

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of Andritz Hydro Corporation

No. ASBCA Nos. 62012-ADR, 62380-ADR, 63091-ADR, 63446-ADR, 63447-ADR, Armed Services Board of Contract Appeals (March 2, 2023)

SUMMARY

The Armed Services Board of Contract Appeals sustained Andritz Hydro Corporation’s appeals pursuant to the parties’ stipulation and agreement. The Board entered a consent judgment awarding Andritz \$11,712,283, inclusive of Contract Disputes Act interest through July 1, 2023, with additional interest payable under 41 U.S.C. § 7109 under the stated conditions.

CASE DETAILS

COURT	Armed Services Board of Contract Appeals
WRITING FOR THE COURT	James R. Sweet; Richard Shackelford; J. Reid Prouty
JURISDICTION	Armed Services Board of Contract Appeals
DECIDED	March 2, 2023
DOCKET	ASBCA Nos. 62012-ADR, 62380-ADR, 63091-ADR, 63446-ADR, 63447-ADR
DISPOSITION	sustained
PROCEDURAL POSTURE	The parties resolved the contract dispute and jointly requested entry of judgment in favor of Andritz Hydro Corporation.
PRECEDENTIAL VALUE	limited
PARTIES	Andritz Hydro Corporation v. United States

TOPICS

- contract disputes act
- government contracts
- damages
- remedies

PRACTICE AREAS

- government contracts
- contract disputes
- administrative law
- remedies

QUESTIONS PRESENTED

1. Whether the Board should enter judgment pursuant to the parties' stipulation and agreement after they resolved the dispute.

2. What monetary award and interest terms should be included in the consent judgment.

HOLDINGS

1. The Board entered a consent judgment in favor of Andritz Hydro Corporation and sustained the appeals pursuant to the parties' stipulation and agreement.
2. The Board awarded Andritz Hydro Corporation \$11,712,283, inclusive of Contract Disputes Act interest through July 1, 2023, with interest thereafter payable under 41 U.S.C. § 7109 if the judgment was not paid by June 30, 2023.

KEY QUOTATIONS

“In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$11,712,283.” (unpaginated)

FACTUAL BACKGROUND

The appeals arose under Contract No. W9127S-05-C-0013. The parties resolved their dispute and submitted a stipulation and agreement requesting judgment for Andritz Hydro Corporation. The Board entered a monetary award of \$11,712,283, inclusive of Contract Disputes Act interest through July 1, 2023, with additional interest accruing under 41 U.S.C. § 7109 if the judgment was not paid by June 30, 2023.

PROCEDURAL HISTORY

Andritz Hydro Corporation pursued five appeals before the Armed Services Board of Contract Appeals under Contract No. W9127S-05-C-0013. After the parties reached a settlement, they stipulated to entry of a consent judgment, and the Board sustained the appeals and awarded appellant \$11,712,283.

DISPOSITION

sustained

OPINION

PER CURIAM.

ARMED SERVICES BOARD OF CONTRACT APPEALS Appeals of --)) Andritz Hydro Corporation) ASBCA Nos. 62012-ADR, 62380-ADR) 63091-ADR, 63446-ADR) 63447-ADR) Under Contract No. W9127S-05-C-0013) APPEARANCES FOR THE APPELLANT: Laurence Schor, Esq. Thomas Lynch, Esq. John J. McKenna III, Esq. Asmar, Schor & McKenna, PLLC Washington, DC William E. Dorris, Esq. Kilpatrick Townsend & Stockton LLP Atlanta, GA APPEARANCES FOR THE GOVERNMENT: Michael P. Goodman, Esq.

Engineer Chief Trial Attorney Allen S. Black, Esq. Jacqueline Bouchard, Esq. Engineer Trial Attorneys Little Rock, AR OPINION BY ADMINISTRATIVE JUDGE SWEET The parties have resolved their dispute and request that the Board enter judgment in favor of appellant. It is the

Board's decision, pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' stipulation and agreement, that the appeal is sustained.

In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$11,712,283. This amount is inclusive of Contract Disputes Act interest until July 1, 2023. Interest shall be paid on this amount pursuant to 41 U.S.C. § 7109 from July 1, 2023, until the date paid, if the Judgment is not paid by June 30, 2023. Dated: March 2, 2023 James R. Sweet Administrative Judge Armed Services Board of Contract Appeals I concur I concur RICHARD SHACKLEFORD J. REID PROUTY Administrative Judge Administrative Judge Acting Chairman Vice Chairman Armed Services Board Armed Services Board of Contract Appeals 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 Nos. 62012-ADR, 62380-ADR, 63091-ADR, 63446-ADR, 63447-ADR, Appeals of Andritz Hydro Corporation, rendered in conformance with the Board's Charter.

Dated: March 3, 2023 PAULLA K. GATES-LEWIS Recorder, Armed Services Board of Contract Appeals