

DEPARTMENT OF THE ARMY
Corps of Engineers, Portland District
P.O. Box 2946
Portland, Oregon 97208-2946

CENWP-OC
Regulation
No. 27-2-2

1 November 1999

Legal Services
PROCESSING CLAIMS

History. This issue is a revision of previously designated NPPR 27-2-2, 15 November 1988.

Summary. This revision is to bring the regulation designation in line with current designation scheme and to change office designation to be notified upon receipt of claim.

1. PURPOSE. This regulation establishes internal policy for processing contractual and noncontractual claims.
2. APPLICABILITY. This regulation is applicable to all elements of the Portland District (NWP).
3. CONTRACTUAL CLAIMS.
 - a. A claim is defined in the Contract Disputes Act of 1978 as:
 - (1) a written request submitted to the Contracting Officer;
 - (2) for payment of money, adjustment of contract terms, or other relief;
 - (3) which is in dispute or remains unsolved after a reasonable time for its review and disposition by the government; and
 - (4) for which a contracting officer's final decision is demanded.
 - b. All claims letters or oral claims inquiries received by Contracting Officer's Representatives (COR's) and Administrative Contracting Officer's (ACO's) will be handled as follows:
 - (1) Contractors making oral inquiries concerning the possibility of a request or claim being filed for additional compensation and/or completion time, will be advised that a written communication should be addressed directly to the Contracting Officer and forwarded through

*This regulation supersedes NPPR 27-2-2, 15 November 1988.

the COR or ACO for delivery setting forth their complaint or the relief sought, the contract provisions involved, basis on which they rely for a favorable decision, detailed statement of costs and/or reasons justifying both monetary claims and extensions of time.

(2) Contractors' claims letters will be acknowledged by the COR or ACO and forwarded to the Contracting Officer within 24 hours for final decision. The acknowledgment to the Contractor will state that the letter has been received and forwarded to the Contracting Officer. Information or data bearing upon the Contractor's claim will be forwarded with the Contractor's letter. If the COR or ACO does not have data information readily available to be forwarded within 24 hours, any pertinent data or information which the COR or ACO can develop should be forwarded to the Contracting Officer as soon as practicable.

c. Contractors' claims letters sent directly to the District Office will be routed promptly to the Office of Counsel for necessary action. For claims pertaining to construction contracts, Construction Branch, Engineering and Construction Division shall be notified upon receipt of the claim. Transmittal document should state that the Contractor's claim letter has been acknowledged.

d. Once a final decision has been rendered by the Contracting Officer there shall be no further discussion of such claim with the contractor or his staff by any District employee. Particularly, no one is to discuss with any Appellant Contractor disputes that are being processed through higher authority. All inquiries concerning such claim matters after final decision is once rendered will be referred to the Office of Counsel for appropriate response.

4. ACTUAL NOTICE OF CONTRACTUAL CLAIMS AND POTENTIAL CLAIMS. The boards and courts have held any form of actual notice of claim or potential claim to satisfy the requirements for notice in the various contract clauses. Consequently, the Government personnel administering contracts should be alert to actual notice of claims or potential claims by verbal communication, visual inspection, or written entry in daily reports, quality control reports, or serial letters. Government contract administrators are responsible for the prompt investigation of potential and actual contract claims, as well as the providing notice of such to the Office of Counsel.

5. NONCONTRACTUAL CLAIMS. All claims, or incidents which may result in claims, including but not limited to automotive, marine, or other type tort actions, but not including claims relating to use and occupancy of realty, should be referred promptly to the Office of Counsel with all particulars available.

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6. RELEASE OF INFORMATION. All requests for information relating to pending claims against the United States not citing the Freedom of Information Act shall be forwarded to the Office of Counsel for action. All Freedom of Information Act (F.O.I.A.) requests shall be processed in accordance with the current F.O.I.A. regulations.

FOR THE COMMANDER:


JACQUELINE M. SCHMUNK
Executive Assistant

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