

F-did provision used in both contracts

SCR H-XXX Use of Alternative Dispute Resolution Process

1. In the event an issue in controversy cannot be resolved by mutual agreement, Alternative Dispute Resolution (ADR) will be considered the preferred approach to settle the dispute in lieu of the procedures outlined in FAR 52.233-1 ("Disputes"). Specific ADR collaborative techniques, timelines and identification of neutrals appropriate to the issues in controversy will be mutually agreed to in writing before the ADR process begins. If it is necessary for the parties to protect information during the ADR process, the parties will enter into a confidentiality agreement to maintain such information in confidence to the extent permitted by law.

2. It is not the intention of the parties to alter, supplement or deviate from this contract and the legal rights and obligations of the parties set forth herein. Any changes to the contract must be executed in writing by the Contracting Officer.

3. In the event the ADR process does not produce results satisfactory to either party, or if either party believes the issue in controversy is not suitable for ADR techniques, the dispute resolution process set forth in the Contract Disputes Act (see FAR 52.233-1) shall be followed.

4. If the Contractor submits a claim (certified, if required), as "claim" is defined in the Disputes clause (FAR 52.233-1), and the parties resolve the claim through use of the ADR process, the government shall pay interest on the amount found due and unpaid from (1) the date that the Contracting Officer receives the claim; or (2) the date that payment otherwise would be due, if that date is later, until the date of payment. With regard to claims having defective certifications, as defined in (FAR) 48 CFR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on a claim shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613), which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during pendency of the claim.