

(II) FAILURE TO REACH A DECISION WITHIN THE TIME LIMITS UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL BE DEEMED TO BE A DECISION NOT TO PAY THE CLAIM.

~~(6)--THE FILING OF A CLAIM UNDER THIS SUBSECTION MAY NOT SERVE TO DELAY ANY PAYMENTS DUE FROM THE STATE UNDER THE CONTRACT.~~

(6) AT THE TIME OF FINAL PAYMENT, THE AGENCY SHALL:

(I) RELEASE THE RETAINAGE DUE TO THE CONTRACTOR; AND

(II) PAY ANY INTEREST ACCRUED ON THE RETAINAGE DUE AND PAYABLE TO THE CONTRACTOR FROM THE TIME OF PAYMENT OF THE SEMIFINAL ESTIMATE.

[(c)] (D) The decision of the procurement officer to resolve or not to resolve a dispute shall be reviewed by the agency head unless otherwise provided by regulation. If the agency is part of one of the principal departments or an equivalent unit of government, the decision shall be reviewed by the Secretary or his equivalent unless delegated to the agency head by regulation. The reviewing authority may approve or disapprove the procurement officer's decision. In disapproving a decision not to resolve the dispute, the reviewing authority may order the procurement officer to effect a resolution. The decision of the reviewing authority is deemed final action by the agency, department, or its equivalent, as the case may be.

[(d)] (E) (1) Within 15 days of receipt of notice of a final action disapproving a resolution or approving a decision not to resolve a dispute relating to the formation of a State contract, the bidder or offeror or prospective bidder or offeror may appeal the action to the State Board of Contract Appeals. The decision of the Board is final only subject to judicial review.

(2) Within 30 days of receipt of notice of a final action disapproving a settlement or approving a decision not to settle a dispute relating to a contract entered into by the State, the contractor may appeal to the Maryland State Board of Contract Appeals.

[(e)] (F) An approved settlement is judicially enforceable in the appropriate court.

[(f)] (G) Subsections (a) through (e) of this section shall not apply to disputes concerning the formation of contracts to procure architectural and engineering services made under Title 9. Within 15 days of receipt of notice of a recommendation by the Transportation Professional Services Selection Board or the General Professional Services Selection Board to the Board of Public Works to enter into an architectural and engineering services procurement contract, a prospective offeror of