



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: November 24, 2008

CBCA 1279

P.J. DICK, INCORPORATED,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Howard G. Goldberg of Goldberg, Pike & Besche, P.C., Baltimore, MD, counsel for Appellant.

Timothy C. Tozer, Office of Regional Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS**, **BORWICK**, and **GOODMAN**.

GOODMAN, Board Judge.

Appellant, P.J. Dick, Incorporated, was awarded a firm, fixed price contract by the General Services Administration (GSA or respondent) to construct a facility for the National Oceanic & Atmospheric Administration's National Environmental Satellite Data and Information Services in Suitland, Maryland. On August 30, 2007, appellant filed a claim alleging that it incurred additional costs in the amount of \$110,898. Respondent's contracting officer did not issue a decision with regard to the claim, and appellant filed an appeal of the claim as deemed denied on July 21, 2008.

On November 18, 2008, the parties filed a joint request for entry of judgement and dismissal of the appeal, which stated:

The parties jointly stipulate that Judgment should be entered in favor of Appellant . . . in the amount of \$80,000.00, inclusive of interest allowable under the Contract Disputes Act, 41 U.S.C. §§ 601, *et seq.*

Pursuant to Rule 31 of the Board's . . . Rules of Procedure, the parties further certify that they shall not seek review or reconsideration of judgment so rendered. With respect to the decision of the Board issued pursuant to this stipulation, the parties waive their rights to reconsideration under Rule 26, rights to relief from judgement under Rule 27, and rights to appeal the decision.

Accordingly, the appeal is **GRANTED IN PART**. In accordance with the parties' joint stipulation, the Board awards the sum of \$80,000 inclusive of interest in accordance with the Contract Disputes Act, to be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

ALLAN H. GOODMAN
Board Judge

We concur:

JERI K. SOMERS
Board Judge

ANTHONY S. BORWICK
Board Judge