

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

GRANTED IN PART: December 24, 1996

GSBCA 13618

FLINTCO, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Donald O. Pratt of Canterbury, Stuber, Pratt, Elder & Gooch, Dallas, TX, counsel for Appellant.

Nora A. Huey, Office of General Counsel, General Services Administration, Washington, DC; and Kevin M. Myles, Office of Regional Counsel, General Services Administration, Fort Worth, TX, counsel for Respondent.

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

HYATT, Board Judge.

On June 11, 1996, Flintco, Inc. appealed the contracting officer's deemed denial of two certified claims arising in connection with performance disputes under contract number GS-07P-93-HUC-0018. The first claim set forth a request for equitable adjustment in the amount of \$282,143 and was based upon the alleged defective design of VAV boxes and resultant delay. The second claim sought an equitable adjustment in the amount of \$612,902.50 for additional work alleged to have been directed by the Government in connection with redesign of air handling units, and resultant delay.

The parties agreed to proceed initially pursuant to alternative dispute resolution (ADR), which was conducted in September 1996. The matter was successfully settled in principle during the ADR proceeding. The parties completed negotiations and entered into a settlement agreement thereafter. On December 16, 1996, they submitted a joint motion for entry of decision and judgment, "recognizing respondent's liability to Flintco in the amount of \$428,000 (inclusive of interest, costs, and attorneys' fees)."

Pursuant to Rule 136(e), the Board adopts the parties' stipulation for entry of judgment and enters judgment as requested. Rule 136(e) provides that the Board may so adopt the parties' stipulation, by decision, and that such decision is an adjudication of the appeal on its merits. E.g., Barber Construction Co. v. National Gallery of Art, GSBCA 12946-NGA, 95-1 BCA ¶ 27,405.

Decision

The appeal is **GRANTED IN PART**. Respondent shall make payment to Flintco in accordance with the terms stated in the "Joint Motion for Entry of Decision and Judgment," as described above. Rule 136(e).

CATHERINE B. HYATT
Board Judge

We concur:

EDWIN B. NEILL
Board Judge Board Judge

MARTHA H. DeGRAFF