

Board of Contract Appeals

*General Services Administration
Washington, D.C. 20405*

GRANTED IN PART: February 16, 2001

GSBCA 15477

BIOSPHERICS INCORPORATED,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Eric J. Marcotte and Adam B. Walker of Winston & Strawn, Washington, DC, counsel for Appellant.

Michael J. Ettner and Michael D. Tully, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

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

NEILL, Board Judge.

This case concerns a dispute between appellant, Biospherics Incorporated (Biospherics), and the General Services Administration (GSA) regarding a claim for equitable adjustment under contract numbers GS00K90AFC2893 and GS00K94AFD2465. Both contracts were for the operation of a Federal Information Center responsible for the dissemination of information concerning various Government programs to members of the public.

By letter dated December 12, 2000, counsel for Biospherics submitted a claim for \$1,591,127.44 for alleged increases in the cost of performing the two aforesaid contracts with GSA. In a decision dated December 20, 2000, a GSA contracting officer denied this claim. Biospherics promptly appealed the decision to this Board.

On February 15, 2001, counsel for GSA filed with the Board a stipulation of award executed by counsel for both parties. Under the terms of the stipulation the parties agree that Biospherics should be paid a total of \$1,288,598.18 as full payment of Biospherics' claim and all related matters. Further, the parties have agreed that the awarded amount will constitute

full satisfaction of Biospherics' claim. Appellant has also agreed to waive any demands for interest (pursuant to the Contract Disputes Act of 1978 or any other legal authority).

Counsel have requested that the Board adopt the terms of their stipulation and award the amount agreed upon. We grant the request. 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., 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 accordance with the parties' stipulated settlement. The award is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (Supp. IV 1998).

EDWIN B. NEILL
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

MARY ELLEN COSTER WILLIAMS
Board Judge