



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: June 9, 2016

CBCA 3907, 3953, 4002, 4015, 4108, 4171, 4172, 4192, 4311, 4315, 4323, 4376, 4393,
4424, 4432, 4451, 4472, 4479

KIEWIT-TURNER, A JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris, 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 Wrenn McLaurin, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

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 has submitted numerous claims to the VA contracting officer regarding work done under this contract. KT has appealed from the contracting officer's decisions on those claims.

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On June 8, 2016, the parties filed a joint motion to dismiss with prejudice the last eighteen of those appeals, as follows:

- CBCA 3907 (PCO (proposed change order) #158, BP (bid package) #074, metal stairs, \$1,913,404);
- CBCA 3953 (NOC (notice of change) #288, CM (change management) #705, diagnostic and treatment building power receptacles, \$2085 and thirty-seven activity days; PCO #407, CM #829, parking visitors north missing control conduit, \$7461 and seventy-six activity days; and PCO #450, CM #858, concourse level 3 lighting, \$24,519 and 135 activity days);
- CBCA 4002 (PCO #322, BP #111, CM #377.037 general trades, \$16,108,767);
- CBCA 4015 (PCO #233, CM #466, debris netting at inpatient building north elevator and stairwell cores, \$21,828 and five activity days);
- CBCA 4108 (PCO #165, BP #038, CM #377.007, structural concrete, \$16,806,300);
- CBCA 4171 (CM #395.002, 17th Place pedestrian bridge concrete, \$723,187);
- CBCA 4172 (PCO #283R1, CM #595, clinic building south three-way valve, \$6937 and 139 activity days);
- CBCA 4192 (PCO #405, CM #710, clinic building center site utility, \$3203 and 106 activity days);
- CBCA 4311 (PCO #253, CM #604, miscellaneous structural revisions, \$33,712);
- CBCA 4315 (PCO #322, BP #111, CM #377.037, general trades, \$16,108,767);¹

¹ This claim is duplicative of the claim at issue in CBCA 4002. CBCA 4002 is an appeal from a deemed denial of the claim; CBCA 4315 is an appeal from a subsequent contracting officer decision.

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- CBCA 4323 (PCO #165, BP #038, CM #377.007, structural concrete, \$16,806,300);²
- CBCA 4376 (PCO #221, CM #415, penetrating sealer at garage topping slabs, \$838,645 and twelve activity days);
- CBCA 4393 (PCO #449, CM #852, parking structure north (PSN) elevator controls, \$56,177 and thirteen activity days);
- CBCA 4424 (PCO #206R1, CM #316, construction documents issuance #10 and below-grade waterproofing, \$708,927);
- CBCA 4432 (PCO #378, CM #796, moisture vapor emissions sealer – balance of project, \$691,208);
- CBCA 4451 (PCO #278, CM #576, PSN plumbing re-routing, \$40,899 and sixty-two activity days);
- CBCA 4472 (PCO #295, CM #681, heat tracing for grease drain piping, \$93,849); and
- CBCA 4479 (PCO #200, CM #411, expedite concrete at inpatient building south; and PCO #209, CM #539, inpatient building north hoisting for concrete work, a total of \$264,920 for both matters).

The motion is granted. CBCA 3907, 3953, 4002, 4015, 4108, 4171, 4172, 4192, 4311, 4315, 4323, 4376, 4393, 4424, 4432, 4451, 4472, and 4479 are **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge

² This claim is duplicative of the claim at issue in CBCA 4108. CBCA 4108 is an appeal from a deemed denial of the claim; CBCA 4323 is an appeal from a subsequent contracting officer decision.