

(4) Within 180 days after receipt of the claim, the agency head, Secretary, or equivalent official shall investigate 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 purposes 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.

(D) (1) NOTWITHSTANDING ANY CONTRACT PROVISION TO THE CONTRARY, THE BOARD OF CONTRACT APPEALS, IN ITS DISCRETION, MAY AWARD INTEREST ON AMOUNTS FOUND DUE THE CONTRACTOR ON A CLAIM DECIDED UNDER THIS SECTION.

(2) INTEREST SHALL MAY ACCRUE BEGINNING ON A DATE PRIOR TO THE DECISION OF THE BOARD, DETERMINED BY THE BOARD TO BE JUST FAIR AND FAIR REASONABLE AFTER HEARING ALL OF THE FACTS OF THE CLAIM UNTIL THE DATE OF THE DECISION BUT INTEREST MAY NOT ACCRUE FROM A DATE THAT IS BEFORE THE RECEIPT OF A CLAIM BY THE PROCUREMENT OFFICER.

~~(3) -- ACCRUAL -- OF INTEREST -- SHALL -- TERMINATE -- WHEN -- PAYMENT IS MADE.~~

~~(4) (3) THE RATE OF INTEREST UNDER THIS SUBSECTION SHALL BE AT THE RATE SPECIFIED IN § 11-107(A) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE OF THE CODE.~~

[(d)] (E) 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.