§ 16.305

§16.305 Requirement to show cause and imposition of sanction.

(a) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of §16.303, the Associate Administrator or his designee or the hearing officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Associate Administrator may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the FAA, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Redesignated at Amdt. 16-1, 78 FR 56148, Sept. 12, 20131

PART 17—PROCEDURES FOR PRO-TESTS AND CONTRACT DISPUTES

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APPENDIX A TO PART 17—ALTERNATIVE DIS-PUTE RESOLUTION (ADR)

AUTHORITY: 5 U.S.C. 570-581, 49 U.S.C. $106(f)(2),\ 40110,\ 40111,\ 40112,\ 46102,\ 46014,\ 46105,$ 46109, and 46110.

Source: 76 FR 55221, Sept. 7, 2011, unless otherwise noted.

Subpart A—General

§17.1 Applicability.

This part applies to all Acquisition Management System (AMS) bid protests and contract disputes involving the FAA that are filed at the Office of Dispute Resolution for Acquisition (ODRA) on or after October 7, 2011, with the exception of those contract disputes arising under or related to FAA contracts entered into prior to April 1, 1996, where such contracts have not been modified to be made subject to the FAA AMS. This part also applies to pre-disputes as described in subpart G of this part.

§ 17.3 Definitions.

(a) Accrual means to come into existence as a legally enforceable claim.

(b) Accrual of a contract claim means that all events relating to a claim have occurred, which fix liability of either the government or the contractor and