

## Tennessee Valley Authority

## § 1308.16

has been committed is not subject to decision under a disputes clause.

(e) The provisions of this section are in addition to whatever penalties or remedies may otherwise be provided by law.

### § 1308.7 Effective date.

Subject to §1308.3(a), this part applies to any TVA contract having an effective date on or after March 1, 1979.

## Subpart B—Contracting Officers

### § 1308.11 Contractor's request for relief.

Any request for relief which a Contractor believes is due under a contract shall be submitted to the Contracting Officer in writing, in accordance with the terms of the contract, including applicable time limits.

### § 1308.12 Submission and decision of Contractor's claim.

(a) If Contractor and TVA are unable to resolve Contractor's request for relief by agreement within a reasonable time, Contractor may submit a claim to the Contracting Officer.

(b) The Contracting Officer shall issue a decision to the Contractor on a submitted claim in conformity with the contract's disputes clause. Specific findings of fact are not required, but may be made. Such findings are not binding in any subsequent proceeding except as provided in §1308.15. The decision shall:

- (1) Be in writing;
- (2) State the reasons for the decision reached;
- (3) Include information about the Contractor's rights of appeal under sections 7 and 10 of the Act (including time limits); and
- (4) Notify the Contractor, as appropriate, of the special procedures available under §§1308.35 and 1308.36 at the Contractor's election. A copy of the provisions of this part shall be furnished with the decision.

### § 1308.13 Time limits for decisions.

(a) If a submitted claim involves \$50,000 or less, the Contracting Officer shall issue the decision within 60 days from actual receipt of the claim. If a submitted claim involves more than

\$50,000, the Contracting Officer within 60 days from actual receipt shall either issue a decision or notify the Contractor of the date by which a decision shall be rendered, which shall be within a reasonable time. The Contracting Officer shall not be deemed to be in "actual receipt" of a claim until the claim meets all requirements of §1308.2(c).

(b) The Contracting Officer shall issue a decision within any time limits set by an order under §1308.24. If a Hearing Officer grants a stay of an appeal pursuant to §1308.25, the Contracting Officer shall issue a decision within any time limits specified by the stay order, or within a reasonable time after receipt of the stay, if it sets no time limits.

(c) As used in this subpart, the reasonableness of a time period depends on the amount or kind of relief involved and complexity of the issues raised, the adequacy of the Contractor's supporting data, contractual requirements for auditing of Contractor's cost or other data, and other relevant factors.

### § 1308.14 Request for relief by TVA.

When TVA believes it is due relief under a contract, the Contracting Officer shall make a request for relief against the Contractor, and shall attempt to resolve the request by agreement. If agreement cannot be reached within a reasonable time, the Contracting Officer shall issue a decision which complies with the requirements of §1308.12(b).

### § 1308.15 Finality of decisions.

A decision by a Contracting Officer under the disputes clause of a contract subject to this part is final and conclusive and not subject to review by any forum, tribunal, or Government agency unless an appeal or suit is timely commenced under this part or section 10(a) (2) and (3) of the Act.

### § 1308.16 Decisions involving fraudulent claims.

If a Contracting Officer denies any part of a Contractor's claim for lack of support, and the Contracting Officer is of the opinion that the Contractor's inability to support that part of the claim is within §1308.6 and section 5 of