



Washington State
DEPARTMENT OF
ENTERPRISE SERVICES

Claims & Disputes Process

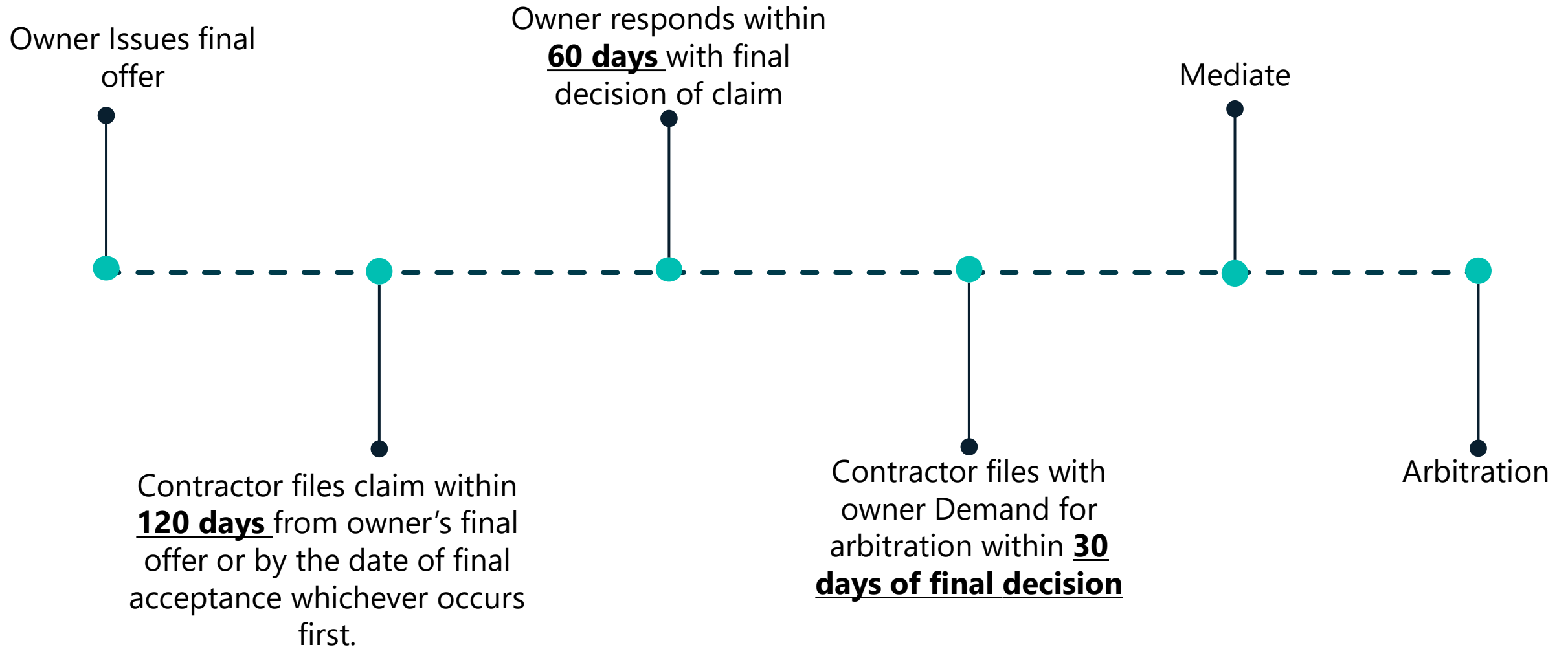
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FPS

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PART 8 GENERAL CONDITIONS

- Contractors Claim(DES) versus Contractor filing a claim (AAA)
- Contractual Filing Notices
- Mediation versus Arbitration
- Roles and Responsibilities
- Cost

CONTRACTUAL CLAIMS PROCESS



PART 8 GENERAL CONDITIONS

Feature	Mediation	Arbitration
Goal	Settlement through negotiation	Binding decision through adjudication
Control	Parties control the outcome	Arbitrator controls the outcome
Outcome	A voluntary agreement	A legally binding award
Formality	Informal and voluntary	More formal but less so than litigation
Finality	Parties can choose to not agree	Decision is difficult to appeal

DES/FPS SUPPORT PROVIDED IN THIS PROCESS

- Attorney General (AG) takes lead as owner's representative.
- AG handles communication and filings with AAA (American Arbitration Association).
- Project team works to provide supporting documentation.
- Claim may require specialized counsel—Special Assistant Attorney General (SAAG).
- AG's office will solicit for and help select and contract the SAAG for project team.

COST TO OWNER AGENCY

- In most cases, the mediation/arbitration fee is split 50/50 between the parties.
- The SAAG is paid for by the owner.
- Cost of claim settlement.



THANK YOU



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