBCA's Rules (Revised 21 July 2014); Alternative Methods of Dispute Resolution." This agreement was approved by the Board.

Among other stipulations, the parties agreed the Board will render a summary and conclusive decision that will not contain findings of fact or conclusions of law. The Board's decision shall be final, conclusive, not subject to reconsideration or appeal; may not be set aside, except for fraud; and shall have no precedential value.

DECISION AND CONCLUSION

The Board sustains AVMAC’s appeal docketed as ASBCA No. 63747-ADR, and finds appellant is entitled to recover \$117,081.11 plus interest in accordance with the Contract Disputes Act of 1978, 41 U.S.C. § 7109. Interest shall run from June 23, 2023, the date when the claim was emailed to the government.

Dated: May 24, 2024



REBA PAGE
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. 63747-ADR, Appeal of AVMAC LLC, rendered in conformance with the Board’s Charter.

Dated: May 24, 2024



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