



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: June 12, 2008

CBCA 484

VELLICOM, INC. d/b/a CELEBRITY ENTERTAINMENT SYSTEMS,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Sam Z. Gdanski of Gdanski & Gdanski, LLP, Suffern, NY, counsel for Appellant.

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

Before Board Judges **HYATT**, **GOODMAN**, and **WALTERS**.

WALTERS, Board Judge.

Appellant, Vellicom, Inc. d/b/a Celebrity Entertainment Systems (Vellicom), was awarded a Federal Supply Schedule contract, contract no. GS-28F-0011M, by respondent, the General Services Administration (GSA) National Furniture Center, on December 20, 2001. Included in the work Vellicom was to perform under the contract was the delivery and installation of certain items needed for the renovation of the Mokuteki Community Center at the Misawa Air Force Base in Japan. Vellicom submitted a claim to the GSA contracting officer for \$30,566.68 for allegedly unpaid freight costs for the shipment of certain items to the Misawa Air Force Base and submitted an appeal to this Board based on a deemed denial of that claim. After several telephone conferences with Board Judge Richard C. Walters, the parties agreed to resolve the appeal without need for a hearing.

On June 6, 2008, the parties submitted a stipulation of award, under which they seek from this Board an award to Vellicom in the amount of \$22,500, which award is to be paid from the permanent indefinite judgment fund. The parties have agreed that such award shall “constitute full satisfaction of Vellicom’s claim” and further that “Vellicom agrees to waive any attorney fees, costs, or expenses (pursuant to the Equal Access to Justice Act or any other legal authority).” As part of the stipulation of award, the parties have also expressly represented that: “(1) the Parties will not seek reconsideration of, or relief from, the Board’s decision; and (2) the Parties will not appeal the decision.”

Decision

The appeal is **GRANTED IN PART**. The General Services Administration shall pay to Vellicom, Inc. the sum of \$22,500. Rule 25(b). This payment shall be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

RICHARD C. WALTERS
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

ALLAN H. GOODMAN
Board Judge