

his designee or the hearing officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Associate Administrator may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the FAA, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

## PART 17—PROCEDURES FOR PROTESTS AND CONTRACTS DISPUTES

### Subpart A—General

Sec.

- 17.1 Applicability.
- 17.3 Definitions.
- 17.5 Delegation of authority.
- 17.7 Filing and computation of time.
- 17.9 Protective orders.

### Subpart B—Protests

- 17.11 Matters not subject to protest.
- 17.13 Dispute resolution process for protests.
- 17.15 Filing a protest.
- 17.17 Initial protest procedures.
- 17.19 Dismissal or summary decision of protest.
- 17.21 Protest remedies.

### Subpart C—Contract Disputes

- 17.23 Dispute resolution process for contract disputes.
- 17.25 Filing a contract dispute.
- 17.27 Submission of joint or separate statements.
- 17.29 Dismissal or summary decision of contract disputes.

### Subpart D—Alternative Dispute Resolution

- 17.31 Use of alternative dispute resolution.
- 17.33 Election of alternative dispute resolution process.
- 17.35 Selection of neutrals for the alternative dispute resolution process.

### Subpart E—Default Adjudicative Process

- 17.37 Default adjudicative process for protests.
- 17.39 Default adjudicative process for contract disputes.

### Subpart F—Finality and Review

- 17.41 Final orders.
- 17.43 Judicial review.
- 17.45 Conforming amendments.

#### APPENDIX A TO PART 17—ALTERNATIVE DISPUTE RESOLUTION (ADR)

AUTHORITY: 5 U.S.C. 570–581, 49 U.S.C. 106(f)(2), 40110, 40111, 40112, 46102, 46014, 46105, 46109, and 46110.

SOURCE: Docket No. FAA–1998–4379, 64 FR 32936, June 18, 1999, unless otherwise noted.]

### Subpart A—General

#### § 17.1 Applicability.

This part applies to all protests or contract disputes against the FAA that are brought on or after June 28, 1999, with the exception of those contract disputes arising under or related to FAA contracts entered into prior to April 1, 1996.

#### § 17.3 Definitions.

(a) *Accrual* mean to come into existence as a legally enforceable claim.

(b) *Accrual of a contract claim* means that all events relating to a claim have occurred which fix liability of either the government or the contractor and permit assertion of the claim, regardless of when the claimant actually discovered those events. For liability to be fixed, some injury must have occurred. Monetary damages need not have been incurred, but if the claim is for money, such damages must be capable of reasonable estimation. The accrual of a claim or the running of the limitations period may be tolled on such equitable grounds as where the office of Dispute Resolution for Acquisition determines that there has been active concealment or fraud or where it finds that the facts were inherently unknowable.

(c) *Acquisition Management System (AMS)* establishes the policies, guiding principles, and internal procedures for the FAA's acquisition system.