

## 8.406-6 Disputes.

(a) Disputes pertaining to the performance of orders under a schedule contract.

(1) Under the Disputes clause of the schedule contract, the *ordering activity contracting officer* may-

(i) Issue final decisions on disputes arising from performance of the order (but see paragraph (b) of this section); or

(ii) Refer the dispute to the *schedule contracting officer*.

(2) The *ordering activity contracting officer* shall notify the *schedule contracting officer* promptly of any final decision.

(b) *Disputes pertaining to the terms and conditions of schedule contracts.* The *ordering activity contracting officer* shall refer all disputes that relate to the contract terms and conditions to the *schedule contracting officer* for resolution under the Disputes clause of the contract and notify the schedule contractor of the referral.

(c) *Appeals.* Contractors *may* appeal final decisions to either the Board of Contract Appeals servicing the agency that issued the final decision or the U.S. Court of Federal *Claims*.

(d) *Alternative dispute resolution.* The *contracting officer* should use the alternative dispute resolution (ADR) procedures, to the maximum extent practicable (see [33.204](#) and [33.214](#)).

**Parent topic:** [8.406 Ordering activity responsibilities.](#)