



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED: February 12, 2014

CBCA 2580

LEON D. DeMATTEIS CONSTRUCTION CORP.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

David Westermann, Jr. and Zachery Lampell of Westermann Sheehy Keenan Samaan & Aydelott, LLP, Uniondale, NY, and Michael J. Schaengold, Esq., Patton Boggs, LLP, Washington, DC, counsel for Appellant.

Jay N. Bernstein, Office of General Counsel, General Services Administration, Washington, DC; and Leigh Erin S. Izzo, Office of Regional Counsel, General Services Administration, New York, NY, counsel for Respondent.

Before Board Judges **SOMERS**, **HYATT**, and **McCANN**.

SOMERS, Board Judge.

On October 6, 2011, Leon D. DeMatteis Construction Corp. (appellant) filed an appeal with the Board under contract number GS-02P-04-DTC-0032(N) which provided for the construction of the tower portion of the new federal office building located at the corner of 45th Street and First Avenue in New York City, New York.

On February 5, 2014, the parties filed a joint motion for entry of final judgment asking the Board to enter final judgment in favor of appellant in the amount of \$10,500,000, to be

paid from the permanent indefinite judgment fund. Under this agreement, if payment is not made within eighty-four days from the date respondent submits the payment request, interest will be paid at the rate provided in the Contract Disputes Act (CDA), 41 U.S.C. § 7109. The parties stipulated that neither party will seek reconsideration of, or relief from, the Board's decision and that neither party will appeal the Board's decision.

Decision

The motion is granted. The appeal is **GRANTED**. In accordance with the parties' motion, the Board awards the appellant the sum of \$10,500,000 to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2006). Interest shall begin to accrue if payment is not made within eighty-four days from the date respondent submits the payment request at the interest rate provided in the CDA.

JERI KAYLENE SOMERS
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

R. ANTHONY McCANN
Board Judge