

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

GRANTED IN PART: June 26, 2001

GSBCA 15497

CLARK CONCRETE CONTRACTORS, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Charles F. Merz of Charles F. Merz & Associates, PLLC, Louisville, KY, counsel for Appellant.

Gerald L. Schrader, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **NEILL**, and **GOODMAN**.

DANIELS, Board Judge.

Clark Concrete Contractors, Inc. (Clark) (through its predecessor, OMNI Contractors, Inc.), under contract with the General Services Administration (GSA), constructed a building to house the Washington Metropolitan Field Office of the Federal Bureau of Investigation. While construction was taking place, GSA issued several change orders which had a significant impact on the progress of the work. In Clark Concrete Contractors, Inc. v. General Services Administration, GSBCA 14340, 99-1 BCA ¶ 30,280, reconsideration denied, 99-2 BCA ¶ 30,393, the Board resolved a claim by Clark which involved the monetary consequences of that impact on Clark and many of its subcontractors.

On March 27, 2000, Clark submitted to GSA a certified claim on behalf of another of its subcontractors, Maryland Applicators, Inc. (Maryland), seeking an equitable adjustment in the amount of \$310,975 to compensate Clark and Maryland for labor costs and delay damages which had allegedly arisen from the change orders issued by GSA. The GSA contracting officer denied this claim, and Clark appealed her decision.

The parties have now agreed and stipulated that in full settlement of the claim in question, GSA will pay to Clark, for and on behalf of Maryland, the sum of \$125,000 inclusive of interest through December 31, 2000, plus interest on that sum, at the rates set by the Secretary of the Treasury, 41 U.S.C. § 611 (1994), from January 1, 2001, until paid. The parties have asked the Board to issue a decision incorporating this stipulation and have stated that neither of them will appeal or ask for reconsideration of such a decision.

Decision

The appeal is **GRANTED IN PART**. GSA shall pay to Clark \$125,000 plus interest on that sum, at the rates set by the Secretary of the Treasury, from January 1, 2001, until paid. Rule 136(e) (48 CFR 6101.36(e) (2000)).

STEPHEN M. DANIELS
Board Judge

We concur:

EDWIN B. NEILL
Board Judge

ALLAN H. GOODMAN
Board Judge