

DISPUTE PROCESS

1. This appendix implements Federal Acquisitions Regulation (FAR) Subpart 33.2 for disputes arising under Government Purchase Card (GPC) transactions for those GPC cards issued by the Fort Bragg Directorate of Contracting.

2. A dispute occurs when there is a disagreement between two parties. This dispute can involve a simple disagreement between the cardholder and merchant over the service or supply delivered, price quoted, or period of performance. These simple disputes will normally be resolved between the cardholder and the vendor. In these cases, the cardholder should contact the vendor and attempt to resolve the disagreement.

3. If the cardholder and vendor are unable to come to an agreement on these issues, the cardholder should complete a Statement of Questioned Item (SQI) form and forward it to U.S. Bank within 60 days (see para 2-5h.)

4. Disputes also occur when there is damage to property for which the Government may be liable. An example might include the rental of a vehicle that is damaged while it is in the Government's control, by Government personnel or lease of a conference room that is damaged due to negligence on the part of the Government personnel. These type disputes are more difficult to resolve and require the assistance of a Contracting professional. In such cases, the following steps should be taken:

a. CARDHOLDER will immediately notify the Agency/Organization Program Coordinator (A/OPC) of the circumstances surrounding the dispute.

b. CARDHOLDER will provide the A/OPC with copies of any available transaction documents including, but not limited to, receipts, inspection sheets, letters from the contractor alleging damages, damage estimates, etc.

c. The A/OPC will contact the vendor and request he initiate the "claims" process. The APC will advise the vendor of the requirements of FAR Subpart 33.2 for submission of a claim.

d. The A/OPC and Cardholder will remind the cardholder's commander that a Report of Survey (ROS) is required IAW AR 735-5 for loss or damage to leased property, or to Government property that was damaged by a vendor.

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e. Commanders will immediately begin the ROS and provide the completed report to the A/OPC.

f. The A/OPC will advise vendor of decision on his claim. Vendor will be provided the Contracting Officer's final decision IAW FAR Subpart 33.2. If it is determined the Government is NOT liable and the vendor is NOT owed for damages, the Contracting Officer's written decision will be forwarded to the contractor.

g. If it is determined the Government is liable and the vendor is owed for damages, and if the damages are below the GPC threshold, a memorandum will be forwarded to the Billing Official stating the vendor should be paid for damages using the unit GPC card.

h. If it is determined the Government is liable and the vendor is owed for damages, and if the damages exceed the GPC threshold, a memorandum will be forwarded to the Billing Official requiring that he provide this office with a DA Form 3953 for the amount owed the contractor. This office will issue a purchase order to the vendor for the amount of damages.

i. Any and all documentation supporting the dispute shall be filed with the GPC billing account statement for the month the payment is made. If the Contracting Office makes payment, a copy of the purchase order will be forwarded to the Billing Official and filed with the GPC billing account statement.

5. For disputes involving damage or loss of Government-owned equipment by contractor personnel, follow paragraphs 4a.b. and d. above. If the A/OPC determines that the contractor is liable to the Government for damage or loss of Government-owned property, the A/OPC will notify the merchant and demand for payment to be made IAW FAR 32.610.