

DAVID BOLAND, INC.

CONTRACT NO. V673C-403

VABCA-5937  
5939-41 & 5945

VA MEDICAL CENTER  
TAMPA, FLORIDA

*Denis L. Durkin, Esq.*, Baker & Hostetler L.L.P., Orlando, Florida, for the Appellant.

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**OPINION BY ADMINISTRATIVE JUDGE PULLARA  
ON APPELLANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

**BACKGROUND**

By MOTION dated February 29, 2000, Appellant moved for partial summary judgment concerning ten of sixteen appeals related to the contract. The above captioned five appeals were included in the MOTION, and Appellant sought summary judgment on both entitlement and quantum in these appeals.

On April 3, 2000, the Government filed its response in opposition to Appellant's MOTION. In regard to each of these appeals, the Government specifically stated that it "does not dispute that Appellant is entitled to quantum in the amount" stated therein by Appellant, as summarized below:

<u>VABCA No.</u>	<u>CP No.</u>	<u>Description</u>	<u>Amount</u>
5937	029	Grade elevation	\$928
5939	031	Structural design	\$1,460
5940	032	OH doors	\$5,072
5941	033A	Trench angle	\$1,273
5945	043	Pulling irons	<u>\$17,774</u>

\$26,507

**DECISION**

Considering the foregoing, Appellant's motion for summary judgment in these five appeals is **GRANTED**. The appeals of *David Boland, Inc.*, VABCA-5937, 5939, 5940, 5941 and 5945, under Contract No. V673C-403, are **SUSTAINED**. Appellant David Boland, Inc., is entitled to a judgment in the aggregate amount of \$26,507 plus interest, pursuant to the Contract Disputes Act, from the date the Contracting Officer received each claim until payment thereof.

DATE: **April 19, 2000**

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MORRIS PULLARA, JR.  
Administrative Judge  
Panel Chairman

We Concur:

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GUY H. MCMICHAEL III  
Chief Administrative Judge

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RICHARD W. KREMPASKY  
Administrative Judge