



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: December 29, 2015

CBCA 3996, 3997, 3998, 3999, 4415

ARCHER WESTERN/DeMARIA JV II,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris and Gautam Y. Reddy of Kilpatrick Townsend & Stockton LLP, Atlanta, GA, counsel for Appellant.

Khaliah W. McLaurin, Timothy J. Corrigan, and Charlma J. Quarles, Office of General Counsel, Department of Veterans Affairs, Washington, DC; and Helen S. Henningsen, Office of General Counsel, Department of Veterans Affairs, Milwaukee, WI, counsel for Respondent.

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

HYATT, Board Judge.

The Department of Veterans Affairs (VA) and Archer Western/DeMaria JV II (AWD) entered into a contract for the construction of an addition and improvements to the mental health inpatient and outpatient facility located at the VA Medical Center in Bay Pines, Florida. During contract performance various disputes arose, giving rise to these five consolidated appeals, which claimed a total amount of \$24,628,128 in equitable adjustments for costs incurred by appellant and its subcontractors, and entitlement to time extensions of 605 days.

The parties have executed a stipulation of settlement, fully resolving all claims and issues in the consolidated appeals. Under this agreement, the VA has agreed to pay to AWD the amount of \$15,800,000; to extend the completion date of the contract to June 2, 2015; and to release liquidated damages in the amount of \$980,000, in full settlement of all disputes, claims, and issues arising out of these appeals and certain contractual documents agreed to by the parties. The settlement encompasses all costs, direct or indirect, arising out of the appeals and designated documents, including, but not limited to, all interest and attorney fees.

The parties have 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 AWD the amount of \$15,800,000, inclusive of all interest, in accordance with the terms of the stipulation of settlement. The parties state that they will not seek reconsideration of, or relief from, a Board decision which awards the stipulated amount, and will not appeal the decision.

Decision

The appeals are **GRANTED IN PART**. The Department of Veterans Affairs shall pay to Archer Western/DeMaria JV II the amount of \$15,800,000. This payment may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

CATHERINE B. HYATT
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

JEROME M. DRUMMOND
Board Judge