

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

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GRANTED IN PART: December 9, 2003

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GSBCA 16249

SWINERTON BUILDERS,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Robert L. Leslie of McInerney & Dillon, Oakland, CA, counsel for Appellant.

Margaret M. Haggerty, Office of Regional Counsel, General Services Administration, San Francisco, CA, counsel for Respondent.

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

**NEILL**, Board Judge.

This dispute concerns a claim of \$20,907,112 for work performed by appellant, Swinerton Builders (Swinerton), for the General Services Administration under contract number GS-09P-97-KTC-0008. Swinerton has appealed from a deemed denial of its claim. From the time this case was docketed, counsel have been actively engaged in settlement discussions. They have now filed a joint motion for stipulated judgment in accordance with the following terms:

The General Services Administration will pay Swinerton Builders the sum of \$8.8 million dollars together with interest (pursuant to the Contract Disputes Act, 41 U.S.C. §§ 601-613) on that sum from March 22, 2003 until paid. This amount is inclusive of any other interest, fees and costs.

Both parties also represent and stipulate that neither party will seek reconsideration of, or relief from, this decision and that neither party will appeal the decision.

Pursuant to the agreement of the parties and Rule 136(e), the Board adopts the parties' stipulation by decision. This appeal is **GRANTED IN PART** in the amount of \$8,800,000, inclusive of any other interest, fees and costs. This award is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2000).

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EDWIN B. NEILL  
Board Judge

We concur:

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ALLAN GOODMAN  
Board Judge

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CATHERINE B. HYATT  
Board Judge