



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: October 23, 2012

CBCA 2263, 2387, 2428, 2507

GEMSTONE PROPERTIES, LP,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Patric E. Durazzo of Durazzo & Eckel, P.C., Tucson, AZ, counsel for Appellant.

Thomas J. Mitchell, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **STERN**, **BORWICK**, and **POLLACK**.

**STERN**, Board Judge.

These appeals involved claims arising out of a contract for the construction and long-term lease of a facility in Tucson, Arizona, for use by the Department of Veterans Affairs as a consolidated mail outpatient pharmacy.

Pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2011)), the parties have submitted a joint settlement stipulation, stipulating to the award of \$190,000 to Gemstone Properties, LP (Gemstone). In addition, the parties stipulate that in the event that payment is not made by November 6, 2012, additional interest in accordance with the Contract Disputes Act, 41 U.S.C. § 7109 (Supp. IV 2011), will begin to accrue on that date and will continue to accrue until payment is made to Gemstone. In accordance with Board Rule 31, 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

These appeals are **GRANTED IN PART** in the amount of \$190,000. Payment is to be made from the permanent indefinite judgment fund in accordance with 31 U.S.C. § 1304 (2006). In the event that payment is not made by November 6, 2012, additional interest in accordance with the Contract Disputes Act, 41 U.S.C. § 7109 (Supp. IV 2011), will begin to accrue on that date and will continue to accrue until payment is made to Gemstone.

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JAMES L. STERN  
Board Judge

We concur:

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HOWARD A. POLLACK  
Board Judge

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ANTHONY S. BORWICK  
Board Judge