

Part I Chapter 59 Contract Controversies

- A. Who May File a Claim.** A supplier may file a claim arising from a contract entered into by the Commonwealth.
- B. Time and Place for Filing the Claim.**
1. Supplier claims must be filed, in writing, with the contracting officer within six months after the claim accrues. Failure of a contractor to file a claim within this six-month time period shall be deemed a waiver by the contractor of its rights to file a claim in any forum.
 2. For the supplier, a claim accrues when the contractor is able to determine that he or she is entitled to additional compensation, has made a request for the compensation, and has received a denial from the contact person (not the contracting officer).
 3. Untimely filed claims must be disregarded by the contracting officer.
- C. Evaluating the Claim.** The contracting officer shall review the claim.
1. If the contracting officer determines that the supplier did not file his or her claim in a timely manner, the contracting officer shall notify the supplier that the claim was untimely and will not be considered.
 2. The contracting officer may decide the merits of the claim based on the claim received from the supplier or direct the supplier or the agency to submit additional documents in regard to the claim.
 3. The contracting officer may schedule a meeting with the supplier and the agency for the purpose of discussing the claim. The contracting officer may also want to convene a dispute resolution committee to assist in the evaluation of the claim.
 4. If the contracting officer convenes a claim committee meeting, the contracting officer shall notify the supplier of its obligation to present the claim to the committee.
 5. If the contracting officer determines that the claim of the supplier should be granted, the supplier shall be paid in accordance with the determination through the contract or an amendment, contract modification, change order, or settlement agreement.
 6. If the contracting officer settles or resolves the claim, a written settlement agreement, contract amendment, or contract modification will generally be required.
- D. Determination.** If the controversy is not resolved, the contracting officer must issue a final determination, in writing, to the supplier and the agency. The determination shall:

1. State the reasons for the action taken.
 2. In the event of a complete or partial denial of the claim, inform the supplier of its right to file a statement of claim with the Board of Claims.
- E. Time of Determination.** The contracting officer should render a written determination no later than 120 days after the written claim is filed with the contracting officer. This time period may be extended if agreed upon by the parties. Failure on the part of the contracting officer to render a decision within 120 days shall be deemed a denial of the claim.
- F. Board of Claims.** Within 15 days of the mailing date of a final determination denying a claim or within 135 days of filing a claim, if no extension is agreed to by the parties (whichever occurs first), the contractor may file a statement of claim with the Board of Claims.