

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

GRANTED IN PART: March 9, 2004

GSBCA 15938, 16245

CLARK CONSTRUCTION GROUP, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Barbara G. Werther and Jeffrey R. Gans of Thelen Reid & Priest LLP, Washington, DC, counsel for Appellant.

Dalton F. Phillips and Robert M. Notigan, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

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

DANIELS, Board Judge.

In two separate appeals, docketed as GSBCA 15938 and GSBCA 16245, Clark Construction Group, Inc. (Clark) challenges deemed General Services Administration (GSA) contracting officer decisions denying claims for equitable adjustments to the price of the contract for construction of the Roman L. Hruska United States Courthouse in Omaha, Nebraska. The total amount claimed is \$13,279,146.

On March 8, 2004, the parties filed a Joint Motion for Entry of Final Consent Judgment. In this motion, the parties ask the Board to enter final judgment in favor of Clark requiring payment by GSA in the amount of \$5,300,000 (inclusive of all attorney fees and interest) for resolution of all outstanding disputes related to the two appeals. The parties affirm that neither of them will seek reconsideration of or relief from the judgment, and that neither of them will appeal the judgment.

Decision

The appeals are **GRANTED IN PART**. GSA shall pay to Clark the sum of \$5,300,000. This sum includes all attorney fees and interest. Payment is to be made from the permanent indefinite judgment fund in accordance with 31 U.S.C. § 1304 (2000). Rule 136(e) (48 CFR 6101.36(e) (2002)).

STEPHEN M. DANIELS
Board Judge

We concur:

EDWIN B. NEILL
Board Judge

MARTHA H. DeGRAFF
Board Judge