

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

GRANTED: December 13, 2004

GSBCA 16413

XEROX CORPORATION,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Richard D. Lieberman and Karen R. O'Brien of McCarthy, Sweeney & Harkaway, P.C., Washington, DC, counsel for Appellant.

Michael J. Noble, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **HYATT**, and **DeGRAFF**.

DANIELS, Board Judge.

Xerox Corporation appealed from a deemed denial of four claims for payment on invoices totaling \$33,937.58. The claims had been submitted to a General Services Administration contracting officer in San Diego, California.

In November 2004, the Board granted an unopposed motion by Xerox, dismissing the appeal as to three of the claims, which were in the total amount of \$18,385.36.

The parties have now filed a motion for a stipulated award as to the remaining claim, which is in the amount of \$15,552.22. In the motion and accompanying settlement agreement, the parties state that \$15,552.22 represents a fair and reasonable amount of payment for the Government's lease and use of two copiers owned by Xerox. The parties state further that an award of this amount by the Board will constitute full satisfaction of Xerox's claims, and that Xerox waives any demand for interest and attorney fees and costs with regard to this claim. The parties also represent that they will not seek reconsideration of, or relief from, a Board decision awarding this amount, and that they will not appeal such a decision.

Decision

The portion of the appeal remaining after the November 2004 dismissal is **GRANTED**. The General Services Administration shall pay to Xerox Corporation \$15,552.22. This amount shall be paid from the permanent indefinite judgment fund established pursuant to 31 U.S.C. § 1304 (2000). No interest is due on this amount. Rule 136(e) (48 CFR 6101.36(e) (2003)).

STEPHEN M. DANIELS
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

MARTHA H. DeGRAFF
Board Judge