

## 33.201 Definitions.

As used in this subpart-

*Accrual of a claim* means the date when all events, that fix the alleged liability of either the Government or the contractor and permit assertion of the *claim*, were known or *should* have been known. For liability to be fixed, some injury *must* have occurred. However, monetary damages need not have been incurred.

*Alternative dispute resolution (ADR)* means any type of procedure or combination of procedures voluntarily used to resolve issues in controversy. These procedures *may* include, but are not limited to, conciliation, facilitation, mediation, fact-finding, minitrials, arbitration, and use of ombudsmen.

*Defective certification* means a certificate which alters or otherwise deviates from the language in 33.207(c) or which is not executed by a person authorized to bind the contractor with respect to the *claim*. Failure to certify *shall* not be deemed to be a *defective certification*.

*Issue in controversy* means a material disagreement between the Government and the contractor that-

(1) *May* result in a *claim*; or

(2) Is all or part of an existing *claim*.

*Misrepresentation of fact* means a false statement of substantive fact, or any conduct which leads to the belief of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead.

**Parent topic:** [Subpart 33.2 - Disputes and Appeals](#)