



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

CBCA 810, 818 DISMISSED;
CBCA 1855 GRANTED IN PART: March 24, 2010

CBCA 810, 818, 1855

DICK/MORGANTI, A JOINT VENTURE,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Kerry L. Kester and Joel D. Heusinger of Woods & Aitken, LLP, Lincoln, NE; Barbara G. Werther of Howrey LLP, Washington, DC; John W. Ralls of Howrey LLP, San Francisco, CA; and Richard T. Bowles and Kenneth G. Jones of Bowles & Verna LLP, Walnut Creek, CA, counsel for Appellant.

Thomas Y. Hawkins, Jay N. Bernstein, Lesley M. Busch, and Heather R. Cameron, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **BORWICK**, and **GOODMAN**.

BORWICK, Board Judge.

These appeals involve claims for equitable adjustments arising out of a contract for construction of the San Francisco Federal Building under contract no. GS-09-P-02-KTC-0002. The parties to the contract are Dick/Morganti, a Joint Venture (Dick/Morganti), and the General Services Administration.

Pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2009)), the parties have submitted a joint settlement stipulation dated March 16, 2010, supplementing an earlier stipulation dated March 11, 2010, plus Exhibit A to that earlier stipulation. The parties stipulate to the award of \$5,286,068 plus interest, as described in the stipulations and Exhibit A, which partially resolves matters arising under CBCA 1855. The parties have reserved rights as to this docket. Consequently, the appeal docketed as CBCA 1855 is not fully resolved. The parties have also stipulated to the dismissal of CBCA 810 and 818. Other appeals involving disputes under the contract have been docketed as CBCA 420, 450, 451, and 1307. These appeals remain before the Board.

As to interest, the parties have stipulated:

Interest shall be paid on \$5,286,068 (Base Settlement Amount of \$5,153,034, plus markup of \$133,034) as follows:

Interest on \$131,325 shall be at the rates applicable pursuant to the Contract Disputes Act, from October 29, 2009, until the \$131,325 is paid to [Dick/Morganti].

Interest on \$5,154,743 shall be paid at the rates applicable pursuant to the Contract Disputes Act, from April 25, 2008, until the date the \$5,154,743 is paid to [Dick/Morganti].

The parties state that they will not seek reconsideration of, or relief from, the Board's decision and they will not appeal the decision.

The Board adopts the parties' stipulation by decision. Pursuant to Board Rule 25(b), the Board's decision is an adjudication on the merits.

Decision

The appeal docketed as CBCA 1855 is **GRANTED IN PART**. The General Services Administration shall pay to Dick/Morganti \$5,286,068, plus interest as follows: Interest on \$131,325 shall be at the rates applicable pursuant to the Contract Disputes Act, from October 29, 2009, until the \$131,325 is paid to Dick/Morganti. Interest on \$5,154,743 shall be paid at the rates applicable pursuant to the Contract Disputes Act, from April 25, 2008, until the date the \$5,154,743 is paid to Dick/Morganti. Payment is to be made in accordance

with 31 U.S.C. § 1304 (2006). The appeals docketed as CBCA 810 and 818 are **DISMISSED**.

ANTHONY S. BORWICK
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

ALLAN H. GOODMAN
Board Judge