

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 772

Adding Administrative Rule 47
concerning contract claims
against the Alaska Court System

IT IS ORDERED:

Administrative Rule 47 is added to provide as follows:

Rule 47. Contract Claims Against the Alaska Court System.

(a) Claim Procedure Mandatory.

- (1) Every claim for reimbursement for money expended, or for compensation for labor, materials, or supplies furnished, or services provided to or for the Alaska Court System must be made pursuant to this rule in order to be compensable.
- (2) The claim must include any request for damages, lost profits, lost interest, and any other expenses incurred as a result of the contractual relationship between the claimant and the Alaska Court System, as well as compensation as specified in subparagraph (a)(1). Attorneys fees are not compensable.
- (3) Claims for wrongful rejection of a bid proposal or for an arbitrary and unreasonable cancellation of a bid solicitation must be brought under the Alaska Court System Procurement Guidelines rather than under this rule. Claims of Alaska Court System employees concerning their employment must be brought under the

Alaska Court System Personnel Rules rather than under this rule.

(b) Presentation of Claim to Deputy Administrative Director. Every claim must be presented to the deputy administrative director of the Alaska Court System, 303 "K" Street, Anchorage, AK 99501, for approval and payment within six months after the money was expended, the labor, materials, or supplies were furnished, or the services were given to or for the Alaska Court System. This time limitation may be waived by the deputy administrative director for good cause.

(c) Appeal of Disallowance by Deputy Administrative Director.

(1) If a claim is disallowed by the deputy administrative director, the claimant may appeal the decision by delivering written notice of appeal to the administrative director of the Alaska Court System, 303 "K" Street, Anchorage, AK 99501, within 60 days after the claimant receives written notice of disallowance.

(2) A notice of appeal under this paragraph need not follow a particular format. However, the notice must show an intent to have the decision to disallow the claim reviewed, must sufficiently identify the claim to permit review, and must be signed by the claimant.

- (3) Upon receipt of a notice of appeal under this paragraph, the claim will be assigned to a hearing officer who is a member of the Alaska Bar Association not currently employed by the Alaska Court System.

(d) Pre Hearing Procedures.

- (1) Within 10 days of the assignment of a hearing officer, the deputy administrative director and the claimant shall transmit all relevant documents and memoranda relating to the claim to the hearing officer. The officer may require that additional documents be also submitted. Copies of all documents submitted to the hearing officer must be also submitted to the other party to the dispute.
- (2) The hearing officer shall set a time and place for hearing the appeal upon receipt of the transmittal from the deputy administrative director. The hearing must be held within 60 days of receipt of these documents unless the parties agree to an extension. The hearing officer shall notify the parties of the hearing time and place at least 15 days before the hearing. Either party may request that the hearing date be rescheduled.
- (3) Both parties must submit a hearing memorandum to the hearing officer at least five days before the hearing date. The hearing memorandum must include a description of the factual background of the dispute, citations of law where appropriate, a statement of position of the party,

and the remedy sought. A copy of the hearing memorandum must be submitted to the other party.

(e) Hearing Procedure.

- (1) The hearing will be informal without application of the formal rules of evidence, but must be recorded. A party to the dispute may obtain a transcript of the proceeding at the party's own expense.
- (2) Either party may be represented by an attorney at the hearing. The parties may testify, present documentary evidence or the testimony of witnesses, and cross-examine adverse witnesses. Testimony must be made under oath.


(f) Decision.

- (1) The hearing officer shall make written recommendations to the administrative director within 30 days of the hearing. The recommendations must state the reasons for the officer's conclusions and be served on both parties.
- (2) The administrative director shall issue a written decision either affirming, reversing, or modifying the deputy administrative director's decision within 10 days of the hearing officer's recommendations. The decision must be served on the claimant.
- (3) The decision must include a statement that if the claimant does not accept the administrative director's decision, the claimant may obtain

judicial review of the decision in accordance with AS 44.62.560-.570. If the decision requires payments to be made by the Alaska Court System, payments will be made only after the claimant notifies the Alaska Court System in writing that the decision is accepted and the claim is satisfied, or after no action is brought on the claimant's claim within 30 days as provided by law.

DATED: November 13, 1986


EFFECTIVE DATE: November 15, 1986



Chief Justice Rabinowitz

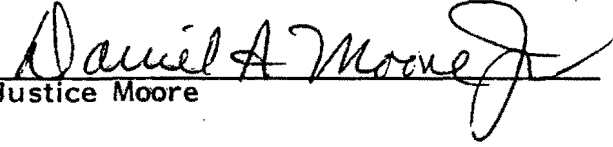


Justice Burke



Justice Matthews

Justice Compton



Justice Moore