



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 24, 2017

CBCA 4539, 4545

GRUNLEY CONSTRUCTION CO., INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Lawrence M. Prosen and Daniel P. Broderick of Kilpatrick Townsend & Stockton LLP, Washington, DC, counsel for Appellant.

Jay N. Bernstein and Kristi Singleton, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **ZISCHKAU**, and **O'ROURKE**.

DANIELS, Board Judge.

Under a contract with the General Services Administration, Grunley Construction Co., Inc. modernized the Mary E. Switzer Building in Washington, D.C. The scope of work included the removal of hazardous material, including asbestos abatement, from the building. Disputes about this aspect of the job led to two claims which were placed before the Board in appeals of deemed denials by a contracting officer. One claim, known as the wage rate claim, was in the amount of \$320,964; the appeal involving this claim was docketed as CBCA 4539. The other claim, known as the additional asbestos claim, was in the amount of \$2,104,068; the appeal involving this claim was docketed as CBCA 4545.

The parties have filed a joint motion for entry of final judgment, in which they ask the Board to enter judgment in favor of the appellant in the two appeals, in the amount of \$950,000. The parties have stipulated that a decision making such an award will fully and finally resolve all disputes, claims, counterclaims, and issues related to both appeals. The parties have also certified that they will not seek reconsideration or relief from judgment as to such a decision, and they will not appeal the decision.

Decision

The appeals are **GRANTED IN PART**. The General Services Administration shall pay to Grunley Construction Co., Inc. \$950,000. This amount “shall be paid promptly in accordance with the procedures provided by section 1304 of title 31” of the United States Code. 41 U.S.C. § 7108(a) (2012).

STEPHEN M. DANIELS
Board Judge

We concur:

JONATHAN D. ZISCHKAU
Board Judge

KATHLEEN J. O’ROURKE
Board Judge