

**BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS**

In the Appeal of Barton Malow)
Company)

Under University of Maryland)
College Park)
Contract No.K-103454-K)
University of Maryland)
Biotechnology Institute)
Project No. D-990009)
BMC Project No. 001158)

Docket No. MSBCA 2568

APPEARANCE FOR APPELLANT:

Eric A. Frechtel, Esq.
Robert Symon, Esq.
Bradley Arant Rose & White, LLP
Washington, D.C.

APPEARANCE FOR RESPONDENT:

David P. Chaisson
Assistant Attorney General
Baltimore, Maryland

DECISION ON APPELLANT'S MOTION FOR RECONSIDERATION

On March 19, 2008, the Maryland State Board of Contract Appeals (Board) issued an Opinion in the instant matter setting forth the basis of the Board's determination to dismiss the appeal filed by appellant Barton Malow Company (Malow) on November 15, 2006. On April 23, 2008, Malow filed a Motion for Reconsideration of that Opinion, to which respondent University of Maryland noted its Opposition on May 8, 2008 and appellant submitted its Reply on May 16, 2008. Upon consideration of the aforementioned pleadings, and the entire record of proceedings herein, including evidentiary and testimonial presentations at

the hearing commencing on October 22, 2007, it is, by the Board,
this 16th day of May, 2008,

ORDERED, that appellant's Motion for Reconsideration be and
hereby is DENIED.


WHEREFORE, it is Ordered this 16th day of May, 2008 that the
above-captioned appeal remains dismissed and denied.

Dated: 5/16/08

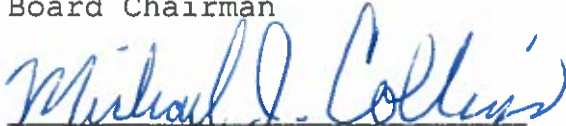


Dana Dembrow
Board Member

I Concur:



Michael Burns
Board Chairman



Michael J. Collins
Board Member

Certification

COMAR 21.10.01.02 **Judicial Review.**

A decision of the Appeals Board is subject to judicial review in accordance with the provisions of the Administrative Procedure Act governing cases.

Annotated Code of MD Rule 7-203 **Time for Filing Action.**

(a) Generally. - Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

(b) Petition by Other Party. - If one party files a timely petition, any other person may file a petition within 10 days after the date the agency mailed notice of the filing of the first petition, or within the period set forth in section (a), whichever is later.

* * *

I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals Decision denying Appellant's Motion for Reconsideration in MSBCA 2568, appeal of Barton Malow Company under University of Maryland College Park Contract No.K-103454-K University of Maryland Biotechnology Institute Project No. D-990009 BMC Project No. 001158.

Dated:

May 16, 2008



Michael L. Carnahan
Deputy Clerk