

^{1/}In the Board's opinion, this letter does not meet the requirements of a contracting officer's final decision as established in the procurement regulations. 27 DCMR § 3803.5 (1988).

extensively discussed by this Board in A.S. McGaughan Co., Inc., CAB No. D-926, 40 DCR 4855 (December 10, 1992). In McGaughan, the Board correctly interpreted the intent and purpose of the PPA and its attendant regulations not to deny or to limit a contractor from filing an appeal with the Board in cases where the Director of DAS has not rendered a decision. In this instance, the statute permits, but does not require, a contractor to commence an appeal if a decision is not issued by DAS within ninety (90) days. In essence, a contractor can wait ad infinitum for a written DAS decision; there is no time limit for an appeal to the Board, if there is no written DAS decision.

Therefore, the District's motion to dismiss is **DENIED**; and it is hereby

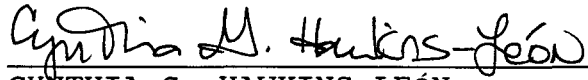
ORDERED, in accordance with Rule 204, that the District file its Appeal File, within 30 days of receipt of this Order; and it is

FURTHER ORDERED, in accordance with Rule 203.3, that the Appellant shall file its complaint with the Board, within 30 days of receipt of this Order; and it is

FURTHER ORDERED, in accordance with Rule 203.3, that the Appellant supplement the District's appeal file, if necessary; and it is

FURTHER ORDERED, that in accordance with Rule 205, the District file its answer to the Appellant's complaint.^{2/}

DATE: October 6, 1993


CYNTHIA G. HAWKINS-LEÓN
Administrative Judge

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^{2/}It is noted by the Board that, when this appeal was filed in December 1991, the Appellant elected an accelerated proceeding pursuant to Rule 216. In light of the period of time that has lapsed since Appellant's original filing, the Board respectfully requests that the Appellant notify the Board whether it still elects to follow this procedure.