

Counsel

SWLGC

DEPARTMENT OF THE ARMY
Little Rock District, Corps of Engineers
P. O. Box 867
Little Rock, Arkansas 72203

LRDR 1180-1-6

LIBRARY COPY

Regulation
No. 1180-1-6

12 October 1970

CONTRACTS

Claims and Appeals

1. Purpose. This regulation prescribes the procedures for the prompt handling and processing of contract claims and appeals.

2. Applicability. Applicable to all individuals and organizational units of the District.

3. Reference. ER 1180-1-1, Section 71.

4. Procedure for handling claims.

a. Any written demand by a contractor for money and/or time extension arising under the contract terms, even if the amount of money or time is unstated, is a contract claim against the Government. If not included in the original demand, the contractor should immediately be requested to furnish backup data; e.g., facts, cost breakdown, contract clause, etc. A contract claim guide to send to contractors is contained in ECI A-600.

b. Any contract claim which has not been resolved by written agreement of the parties within 60 days after receipt shall be considered a formal claim and processed as follows:

(1) The request be completely analyzed by that responsible person (registered professional engineer, if possible, in the event the claim requires engineering analysis and conclusions) in the Project Engineer's Office, who would be the Government's witness in any appeal or litigation on the matter. The analysis should be complete in every detail, including contractual provisions considered relative thereto and his recommendation as to whether the claim should be allowed. The original request, together with the analysis, shall be forwarded to the Construction Division of the District Office within 10 days from receipt of the contractor's request in the project office.

(2) The request and analysis thereof by the Project Engineer's Office shall be carefully reviewed by a responsible person (a registered professional engineer, if possible) in the Construction Division who

This regulation supersedes LRDR 1180-1-6 dated 30 August 1962.

LRDR 1180-1-6

12 Oct 70

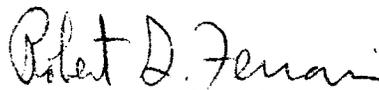
is fully qualified to testify as an expert witness in any appeal or litigation which might develop from the claim. Any additional facts and interpretations should be set forth, together with his recommendation, and the entire file forwarded to the Engineering Division within 15 days from the date the request is received in the District Office.

(3) The Chief, Engineering Division, shall assign the request to a registered professional engineer, if possible, qualified to testify as an expert witness, for a complete analysis and review of the request. His analysis, together with his recommendation as to its merit, should be forwarded to the Office of Counsel within 5 days from receipt thereof in the Engineering Division where a legal determination will be made as to the merits of the claim.

c. (1) In those instances where the request for an extension of time for delays in performance of the contract is received, an analysis shall be made setting forth the factors causing the alleged delays, the effect such delays had on the job as a whole, whether they were without fault or negligence on the part of the contractor, the actual number of days the project was delayed, and any other pertinent information which might assist the contracting officer in determining the merits of the contractor's request. This complete analysis, together with the recommendation of the project engineer, shall be forwarded to the Construction Division of the District Office within 15 days from receipt thereof in the project office.

(2) The request and analysis thereof by the project office shall be reviewed and analyzed by some qualified person in the Construction Division and, in those instances where it is recommended that the contractor's request be denied, the request and analysis thereof shall be forwarded to the Office of Counsel within 15 days after receipt of the file in the District Office.

FOR THE DISTRICT ENGINEER:



ROBERT G. FERRARI
Major, Corps of Engineers
Deputy District Engineer

DISTRIBUTION A