

SHARP CONSTRUCTION CO., INC.

CONTRACT NO. V101AC-0043

VABCA-4033

VA MEDICAL CENTER
LYONS, NEW JERSEY

Thomas DeNoia, Esq., Toms River, New Jersey, for the Appellant.

Kenneth B. MacKenzie, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On April 10, 2003, the Department of Veterans Affairs and Appellant filed a JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT. The motion enclosed a STIPULATION OF SETTLEMENT executed on April 7, 2003, entered into by the parties concerning VABCA-4033.
2. The parties recite that they have "amicably resolved" the issues which are the subject of VABCA-4033 and jointly move that the Board enter JUDGMENT "in accordance with the terms of the attached STIPULATION, in favor of Sharp, in the amount of \$86,000, which includes CDA interest."

3. The STIPULATION provides that the \$86,000 amount agreed upon represents a complete and equitable adjustment concerning VABCA-4033 and "includes all costs, both direct and indirect, including attorney's fees and interest."

4. The STIPULATION further provides that:

In accordance with the Surety Takeover agreement entered into by the parties on November 19, 1994, payment will be made to:

Fidelity & Deposit Company of Maryland
c/o McElroy, Deutsch & Mulvaney
Attn: Adam R. Schwartz, Esquire
1300 Mount Kimble Ave.
P.O. Box 2075
Morristown, NJ 07962-2075

5. Inasmuch as the parties have stipulated the equitable adjustment due Sharp Construction Co., Inc. in VABCA-4033, their JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT is GRANTED. Appellant is found entitled to \$86,000 pursuant to the terms and conditions of the STIPULATION OF SETTLEMENT entered into by the parties.

IT IS SO ORDERED

DATE: **April 15, 2003**

PATRICIA J. SHERIDAN
Administrative Judge