

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

GRANTED IN PART: August 1, 2002

GSBCA 15869

THE CLARK CONSTRUCTION GROUP, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Axel Bolvig, III, of Bradley Arant Rose & White LLP, Birmingham, AL, counsel for Appellant.

M. Leah Wright and Robert C. Smith, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

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

NEILL, Board Judge.

This case concerns a dispute between appellant, Clark Construction Group, Inc. (Clark), and the General Services Administration (GSA). Clark was the contractor for the construction of the United States Courthouse in Montgomery, Alabama. In connection with that project, Clark submitted what it styled as an "Omnibus Claim." The claim, as supplemented, amounts to \$28,877,693. In May 2002, Clark appealed from a deemed denial of the claim.

Since this case was docketed, counsel for the parties have been involved in active settlement discussions. On July 30, the Board received a joint motion for entry of a stipulated judgment pursuant to Board Rule 136(e). The motion requests the Board to enter a judgement in favor of Clark in the amount of \$13,000,000 plus interest according to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2000), beginning May 14, 2002, until the United States pays the judgment amount in full. In support of their motion, the parties, by counsel, have affirmed that neither shall seek reconsideration of or relief from the final judgment or otherwise appeal that judgment. They have also agreed to execute certificates of finality upon entry of the judgment.

We grant the motion for stipulated judgment. Rule 136(e) permits the Board to adopt the parties' stipulation of settlement, by decision, and it provides that such decisions are adjudications of the appeals on their merits. See, e.g., Thermal Management Inc. v. General Services Administration, GSBCA 14558, 99-1 BCA ¶ 30,354; Earl C. Wilson v. General Services Administration, GSBCA 13152, et al., 98-2 BCA ¶ 29,934.

This appeal is **GRANTED IN PART** in accordance with the parties' stipulated settlement. The award is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2000).

EDWIN B. NEILL
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

CATHERINE B. HYATT
Board Judge