



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: January 14, 2016

CBCA 3422

HOMELAND SECURITY CONSTRUCTION CORP.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Victor G. Klingelhofer and Andrew K. Wible of Cohen Mohr LLP, Washington, DC, counsel for Appellant.

Ricarto Brazela, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **GOODMAN**, **KULLBERG**, and **WALTERS**.

WALTERS, Board Judge.

On January 13, 2016, the parties submitted a joint motion on a stipulated judgment, pursuant to the terms of an alternative dispute resolution (ADR) settlement agreement under which they settled fully the above appeal and any and all other remaining claims under or related to the contract that is the subject of the appeal, contract no. VA-245-C-0514, involving renovation at the Department of Veterans Affairs (VA) Medical Center, Washington, D.C. As part of their settlement agreement and their joint motion, they stipulated to an award by this Board in favor of appellant, Homeland Security Construction Corp. (HSCC), in the amount of \$3,225,000, with the understandings: (1) that payment of that judgment amount would be made by the Treasury Department on behalf of respondent,

the VA, from the permanent indefinite judgment fund; (2) that, if payment is not received by HSCC on or before April 15, 2016, interest on the judgment amount will accrue thereafter at the rate(s) prescribed by the Secretary of the Treasury for purposes of the Contract Disputes Act, 41 U.S.C. §§ 7101-7109 (2012) (CDA); and (3) that payment of any such accrued CDA interest will be made together with the judgment amount.

Under their joint motion, the parties state that they will not seek review, reconsideration of, or relief from the Board's decision, and will not appeal the decision. In addition, under the settlement agreement and joint motion, appellant has waived any right it may have to interest (other than the aforesaid CDA interest) or to seek recovery of attorney fees and expenses.

Decision

The appeal is **GRANTED IN PART**. In accordance with the parties' joint motion, the Board awards appellant, HSCC, the stipulated settlement amount of \$3,225,000. Rule 25(b) (48 CFR 6101.25(b) (2014)). Payment of that amount is to be made as described above from the permanent indefinite judgment fund, 31 U.S.C. § 1304, together with any CDA interest that may accrue on that amount, if payment is not received by HSCC by April 15, 2016.

RICHARD C. WALTERS
Board Judge

We concur:

ALLAN H. GOODMAN
Board Judge

H. CHUCK KULLBERG
Board Judge