

THE CLAIM AND NOTIFY THE CONTRACTOR, IN WRITING, OF A DECISION REGARDING RESOLUTION OF THE CLAIM. THE 180 DAY TIME LIMIT MAY BE EXTENDED BY MUTUAL AGREEMENT OF THE PARTIES.

(5) (I) A DECISION NOT TO PAY A CLAIM IS A FINAL ACTION FOR THE PURPOSE OF APPEAL TO THE BOARD OF CONTRACT APPEALS.

(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) 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.

[17-202.] 11-138. STATE BOARD OF CONTRACT APPEALS.

(a) (1) There is a Maryland State Board of Contract Appeals[, referred to in this title as the Appeals Board].

(2) The Appeals Board is an independent agency within the executive branch and may not, except by statute, be made a part of any [department or] OTHER STATE agency.

(b) (1) The Appeals Board consists of [three] 3 members[, each] appointed by the Governor with the advice and consent of the Senate.

(2) The members of the Appeals Board shall be qualified to serve in a quasi-judicial capacity and shall have a thorough knowledge of procurement practices and processes.

(3) [Members initially appointed shall serve until February 1, 1984. Thereafter, the members] (I) EACH MEMBER shall have [5 year terms] A 5-YEAR TERM[. However, a member shall] BUT MAY continue serving beyond his term until the appointment and qualification of his successor.

(II) The terms of the members are staggered as required by the terms provided for members of the Board on February 1, 1984.

(4) In the event of a vacancy on the Appeals Board, the Governor shall appoint, with the advice and consent of the Senate, a successor to serve the remainder of the unexpired term.

(5) A member of the Appeals Board may be removed for cause by the Governor.