



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: June 16, 2015

CBCA 4619

BRASFIELD & GORRIE, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Laurence Schor, Dennis C. Ehlers, and Robert D. Pratt of Asmar, Schor & McKenna, PLLC, Washington, DC; and Axel Bolvig III, Luke D. Martin, and J. Christopher Selman of Bradley Arant Boult & Cummings, LLP, Birmingham, AL, counsel for Appellant.

Stacey North-Willis, Beth Chesney, Benjamin Diliberto, and Charlma Quarles, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

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

**DANIELS**, Board Judge.

The Department of Veterans Affairs (VA) and Brasfield & Gorrie, LLC (B&G) entered into a contract for the construction of a hospital and clinic at the VA's Medical Center in Orlando, Florida. The original contract was in the amount of \$276,773,030.

In the course of construction, B&G submitted many claims to the VA. Among them was claim 5, for damages the contractor and its subcontractors allegedly incurred as a result of the VA's allegedly defective design and planning, maladministration of the contract, and

illegal directive to accelerate performance. This claim is for a 219-day extension of contract time and associated costs in the amount of \$64,981,471.

The VA contracting officer decided that B&G was entitled to additional contract time and may be entitled to additional compensation, but that the contractor had not accurately quantified the days of delay or established entitlement to the compensation claimed. B&G appealed the decision, and the Board docketed the appeal as CBCA 4619.

The parties have now filed a joint motion for stipulated judgment pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2014)). In this motion, they ask the Board to award to B&G \$57,894,069, plus interest calculated pursuant to the Contract Disputes Act, 41 U.S.C. § 7109 (2012), from October 2, 2014, until the date of payment; and an extension of the contract completion date by 219 calendar days, from April 27, 2014, until December 2, 2014.

The parties state that B&G will not seek attorney fees in conjunction with the prosecution of these appeals. The parties state further that they will not seek reconsideration of, or relief from, a Board decision which awards the stipulated amounts and extensions of contract completion date, and that they will not appeal the decision.

### Decision

CBCA 4619 is **GRANTED IN PART**. The Department of Veterans Affairs shall pay to Brasfield & Gorrie, LLC, \$57,894,069, plus interest calculated pursuant to the Contract Disputes Act from October 2, 2014, until the date of payment. This payment may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

The Board also extends the contract completion date, as stipulated by the parties in their joint motion.

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STEPHEN M. DANIELS  
Board Judge

We concur:

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CATHERINE B. HYATT  
Board Judge

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JOSEPH A. VERGILIO  
Board Judge