



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: June 25, 2009

CBCA 614, 652, 653

FLUOR INTERCONTINENTAL, INC.,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Robert M. Fitzgerald, Arnie B. Mason, Michael D. Kiffney, Erica S. Beardsley, and Sheila U. Sears of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., McLean, VA, counsel for Appellant.

John C. Sawyer, Office of the Legal Adviser, Buildings and Acquisitions, Department of State, Rosslyn, VA; and Erin M. Kriynovich and Sarah G. Lounsberry of IE Discovery, Inc., Arlington, VA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **SHERIDAN**, and **WALTERS**.

WALTERS, Board Judge.

These appeals are currently before the Board on joint motion for judgment on a stipulated settlement. The appeals relate to claims submitted by the appellant, Fluor Intercontinental, Inc. (Fluor), in connection with its performance of contract number SALMEC-03-0030 with the respondent, Department of State, for the design and construction of a new United States embassy compound in Kingston, Jamaica. By settlement agreement executed on June 4, 2009, the parties have stipulated to an award by this Board in favor of Fluor in the amount of \$7,250,000 in full settlement of those claims and appeals. By their joint motion, the parties have stipulated further that a proper invoice

for payment of said award was submitted and that interest on any overdue payment under that invoice would begin to accrue on July 7, 2009, in accordance with the provisions of the Prompt Payment Act, 31 U.S.C. §§ 3901-3907 (2006). Finally, the parties have stipulated that neither party will seek reconsideration of, or relief from, the Board's decision and that neither party will appeal the Board's decision.

Decision

These appeals are **GRANTED IN PART**. In accordance with the parties' stipulation of settlement and joint motion, the Board awards appellant the sum of \$7,250,000 for all claims under the appeals, payment of which sum is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304. Prompt Payment Act interest on said sum shall begin to accrue on July 7, 2009, should payment of the award not be made by that date.

RICHARD C. WALTERS
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

PATRICIA J. SHERIDAN
Board Judge