

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

GRANTED IN PART: December 18, 2001

GSBCA 15661

KEATING BUILDING CORPORATION,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Daniel Dirscherl, Vice President of Keating Building Corporation, Bala Cynwyd, PA,
appearing for Appellant.

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

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

DANIELS, Board Judge (Chairman).

Keating Building Corporation (Keating) supplied and furnished certain labor, equipment, and materials to and performed certain work for the General Services Administration (GSA) under a contract for the removal and replacement of face brick and other exterior renovations at the Byrne United States Courthouse and Green Federal Building in Philadelphia, Pennsylvania.

Disputes arose between the parties due to GSA's refusal to pay Keating and its subcontractors certain extra direct and indirect costs allegedly arising from a design defect, a differing site condition, and Government-caused delays encountered during the performance of the contract. By letter dated July 11, 2001, Keating requested a contracting officer's decision on its revised request for equitable adjustment, which was in the amount of \$4,334,979. The contracting officer denied the claim on August 3, and Keating appealed her decision to this Board on August 24.

At the request of the parties, the Board suspended proceedings to provide the parties time in which to negotiate a settlement of their dispute. On December 17, 2001, the parties filed with the Board a joint stipulation of judgment. In this filing, they stipulate to the entry of judgment contained in the following paragraph and agree that neither party will appeal a decision which directs such judgment.

Decision

The appeal is **GRANTED IN PART**. GSA shall pay to Keating, in full settlement of the claim involved in this case, the sum of two million seven hundred fifty thousand dollars (\$2,750,000), plus interest thereon from November 1, 2001, until paid. Rule 136(e) (48 CFR 6101.36(e) (2000)).

STEPHEN M. DANIELS
Board Judge

We concur:

MARY ELLEN COSTER WILLIAMS
Board Judge

ALLAN H. GOODMAN
Board Judge