

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

GRANTED IN PART: September 29, 2004

GSBCA 15781, 16301, 16368

DICK CORPORATION,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Brian W. Craver of Person & Craver LLP, Washington, DC; and Michael T. Ambroso of Dick Corporation, Pittsburgh, PA, counsel for Appellant.

Jeremy Becker-Welts, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **NEILL**, **HYATT**, and **DeGRAFF**.

NEILL, Board Judge.

These three consolidated cases concern claims for equitable adjustment brought by Dick Corporation in conjunction with work it performed for the General Services Administration (GSA) under contract number GS-05-P97-GBC-0011. The contract was for construction of the core and shell of a new United States Courthouse in Cleveland, Ohio. In its consolidated complaint, Dick Corporation seeks a total of \$21,687,695 and a time extension of 592 calendar days.

Counsel for the parties have now filed with the Board a Stipulated Settlement and Request for Board Decision. In this submission, they advise the Board that respondent will pay and appellant will accept the total sum of \$12,515,249 in full and final settlement of all claims asserted in these three appeals, or which could have been asserted in these appeals, or which arose out of the work on the new Cleveland courthouse project.

The specifics of this settlement are set forth in a settlement agreement dated August 30, 2004, and signed by representatives of GSA, Dick Corporation, and Dick Corporation's subcontractors who have asserted claims relating to the courthouse project. This agreement has been incorporated by reference into the Stipulated Settlement and Request for Board

Decision. Under the settlement agreement of August 30, GSA has agreed to pay Dick Corporation the settlement amount of \$12,515,249 "as soon as possible, but in no event later than sixty (60) calendar days from the date of this Agreement."

Both parties represent and stipulate that neither party will seek reconsideration of, or relief from, the Board's decision adopting their stipulated settlement and neither party will appeal this decision.

Pursuant to the agreement of the parties and Board Rule 136(e) (48 CFR 6101.36(e) (2003)), the Board adopts the parties' stipulation by decision. This appeal is **GRANTED IN PART** in the amount of \$12,515,249. This award is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2000).

EDWIN B. NEILL
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

MARTHA H. DeGRAFF
Board Judge