

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

GRANTED: April 7, 2004

GSBCA 16127-TD, 16358-C(16127-TD)

CORNING CONSTRUCTION CORPORATION,

Appellant,

v.

DEPARTMENT OF THE TREASURY,

Respondent.

Joseph H. Kasimer of Kasimer & Annino, P.C., Falls Church, VA, counsel for Appellant.

Marvin Kent Gibbs and Diane Mullaney, Office of Chief Counsel, Bureau of Engraving and Printing, Department of the Treasury, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **BORWICK**, and **HYATT**.

HYATT, Board Judge

On behalf of its subcontractor, Prospect Waterproofing Company, appellant, Corning Construction Corporation, appealed a decision issued by a contracting officer of the Bureau of Engraving and Printing (BEP), Department of the Treasury (respondent), denying a claim for an equitable adjustment for the cost of extra work and an extension of time in connection with a contract to replace the roof on respondent's main building in Washington, D.C. Corning elected to have its appeal processed in accordance with the accelerated procedure provided in Board Rule 203 (48 CFR 6102.3 (2003)). On October 29, 2003, the Board granted the appeal as to entitlement. Corning Construction Corp. v. Department of the Treasury, GSBCA 16127-TD, 03-2 BCA ¶ 32,402, reconsideration denied (Jan. 15, 2004).

On April 2, 2004, the parties requested that the Board issue a decision adopting their joint stipulation settling the quantum portion of the appeal for the amount of \$84,108.82 and extending the time for completion of the contract by nineteen days. The parties' stipulation

also provides for interest on the award, computed in accordance with the terms of the Contract Disputes Act of 1978, 41 U.S.C. § 611 (2000), in the total amount of \$9752.52, and for an award of attorney fees to Corning in the amount of \$11,322.50. The award of attorney fees resolves Corning's pending application, docketed as GSBCA 16358-C(16127-TD), for Equal Access to Justice Act (EAJA) attorney fees and costs attributable to the underlying appeal. In all, the parties agree that the total amount of \$105,183.84 shall be paid to Corning.

The parties have also agreed that they will not seek reconsideration of, or relief from, the Board's decision and that they will not appeal the decision.

Decision

The matters docketed as GSBCA 16127-TD and GSBCA 16358-C(16127-TD) are **GRANTED** in accordance with the joint stipulation of the parties. Rule 136(e). The combined award, in the amount of \$105,183.84, is to be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

CATHERINE B. HYATT
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

ANTHONY S. BORWICK
Board Judge