

(i) Estimated costs or fixed prices if the absence of open market competition precludes the use of competitive sealed bidding;

(ii) Adjustments for State directed changes or modifications in contract performance; and

(iii) Settlements of terminated contracts.

(2) To determine the allowability of costs under contract provisions which provide for the reimbursement of costs; and

(3) In any other situation that requires the determination of the estimated or the incurred costs of performing contracts.]

[Title 17.] PART XII. Administrative and Civil Remedies

[Subtitle 1. Escrow Accounts.]

[17-101.] 11-136.1. ESCROW ACCOUNTS

Whether or not any claim exists, when the procurement agency pays a semifinal estimate, the procurement agency shall place any retainage remaining in an interest bearing escrow account.

[Subtitle 2. Resolution of Controversies  
Over Contracts.]

[17-201.] 11-137. RESOLUTION OF COMPLAINTS.

[(a) Upon timely demand, as defined in regulations promulgated by the Department, by a prospective bidder or offeror, bidder or offeror, or contractor, the responsible procurement officer of the using agency may, consistent with the budget and all applicable laws and regulations, negotiate and resolve disputes relating to the formation of a contract with the State or a contract which has been entered into by the State. Disputes relating to the formation of a contract include but are not limited to those concerning the qualification of bidders or offerors and the determination of the successful bidder or offeror. Disputes relating to a contract which has been entered into by the State include but are not limited to those concerning the performance, breach, modification, and termination of the contract.

(b) Except as provided in subsection (c) of this section, the resolution of these disputes shall be in accordance with regulations established by the respective departments, and the procurement officer's decision shall be in writing. Except in the adoption of regulations, the Administrative Procedure Act shall not apply to proceedings under this section.