



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: October 8, 2010

CBCA 1747, 1748, 1749, 1750, 2157

HIGGINS DEVELOPMENT PARTNERS, LLP,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Thomas Finnerty, Senior Vice President of Higgins Development Partners, LLP, Chicago, IL, appearing for Appellant; and John P. Ahlers and Scott R. Sleight of Ahlers & Cressman, PLLC, Seattle, WA, appearing for Skanska USA Building Inc.

Richard G. Bergeron, Office of the General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **HYATT**, and **POLLACK**.

SOMERS, Board Judge.

On October 6, 2009, appellant, Higgins Development Partners, filed four appeals in connection with Department of Health and Human Services contract number 292-02-C-0326, for the development and construction of a National Institutes of Health integrated research facility.

On September 2, 2010, the parties filed a joint motion for entry of decision by stipulation, stating that the parties had reached a global settlement of all claims arising out of the contract. On September 23, 2010, appellant filed an appeal of the claims resolved in

the settlement that had not been filed with the Board. On September 28, 2010, all five appeals were consolidated. The joint motion stated, in part:

The parties have reached a global settlement resolving all 85 claims arising out of the development and construction contract . . . ;

By executing their Settlement Agreement and filing this Motion, the parties hereby stipulate to a Decision by the Board awarding eight million five-hundred fifty thousand dollars and no cents (\$8,550,000.00) to Appellant Higgins Development Partners, LLC and Skanska USA Building, Inc., as joint payees; and

The parties further stipulate as follows: (a) they will not seek reconsideration of, or relief from, the Board's decision; (b) they will not appeal the decision; and (c) they understand that the Board's decision pursuant to this joint motion is an adjudication of the case on the merits.

Decision

Pursuant to the agreement of the parties and Rule 25(b), the Board adopts the parties' joint motion for entry of decision by stipulation, and in accordance with the parties' settlement agreement, the Board enters judgment as requested. The appeals are **GRANTED IN PART** in the amount of \$8,550,000, inclusive of all interest and costs, to be paid in accordance with 31 U.S.C. § 1304.

JERI KAYLENE SOMERS
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

HOWARD A. POLLACK
Board Judge