



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: February 23, 2009

CBCA 1167

AMES CORP./DAWSON BUILDING CONTRACTORS, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

John T. Flynn of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, Atlanta, GA, counsel for Appellant.

Ann C. Maddan, Office of the General Counsel, Department of Veterans Affairs, Palm Desert, CA, counsel for Respondent.

Before Board Judges **VERGILIO**, **GOODMAN**, and **STEEL**.

STEEL, Board Judge.

Appellant, Ames Corp./Dawson Building Contractors, Inc., filed the instant appeal from the decision of a contracting officer of respondent, the Department of Veterans Affairs (VA), on costs incurred for two change orders for asbestos abatement and seismic bracing, COCO 7 and COCO 8, under the contract at issue.

Following mediation, on February 17, 2009, the parties filed with the Board a stipulation of settlement and a joint motion for judgment on the stipulated settlement. The stipulation of settlement calls for the entry of judgment in favor of appellant in the amount of \$600,000. This amount includes any interest under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2006), and attorney fees. The parties are agreed that they will not seek reconsideration of or relief from, and will not appeal, the Board's decision.

Decision

The appeal is **GRANTED IN PART**. In accordance with the parties' stipulation of settlement, the Board awards appellant the sum of \$600,000, inclusive of interest and attorney fees. The agency intends to make this payment from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

CANDIDA S. STEEL
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

ALLAN H. GOODMAN
Board Judge