



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: April 23, 2013

CBCA 3069

FIRST KUWAITI TRADING & CONTRACTING W.L.L.,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Peter F. Garvin, III, Grant H. Willis, and Kendall A. Lucas of Jones Day, Washington, DC, counsel for Appellant.

John C. Sawyer, Office of the Legal Adviser, Buildings and Acquisitions, Department of State, Rosslyn, VA, counsel for Respondent.

Before Board Judges **HYATT**, **DRUMMOND**, and **WALTERS**.

**WALTERS**, Board Judge.

Appellant, First Kuwaiti Trading & Contracting W.L.L. (First Kuwaiti), filed the instant appeal from a decision of a Department of State (State) contracting officer dated August 10, 2012, denying a claim by First Kuwaiti relating to two unpaid invoices for work performed for State under two contracts at the United States New Embassy Compound in Baghdad, Iraq, contract number SALMEC-06-0049, and its modifications, and contract number SALMEC-05-0020, and its modifications. The parties entered into a settlement agreement with respect to the appeal and filed with the Board a stipulation of settlement, reflecting their amicable resolution of the issues that are the subject of the appeal. The parties have jointly moved the Board to issue a judgment in favor of First Kuwaiti in the amount of \$2,547,745.20, to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2006). Under their settlement agreement and stipulation, they have agreed that Contract Disputes Act (CDA) interest shall accrue on said judgment amount, beginning on March 23,

2012, and continuing until payment of the judgment is made, and that such interest shall be paid to First Kuwaiti together with payment of the judgment amount. First Kuwaiti has waived any other claim to interest and/or for any attorney fees and expenses incurred in connection with the appeal.

The parties, in their joint motion and under the terms of the stipulation, have agreed that neither party will seek reconsideration of, or relief from, this Board's decision under Board Rules 26 and 27, respectively, and that neither party will appeal this Board's decision.

Decision

The appeal is **GRANTED IN PART**. In accordance with the parties' stipulation of settlement, the Board awards appellant the sum of \$2,547,745.20, plus CDA interest on said amount, beginning on March 23, 2012, and continuing until payment is issued. Payment is to be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

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RICHARD C. WALTERS  
Board Judge

We concur:

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CATHERINE B. HYATT  
Board Judge

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JEROME M. DRUMMOND  
Board Judge