



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: May 26, 2016

CBCA 5041, 5042

B.C. CONSTRUCTION CO., INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

John M. Manfredonia and James Petersen of Manfredonia Law Offices, LLC, Cresskill, NJ, counsel for Appellant.

Jennifer L. Hedge, Office of General Counsel, Department of Veterans Affairs, Pittsburgh, PA, and Jeanne S. Morris, Office of General Counsel, Department of Veterans Affairs, Leeds, MA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **SHERIDAN**, and **LESTER**.

SHERIDAN, Board Judge.

In these appeals, appellant, B.C. Construction Co., Inc. (BC), sought damages and interest pursuant to the Contract Disputes Act, 41 U.S.C. §§ 7101-7109 (2012) (CDA), under Department of Veterans Affairs (VA) contract VA241-C-1301, task order VA 523-Z15001, referred to as the GI/Endoscopy Renovation at the VA Medical Center, Jamaica Plains, Massachusetts. Among other things, BC's claims sought extended field office and home office overhead, alleging that it had incurred 873 days of compensable delay under the contract.

On May 25, 2016, the parties filed a joint motion for judgment on settlement agreement, stating:

1. This Board docketed as CBCA 5041 and 5042 two appeals relating to Contract No. VA241-C-1301/Task Order VA 523-Z15001.
2. The VA and Appellant have entered into a Settlement Agreement under which the issues and disputes that are the subject of this appeal have been amicably resolved. Attached is a copy of the Settlement Agreement for the Board's consideration.
3. Pursuant to the terms of their Settlement Agreement, the parties jointly move the Board for Judgment in favor of BC in the amount of \$3,950,000.
4. Per the terms of the Settlement, Contract Disputes Act (CDA) interest on said Settlement amount will begin to accrue on June 21, 2016, if payment thereof has not been made to BC by that date. Said CDA interest shall continue to accrue until payment of the Settlement amount has been made and shall be payable to BC along with payment of said Settlement amount.
5. BC waives any further right it may have to claim for recovery of interest other than that provided for in paragraph 4 above or of any attorney's fees and expenses it may have incurred in conjunction with the claims or appeals.
6. The parties will not seek reconsideration of, or relief from the Board's decision, and they will not appeal the decision.

Decision

Accordingly, these appeals are **GRANTED IN PART**. In accordance with the parties' motion, the Board awards the sum of \$3,950,000 plus CDA interest to run from June 21, 2016, until payment. Payment shall be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

PATRICIA J. SHERIDAN
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

HAROLD D. LESTER, JR.
Board Judge