



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: April 15, 2015

CBCA 4595

AMEC FOSTER WHEELER ENVIRONMENT AND INFRASTRUCTURE, INC.,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

David A. Rose of Moser Rose Law Firm, Valdosta, GA, counsel for Appellant.

Cassandra A. Walbert, Legal Service Command, Procurement Law Division East, United States Coast Guard, Department of Homeland Security, Norfolk, VA, counsel for Respondent.

Before Board Judges **GOODMAN, DRUMMOND, and LESTER.**

GOODMAN, Board Judge.

Appellant, AMEC Foster Wheeler Environment and Infrastructure, Inc., brought a claim against respondent, Department of Homeland Security, United States Coast Guard, regarding amounts due under task order number HSCG47-10-J-A12001 and thereafter appealed a deemed denial of the claim to this Board, docketed as CBCA 4595.

On April 7, 2015, the parties filed a joint stipulation and agreement for consent judgment that stated in part:

AMEC submitted a certified claim to the Government under the Contract Disputes Act in the total amount of \$1,327,504.00. The parties have now negotiated and compromised and agree upon a settlement for this appeal in the amount of \$600,000.00. The parties agree that \$210,740.00 of this amount has already been paid from contract funds. The remaining \$389,260.00 is to be paid from the United States Permanent Indefinite Judgment Fund, as authorized by 31 U.S.C. § 1304.

Upon entry of the consent judgment and in consideration of payment of the said sums by the United States of America (hereinafter the Government), the Appellant does remise, release, and discharges the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract without exception.

Therefore, the parties jointly request the entry of a consent judgment. The parties jointly request that the Board issue a decision, pursuant to 41 U.S.C. §§ 7105(e) and 7108(b), and this stipulation and agreement, sustaining the appeal. It is also jointly requested that the Board make a monetary award in the nature of a consent judgment to the Appellant in the amount of \$600,000.00. In entering the judgment, the parties request that the Board state that \$210,740.00 of the \$600,000.00 has already been paid by the Government and that no interest is due on this amount. The remaining amount to be paid is \$389,260.00 and interest, with such interest to accrue and be paid pursuant to 41 U.S.C. § 7109, starting from May 16, 2014 and continuing until the date of payment.

The parties have filed certificates of finality in which they agree that they will not seek reconsideration of or relief from the Board's decision awarding judgment and that they will not appeal the Board's decision.

Decision

Accordingly, the appeal is **GRANTED IN PART**. In accordance with the parties' joint stipulation and agreement for consent judgment, the Board awards the sum of \$600,000, noting that \$210,740 of the \$600,000 has already been paid by the Government and no interest is due on this amount. The remaining amount to be paid is \$389,260 with interest

to accrue and be paid on this amount pursuant to 41 U.S.C. § 7109 (2012) starting on May 16, 2014, and continuing until the date of payment, from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2012).

ALLAN H. GOODMAN
Board Judge

We concur:

JEROME M. DRUMMOND
Board Judge

HAROLD D. LESTER, JR.
Board Judge