



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 2, 2011

CBCA 503, 1436, 2067, 2109, 2239

DICK CORPORATION,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Douglas L. Patin and Eric A. Frechtel of Bradley Arant Boult Cummings LLP, Washington, DC; Herman Braude and Steven Doherty of Braude & Margulies, PC, Washington, DC; Charles Mitchell, Rockville, MD; and Joseph Lane of Lowndes, Drosdick, Doster, Kantor & Reed, Orlando, FL, counsel for Appellant.

Dalton F. Phillips, Catherine Crow, and Mel E. Myers, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **STERN**, and **GOODMAN**.

DANIELS, Board Judge.

Dick Corporation (Dick) constructed a new United States Courthouse in Miami, Florida, under a contract with the General Services Administration (GSA). Disputes arose under the contract, and each party made claims in the tens of millions of dollars against the other party. These claims were the subject of GSA contracting officers' decisions. Dick appealed several of these decisions to the Board. The cases remaining on our docket are CBCA 503 (claim by Dick), CBCA 1436 (claim by Dick on behalf of itself and

subcontractors Dynalectric Company and John J. Kirlin, Inc.; counterclaim by GSA), CBCA 2067 (claim by GSA), CBCA 2109 (claim by Dick on behalf of subcontractor Acousti Engineering Company of Florida), and CBCA 2239 (claim by Dick on behalf of subcontractor Cyrus Technologies, Inc.).

After mediation of the disputes by a Board judge, the parties entered into a settlement agreement and filed a motion for a stipulated award. The agreement and motion provide for an award by GSA to Dick in the amount of \$12,128,131 plus interest. Interest is to be calculated as follows: Interest shall be paid on \$9,368,131 at the rates provided pursuant to the Contract Disputes Act, 41 U.S.C. § 7109(b) (as codified by Pub. L. No. 111-350, 124 Stat. 3677, 3826 (2011)), beginning on February 13, 2008, and ending on November 5, 2010. Interest shall be paid on \$500,000 at the rates provided pursuant to that Act beginning on February 25, 2010, and ending on November 5, 2010. Interest shall be paid on the sum of \$12,128,131, plus the interest calculated in accordance with the two preceding sentences, at the rates provided pursuant to the Prompt Payment Act, 31 U.S.C. § 3902 (2006) (as amended by § 5(h)(7) of Pub. L. No. 111-350), beginning on February 3, 2011, and ending on the date of payment.

The parties have represented that neither of them will seek reconsideration of or relief from a Board decision which incorporates these provisions, and neither will appeal such a decision.

Decision

The motion is granted. Rule 25(b) (48 CFR 6101.25(b) (2010)). Each of the appeals is **GRANTED IN PART**. The General Services Administration shall pay to Dick Corporation \$12,128,131 plus interest calculated as provided above. This award shall be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304. 41 U.S.C. § 7108.

STEPHEN M. DANIELS
Board Judge

We concur:

JAMES L. STERN
Board Judge

ALLAN H. GOODMAN
Board Judge