



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 11, 2015

CBCA 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165,
4166, 4167, 4168, 4169, 4170, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215,
4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229,
4230

KIEWIT-TURNER, A JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris, Chad V. Theriot, and Reginald A. Williamson, of Kilpatrick Townsend & Stockton LLP, Atlanta, GA; and Michael A. Branca of Peckar & Abramson, P.C., Washington, DC, counsel for Appellant.

Charlma Quarles, Stacey North-Willis, Khaliah Wrenn, Benjamin Diliberto, and Eyvonne Mallett, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **POLLACK**, and **STEEL**.

STEEL, Board Judge.

On various dates in September and October 2014, appellant, Kiewit-Turner, a Joint Venture, filed the above-captioned appeals arising out of its contract with the Department of Veterans Affairs, respondent, to construct a medical center campus in Aurora, Colorado. These appeals seek a total of \$8,530,558, as well as various time extensions.

CBCA 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 2
4167, 4168, 4169, 4170, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217,
4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230

On March 4, 2015, the parties filed a joint motion for judgment on stipulation of settlement. The motion seeks a decision in favor of appellant in the total amount of \$4,324,433 plus interest commencing on November 4, 2013, in accordance with the Contract Disputes Act, 41 U.S.C. § 7109 (2012). The settlement agreement also provides that respondent will not assess liquidated damages for any delays in completing contract line item number 0002AA01 CBS Renovation.

By supplement to the joint stipulation of settlement, the parties agree that they will not seek reconsideration of, or relief from, the Board's decision, and they will not appeal the decision.

Decision

Accordingly, these appeals are **GRANTED IN PART**. In accordance with the parties' motion, the Board awards to Kiewit-Turner, A Joint Venture, the sum of \$4,324,433 plus interest commencing on November 4, 2013, at rates calculated pursuant to the Contract Disputes Act, 41 U.S.C. § 7109, to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

CANDIDA S. STEEL
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

HOWARD A. POLLACK
Board Judge