



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 18, 2015

CBCA 3899, 4332

KIEWIT-TURNER, A JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris, Chad V. Theriot, Reginald A. Williamson, and Elizabeth C. Akins of Kilpatrick Townsend & Stockton LLP, Atlanta, GA; and Michael A. Branca of Peckar & Abramson, P.C., Washington, DC, counsel for Appellant.

Charlma Quarles, Cecily Chambliss, Eyvonne Mallett, Benjamin Diliberto, and Khaliah M. Wrenn, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **POLLACK**, and **STEEL**.

STEEL, Board Judge.

The Department of Veterans Affairs (VA) contracted with Kiewit-Turner, a Joint Venture (KT) for the construction of a medical center campus in Aurora, Colorado. KT submitted claims resulting from changes to the north shore wall drawings and PSN precast columns. A VA contracting officer denied the claims, and KT appealed from his decisions. The appeals were docketed as CBCA 3899 and 4332, respectively. Through these cases, the contractor sought \$54,970 and a time extension of forty-nine days.

The parties have now filed a joint motion for judgment on stipulated settlement, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2014)). They ask the Board to award to KT the following amounts:

(a) in CBCA 3899, \$29,353 plus interest in accordance with the Contract Disputes Act, 41 U.S.C. § 7109 (2012) (CDA), from June 6, 2013; and

(b) in CBCA 4332, \$23,860 plus interest in accordance with the CDA from June 17, 2013.

The parties have stipulated that they will not seek reconsideration of, or relief from, a decision which makes such an award, and they will not appeal that decision.

Decision

CBCA 3899 is **GRANTED IN PART**. In this appeal, the Department of Veterans Affairs shall pay to Kiewit-Turner, a Joint Venture, the sum of \$29,353 plus interest in accordance with the CDA from June 6, 2013, until the date of payment.

CBCA 4332 is **GRANTED IN PART**. In this appeal, the Department of Veterans Affairs shall pay to Kiewit-Turner, a Joint Venture, the sum of \$23,860 plus interest in accordance with the CDA from June 17, 2013, until the date of payment.

Both sums shall be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304.

CANDIDA S. STEEL
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

HOWARD A. POLLACK
Board Judge