

**GENERAL SERVICES ADMINISTRATION
BOARD OF CONTRACT APPEALS**

Rules of Procedure
for
Transportation Rate Cases

RULE 301

SCOPE

(a) Authority. Section 201(o) of the General Accounting Office Act of 1996, Pub. L. 104-316, transfers certain functions of the Comptroller General contained in 31 U.S.C. 3726(g)(1) to the Administrator of General Services, who has redelegated those functions to the General Services Administration Board of Contract Appeals.

(b) Type of claim; review of claim. These procedures are applicable to the review of claims made by a carrier or freight forwarder pursuant to 31 U.S.C. 3726(g)(1). The Board will issue the final agency decision on a claim based on the information submitted by the claimant, the General Services Administration Office of Transportation Audits (OTA), and the department or agency (the agency) for which the services were provided. The burden is on the claimant to establish the timeliness of its claim, the liability of the agency, and the claimant's right to payment.

RULE 302

FILING CLAIMS

(a) Form. A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include:

(1) the name, address, telephone number, and facsimile machine number, if available, of the claimant;

(2) the Government bill of lading or Government transportation request number;

(3) the claimant's bill number;

(4) the Government voucher number and date of payment;

(5) the OTA claim number;

(6) the agency for which the services were provided; and

(7) any other identifying information.

(b) When and where claims are filed. A claim is filed when it is received by the Office of the Clerk of the Board during the Board's working hours. Claims should be sent to the Board at the

following address: Office of the Clerk of the Board, Room 7022, General Services Administration Building, 1800 F Street, NW, Washington, DC 20405. The Clerk's telephone number is: (202) 501-0116. The Clerk's facsimile machine number is: (202) 501-0664. The Board's working hours are 8:00 a.m. to 4:30 p.m., Eastern Time, on each day other than a Saturday, Sunday, or federal holiday.

(c) Notice of docketing. A claim will be docketed by the Office of the Clerk of the Board, and a written notice of docketing will be sent promptly to the claimant, the Director of OTA, and the agency for which the services were provided. The notice of docketing will identify the judge to whom the claim has been assigned.

(d) Service of copy. The claimant shall send to OTA and the agency identified in subparagraph (a)(6) of this rule copies of all material provided to the Board. All submissions to the Board by a claimant shall indicate that a copy has been provided to OTA and the agency.

RULE 303

RESPONSES TO CLAIMS

(a) Content of responses. Within 30 calendar days after docketing by the Board (or within 60 calendar days after docketing if the agency office for which the services were provided is located outside the 50 states and the District of Columbia), OTA and the agency for which the services were provided shall each submit to the Board:

(1) a simple, concise, and direct statement of its response to the claim;

(2) citations to applicable statutes, regulations, and cases; and

(3) any additional information deemed necessary to the Board's review of the claim.

(b) Service of copy. All responses submitted to the Board shall indicate that a copy has been sent to the claimant and to OTA or the agency, as appropriate. To expedite proceedings, if either OTA or the agency will not file a response (e.g., it believes its reasons for denying the claim were sufficiently explained in the material filed by the claimant), it should notify the Board, the claimant, and OTA or the agency, as appropriate, that it does not intend to file a response.

RULE 304

REPLY TO OTA AND AGENCY RESPONSES

A claimant may file with the Board and serve on OTA and the agency a reply to the OTA and agency responses within 30 calendar days after receiving the responses (or within 60 calendar days after receiving the responses, if the claimant is located outside the 50 states and the District of Columbia). To expedite proceedings, if the claimant does not wish to respond, the claimant should so notify the Board, OTA, and the agency.

RULE 305

PROCEEDINGS

(a) Requests for additional time. The claimant, OTA, or the agency may request additional time to make any filing.

(b) Conferences. The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant, OTA, and the agency at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(c) Submissions. The judge may require the submission of additional information at any time. The claimant, OTA, or the agency may request an opportunity to make additional submissions; however, no such submission may be made unless authorized by the judge.

RULE 306

DECISIONS

The judge will issue a written decision based upon the record, which includes submissions by the claimant, OTA, and the agency, and information provided during conferences. The claimant, OTA, and the agency will each be furnished a copy of the decision by the Office of the Clerk of the Board. In addition, all Board decisions are posted weekly on the Internet. The Board's Internet address is: www.gsbca.gsa.gov.

RULE 307

RECONSIDERATION OF BOARD DECISION

A request for reconsideration may be made by the claimant, OTA, or the agency. Such requests must be received by the Board within 30 calendar days after the date the decision was issued (or within 60 calendar days after the date the decision was issued, if the claimant or agency office making the request is located outside the 50 states and the District of Columbia). The request for reconsideration should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration.

RULE 308

PAYMENT OF SUCCESSFUL CLAIMS

The agency for which the services were provided shall pay amounts the Board determines are due the claimant.