

# Contract Disputes Act: Claim Lifecycle Flowchart

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## Change Occurs

Contracting Officer direction (express or implied) is typically required. While changes from other sources will not suffice (e.g., host country government directives), this requirement may be satisfied where CO directs contractor to proceed despite external change (e.g., natural disaster).

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## Notify Contracting Officer

Contractors are required to notify the CO of any changes within 30 days under the Changes clause (e.g., FAR 52.243-1). But this requirement may be waived where CO is already on notice of the change. Note: notice of delay of work must be provided within 20 days of event.

**Practice Tip:** Preserve rights through early written notice.

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## Submit Request for Equitable Adjustment

REAs are often the first step to seek adjustment to contract price, time, terms, etc. They are less contentious than claims and the contractor may recoup REA prep costs (including attorney/consultant fees under FAR Part 31). REAs should detail the factual and legal basis for recovery, and “scrupulously” avoid requesting a final decision.

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## Resolve REA or Submit Claim

If the REA cannot be resolved, it is time to submit a claim. A CDA claim must be: 1) in writing; 2) explain the nexus between the change and requested relief; 3) request a CO’s Final Decision (COFD); 4) submitted within six years of accrual, and 5) if, over \$100K, certified.

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## Negotiate with Contracting Officer

After the REA is submitted, negotiations commence (typically several weeks to several months to resolve).

**Practice Tip:** Continue to avoid requesting a final decision during negotiations by indicating a willingness to exchange information and continue negotiations.

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## Contracting Officer Issues Final Decision

COFD must be in writing and advise the contractor of appeal rights.

**Practice Tip:** CO must issue COFD on claims over \$100k in 60 days, or advise more time is needed; failure to issue a timely COFD may result in “deemed denial,” allowing appeal.

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## Accept Final Decision or Appeal

CDA claims may be appealed in most cases to the applicable Board of Contract Appeals (within 90 days) or to the Court of Federal Claims (within 12 months).

**Note:** Contractor’s choice of forum is binding.

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## Resolve through Mediation, Settlement, or Litigation

CDA matters can be resolved through mediation, settlement discussions, and litigation through decision.

Litigants may appeal COFC decisions up to **60 days** after judgment, and Board decisions up to **120 days** after decision.