



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: October 19, 2011

CBCA 1460

WALSH/DAVIS JOINT VENTURE,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Barbara G. Werther of Ober Kaler, Washington, DC; and J. Richard Margulies of J. Richard Margulies & Associates, Ltd., Rockville, MD, counsel for Appellant.

Dalton F. Phillips, Leigh Erin S. Izzo, and Heather R. Cameron, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

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

DANIELS, Board Judge.

The General Services Administration (GSA) contracted with Walsh/Davis Joint Venture (Walsh/Davis) for the construction of a building in Washington, D.C., to serve as the headquarters of the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives. Walsh/Davis submitted to the GSA contracting officer numerous claims relating to this work. The contracting officer denied the claims in a 123-page decision. Walsh/Davis appealed.

The parties have resolved various matters at issue in the case and have asked us to make stipulated awards to Walsh/Davis on a subject matter by subject matter basis. We

issued decisions on motions for stipulated award as to most of the direct cost claims on June 3, 2009 (later amended, per the parties' joint requests, on July 17, 2009, and September 8, 2009); on claims numbered 179 through 197 and the "Ned Kahn Deduction" on December 15, 2009; and on certain delay and inefficiency claims involving Walsh/Davis and several of its subcontractors on June 8, 2010. We have also resolved a contested matter, involving direct cost claims of Walsh/Davis subcontractor Global Precast, Inc. *Walsh/Davis Joint Venture v. General Services Administration*, CBCA 1460, 10-2 BCA ¶ 34,479, *reconsideration denied*, 10-2 BCA ¶ 34,498; 11-1 BCA ¶ 34,737, *reconsideration denied*, 11-2 BCA ¶ 34,775.

By motion filed on October 18, 2011, the parties have asked us to make a stipulated award to Walsh/Davis as to all matters remaining in the case, other than the inefficiency claims of Walsh/Davis's electrical subcontractor, AES Electrical, Inc. d/b/a Freestate Electrical Construction Company. These inefficiency claims have already been addressed by the Board in *Walsh/Davis Joint Venture v. General Services Administration*, CBCA 1460, 11-2 BCA ¶ 34,799, and are scheduled to be the subject of a hearing in December 2011. In the present motion, the parties ask the Board to award to Walsh/Davis the sum of \$12,803,312.50, plus interest on \$12,757,000 at rates prescribed pursuant to the Contract Disputes Act, 41 U.S.C.A. §§ 7101-7109 (West Supp. 2011), from July 23, 2007, until the principal amount is paid. The parties have stated that neither of them will seek reconsideration of or relief from a decision which makes this award, and that neither will appeal such a decision.

Decision

This appeal is **GRANTED IN PART**. GSA shall pay to Walsh/Davis the sum of \$12,803,312.50, plus interest on \$12,757,000 at rates prescribed pursuant to the Contract Disputes Act from July 23, 2007, until the principal amount is paid. Payment shall be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2006).

STEPHEN M. DANIELS
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

CATHERINE B. HYATT
Board Judge