

Claims concerning any interest that may be payable will be resolved in accordance with the provisions of the Contract Disputes Act of 1978, 41 U.S.C. 601 *et seq.*

(7) Irreconcilable claims disputing prepayment audit positions of agencies that are subject to a delegation of authority by the Administrator under § 101-41.103. All claims protesting an audit activity's prepayment audit position will be addressed to that activity. The activity shall promptly acknowledge the claim in writing and stamp it with its date of receipt. The activity must adjudicate the claim within 30 days of receipt, but if the authority fails to approve all or any portion of the carrier's claim, it shall make a final decision providing a clear, specific, and detailed written explanation of its position. If the carrier is dissatisfied with the activity's final decision, it may appeal that decision to GSA, providing a copy of all documentation involved in the record, including a copy of the audit activity's decision. All such appeals shall be forwarded by the carrier to GSA, Attn: FWC (Code PA), Washington, DC 20405.

(c) Claims described in paragraph (b) of this section will be handled by GSA under the provisions of § 101-41.605 of this subpart and shall be forwarded separately from other types of transportation documents to the General Services Administration (BWCA), Washington, DC 20405. Agencies shall support each claim forwarded to GSA with:

- (1) Appropriate certification of factual matters not considered in previous certifications;
- (2) Administrative report of any pertinent information not previously furnished;
- (3) Recommendation of the action to be taken;
- (4) Citations to previous payments, if any, by reference to disbursing office (D.O.) voucher number, date of payment, and D.O. symbol number; and
- (5) Citations to applicable appropriation or fund accounts. Administrative reports and recommendations are not required on claims for amounts collected by or through the efforts of GSA, but factual data that were not

previously submitted shall be furnished.

(d) Agencies shall notify claimants of the dates on which their claims are forwarded to GSA but shall not inform them of administrative recommendations. Agencies need not take further administrative action but shall forward to GSA (BWCA) any materials subsequently received which relate to forwarded claims and shall furnish supplemental reports to GSA when requested. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

(31 U.S.C. 952; 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 46 FR 42667, Aug. 24, 1981; 47 FR 33960, Aug. 5, 1982; 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983; 50 FR 3910, Jan. 29, 1985; 53 FR 25166, July 5, 1988]

§ 101-41.605 GSA processing of direct settlement claims.

§ 101-41.605-1 Acknowledgments.

Each claimant is informed of the number assigned to his claim upon its receipt in GSA. Claimants should withhold inquiries for at least 6 months after receipt of acknowledgments because inquiries merely delay settlement action on the claims.

§ 101-41.605-2 Processing claims certified for payment.

(a) GSA certifies each payable claim by use of a GSA Form 7931, Certificate of Settlement, and includes therein a complete explanation of any amount that is disallowed. GSA forwards the certificate to the agency whose funds are to be charged for processing and prompt payment and concurrently forwards an advance copy of the certificate to the claimant. When an amount of the settlement is to be set off to recover a debt due the United States from the carrier, the agency shall effect such action immediately to preclude the setoff from being barred by expiration of the applicable statutory time period. (See § 101-41.501.)

(b) An agency shall not revise or alter any GSA certificate of settlement except to indicate the appropriation symbol number applicable at the time