

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

GRANTED IN PART: June 22, 2001

GSBCA 15203

HENSEL PHELPS CONSTRUCTION CO.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Eric L. Wilson of Hensel Phelps Construction Co., Greeley, CO, counsel for Appellant.

Martin A. Hom and Sharon J. Chen, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **BORWICK**, **NEILL**, and **DeGRAFF**.

NEILL, Board Judge.

This case concerns a dispute between appellant, Hensel Phelps Construction Co. (HPCC), and the General Services Administration (GSA). The dispute arose in relation to GSA contract number GS-08P-96-JFC-0006 for the construction of the David Scaggs Research Center in Boulder, Colorado. It concerns a claim in the amount of \$1,030,530 for impact and delay costs said to be associated with certain design deficiencies relating to resilient flooring and for impact costs associated with cooling tower resequencing.

HPCC's claim was denied by the contracting officer in a decision dated November 22, 1999. The contractor filed its notice appealing that decision by letter dated December 16, 1999.

On June 20, 2001, counsel for the parties filed a joint motion for stipulated judgment. The motion advised the Board that the parties have reached a settlement in this appeal and have agreed to stipulate to the entry of judgement as follows:

The General Services Administration will pay Hensel Phelps Construction Company the sum of \$560,448, inclusive of any and all costs, and fees, with Contract Disputes Act interest beginning to accrue on November 1, 2000.

The parties also represent and stipulate that neither party will seek reconsideration of, or relief from, the Board's decision, and that neither party will appeal the decision.

We grant the motion for stipulated judgment. Rule 136(e) permits the Board to adopt the parties' stipulation of settlement, by decision, and it provides that such decisions are adjudications of the appeals on their merits. See, e.g., Biospherics, Inc. v. General Services Administration, GSBCA 15477 (Feb. 16, 2001); Thermal Management Inc. v. General Services Administration, GSBCA 14558, 99-1 BCA ¶ 30,354; Earl C. Wilson v. General Services Administration, GSBCA 13152, et al., 98-2 BCA ¶ 29,934.

This appeal is **GRANTED IN PART** in accordance with the parties' stipulated settlement. The award is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (1994 & Supp. V 1999).

EDWIN B. NEILL
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

MARTHA H. DeGRAFF
Board Judge