



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED: December 4, 2012

CBCA 3050

GCH CONSTRUCTION COMPANY,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Scott J. Mikulecky of Sherman & Howard, L.L.C., Colorado Springs, CO, counsel for Appellant.

Russell L. Emery, Office of Regional Counsel, Department of Veterans Affairs, Denver, CO, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **HYATT**, and **DRUMMOND**.

DANIELS, Board Judge.

The Department of Veterans Affairs (VA) contracted with GCH Construction Company (GCH) for improvements to the facility of the Denver (Colorado) Veterans Affairs Medical Center. GCH claimed that it was entitled to \$40,000, the costs it incurred due to delays in construction caused by the agency's failure to approve various design document submittals. A VA contracting officer denied the claim, and GCH appealed her decision.

Shortly after the appeal was filed, the parties jointly moved the Board to issue a decision awarding to GCH the full amount of its claim, "as full and complete compensation

for all costs, direct and indirect, including but not limited to impact, on both changed and unchanged work . . . associated with [this] claim.” The parties have stipulated that they will not seek reconsideration of, or relief from, a decision which makes such an award. The motion also states that GCH will not seek attorney fees associated with the case or interest on the claim.

Decision

The appeal is **GRANTED**. The Department of Veterans Affairs shall pay to GCH Construction Company the sum of \$40,000. Rule 25(b) (48 CFR 6101.25(b) (2012)). Payment shall be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2006).

STEPHEN M. DANIELS
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

JEROME M. DRUMMOND
Board Judge