



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: October 20, 2015

CBCA 3560, 3610, 3719, 3720, 3732, 3765, 3785, 3958, 4065, 4150, 4152,
4236, 4330, 4342, 4363, 4364, 4426, 4450, 4591

KIEWIT-TURNER, A JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris, Chad V. Theriot, Reginald A. Williamson, and Elizabeth C. Akins of Kilpatrick Townsend & Stockton LLP, Atlanta, GA; and Michael A. Branca of Peckar & Abramson, P.C., Washington, DC, counsel for Appellant.

Charlma Quarles, Cecily Chambliss, Eyvonne Mallett, Benjamin Diliberto, and Khaliah M. Wrenn, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

The Department of Veterans Affairs (VA) contracted with Kiewit-Turner, a Joint Venture (KT) for the construction of a medical center campus in Aurora, Colorado. KT has submitted numerous claims to the VA contracting officer regarding work done under this contract. KT has appealed from the contracting officer's decisions on those claims.

On October 19, 2015, the parties filed a joint motion to dismiss with prejudice nineteen of those appeals, as follows:

- CBCA 3560 (PCO (proposed change order) #188, BP (bid package) #034, energy center building structural concrete (excluding water storage tank), \$3,919,354);
- CBCA 3610 (PCO #005, CM (change management) #17, clinic building south fire waterline relocation, \$25,738 and twenty-five activity days);
- CBCA 3719 (PCO #429, BP #052, vaults and gates, \$32,268);
- CBCA 3720 (PCO #190, CM #541, BP #037, precast garage roof joist shop coating, \$437,327);
- CBCA 3732 (PCO #424, BP #135, resilient flooring, \$103,090);
- CBCA 3765 (PCO #424, BP #135, resilient flooring, \$912,840);
- CBCA 3785 (PCO #326, BP #159, window washing equipment, \$1,455,221);
- CBCA 3958 (PCO #493, CM #942, clinic building north/clinic building central select granular fill, \$84,282);
- CBCA 4065 (CM #794/NOC (notice of change) #347, request for information #2155, parking staff north/parking visitor north joist stabilizer plates, \$7909 and twenty-one activity days);
- CBCA 4150 (PCO #435, CM #377.064, BP #161, entrance mats, \$132,815);
- CBCA 4152 (PCO #414, CM #654, inpatient building south second floor patient rooms, \$20,021 and fifteen activity days);
- CBCA 4236 (PCO #591, CM #055, Century Link conflict at 17th Place, \$184,067 and thirty-six activity days);

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- CBCA 4330 (PCO #435, CM #377.064, BP #161, entrance mats, \$132,815);¹
- CBCA 4342 (PCO #225R2, CM #504, off-site infrastructure asbestos containing material in tunnel @ 15+00, \$12,365);
- CBCA 4363 (CM #450, NOC #157, joint supplemental instruction #35, miscellaneous structural revisions, \$48,693 and six activity days);
- CBCA 4364 (PCO #281R2, CM #437, revisions to CDI (construction document issue) #10, waterproofing membrane to parking staff north, \$29,647 and nineteen activity days);
- CBCA 4426 (PCO #445R1, CM #769.001, waterproof membrane, \$14,147 and twelve activity days);
- CBCA 4450 (CM #395.001, CDI #12, concourse catwalk, \$349,370 and forty-five activity days); and
- CBCA 4591 (PCO #292, CM #690, inpatient building north air duct, \$2073 and two activity days).

The motion is granted. CBCA 3560, 3610, 3719, 3720, 3732, 3765, 3785, 3958, 4065, 4150, 4152, 4236, 4330, 4342, 4363, 4364, 4426, 4450, and 4591 are **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge

¹ This claim is duplicative of the claim at issue in CBCA 4150.