

SECTION 105
CONTROL OF WORK

105-1.17 CLAIMS FOR ADJUSTMENT AND DISPUTES. Delete this Subsection in its entirety and substitute the following:

Notify the Engineer as soon as you become aware of any act or occurrence which may form the basis of a claim for additional compensation or an extension of Contract time or of any dispute regarding a question of fact or interpretation of the Contract.

If the matter is not resolved by agreement within 7 days, submit any Intent to Claim, in writing, within the next 14 days.

If you believe additional compensation or time is warranted, immediately begin keeping complete, accurate, and specific daily records concerning every detail of the potential claim including actual costs incurred. Give the Engineer access to any such records and furnish the Engineer copies, if requested. Equipment costs must be based on your internal rates for ownership, depreciation, and operating expenses and not on published rental rates.

Submit any Claim to the Contracting Officer, in writing, within 90 days of the act or occurrence forming the basis of the claim. The Contracting Officer will acknowledge receipt of the Claim in writing.

You waive any right to claim if the Engineer was not notified properly or afforded the opportunity to inspect conditions or monitor actual costs.

The Claim must include all of the following:

1. The act, event, or condition the claim is based on.
2. The Contract provisions which apply to the claim and provide relief.
3. The item or items of Contract work affected and how they are affected.
4. The specific relief requested, including Contract time if applicable, and the basis upon which it was calculated.
5. A statement certifying that the claim is made in good faith, that the supporting cost and pricing data are accurate and complete to the best of your knowledge and belief, and that the amount requested accurately reflects the Contract adjustment which you believe is due.

The Claim, in order to be valid, must not only show that you suffered damages or delay but that it was caused by the act, event, or condition complained of and that the Contract provides entitlement to relief for such act, event, or condition.

The Department can make written request to you at any time for additional information relative to the Claim. Provide the Department such additional information within 30 days of receipt of such a request. Failure to furnish such information may be regarded as a waiver of the Claim.

You will be furnished the Contracting Officer's Decision within 90 days, unless additional information is requested by the Contracting Officer. The Contracting Officer's Decision is final and conclusive unless, within 14 days of receipt of the decision, you deliver a Notice of Appeal to the Appeals Officer. Procedures for appeals are covered under AS 36.30.625 and AS 36.30.630.