



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: September 30, 2016

CBCA 5212, 5213

VETERANS CONTRACTING GROUP, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Paul G. Ryan of Welby, Brady & Greenblatt, LLP, White Plains, NY, counsel for Appellant.

Neil S. Deol, Office of General Counsel, Department of Veterans Affairs, Decatur, GA, counsel for Respondent.

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

DANIELS, Board Judge.

The Department of Veterans Affairs contracted with Veterans Contracting Group, Inc. (VCG) to make certain repairs and modifications to the mechanical room/chiller plant floor at the James J. Peters Veterans Affairs Medical Center in Bronx, New York. VCG submitted to the contracting officer two claims with which we are concerned – one in the amount of \$104,717.17, for modifying the switch gear to allow for temporary cooling, and another in the amount of \$55,232.11, for adding a fourth temporary chiller and redesigning the electrical work to accommodate it. The contracting officer did not issue a decision on either claim. VCG appealed from the deemed denial of the claims, and we docketed the appeals as CBCA 5212 (switch gear claim) and 5213 (fourth chiller claim).

Through mediation conducted by Board Judge Kyle Chadwick, the parties have resolved their dispute voluntarily. They have jointly moved the Board to award to VCG the

sum of \$107,600, inclusive of interest, as “full and complete settlement of all costs, direct and indirect, arising out of or relating to the Contract and the appeals.” VCG has agreed not to pursue reimbursement of attorney fees. The parties state that they will not seek reconsideration of or relief from a decision which makes the agreed-upon award, and they will not appeal the decision.

Decision

The appeals are **GRANTED IN PART**. The Board awards to Veterans Contracting Group, Inc. the sum of \$107,600, inclusive of interest. Rule 25(b) (48 CFR 6101.25(b) (2015)). To the extent that the Department of Veterans Affairs does not make this payment directly to the contractor, payment may be made from the permanent indefinite judgment fund. 41 U.S.C. § 7108(a) (2012) (referencing 31 U.S.C. § 1304).

STEPHEN M. DANIELS
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

RICHARD C. WALTERS
Board Judge