

Public Works Contract Arbitration Complaint Form

Attorney, or Party without Attorney (Name, State Bar No., and address): Telephone No: Email Address: Attorney For (Name):	FOR ADMINISTRATIVE USE ONLY
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OFFICE OF ADMINISTRATIVE HEARINGS PUBLIC WORKS CONTRACT ARBITRATION 2349 GATEWAY OAKS DRIVE, SUITE 200 SACRAMENTO, CA 95833-4231

Complaint	Amended Complaint No.:
Cross Complaint	Amended Cross-Complaint No.:
Petitioner:	
Respondent:	
Interested Party:	
Does No. 1 to No.	
Public Works Contract No. (If applicable):	OAH Case No.

SHORT TITLE:

If this form is used as a cross-complaint, Petitioner means Cross-complainant and Respondent means Cross-Respondent

1. Petitioner alleges causes of action against Respondent(s) (include names and addresses):

2. Petitioner is a (select one):

Competent adult

An unincorporated entity

Corporation qualified to do business
in California

(describe): Other (specify):

3. Petitioner's contract status was a (select one):

Respondent's contract status was a (select one):

Prime Contractor

Prime Contractor

Department of Public

Department of Public

Agency Subcontractor, or

Agency Subcontractor, or

Other (specify):

Other (specify):

SHORT TITLE:

4. Petitioner (select one):

Has complied with the fictitious business name laws and is doing business under the fictitious business name of (*specify*):

Has complied with all licensing requirements as a licensed (*specify*):

5. Joinder of the following Interested Parties is requested (*list name and address of Interested Parties*):

6. Please select one of the following:

A. Each Respondent and Interested Party is a natural person.

B. Interested Party (*specify*):

Government entity

Corporation

Unincorporated entity (describe):

Other (*specify*):

C. The true names and capacities of Respondents sued as Does are unknown to Petitioner.

7. This Complaint is timely because:

A. This Complaint is timely under *Public Contract Code § 10240.1* because it was filed not later than 90 days' after Petitioner's receipt of the Final Written Decision of the department, which occurred on, 20 and is included here as "Attachment 7."

SHORT TITLE:

B. This Complaint is timely under *Public Contract Code § 10240.2* because (*also check one box below*):

Petitioner has not received a Final Written Decision of the department, but more than 240 days have elapsed since acceptance of the contract work on (*date*) and "*Attachment 7*" is a copy of the contract acceptance document.

Petitioner has not received a Final Written Decision of the department, and the contract work was not accepted, but Petitioner is entitled to file for arbitration because: (*explain and use "Attachment 7"*)

8. Petitioner:

Has complied with all administrative procedures of the contract (*Public Contract Code § 10240.2*).

Has not complied with all administrative procedures of the contract because (*explain, and include "Attachment 8" if necessary*)

9. The claim or claims:

Were previously presented to the Public Agency for decision in compliance with all Contract claims procedures. [*Public Contract Code § 10240.2; 1 CCR Sec. 1351(b)(6)*]

Were not previously presented to the Public Agency for decision because: (*explain, and include "Attachment 9" if necessary*)

10. Submit a PWCA CLAIM FORM for each separate Claim (PWCA Form 002) or Claim Item in this Complaint. There are a total of _____ claim forms in this complaint, and the total dollar amount requested in arbitration is \$ _____, before interest, costs and such further amounts as the arbitrator may determine.

11. This pleading, including its attachments and exhibits, consists of the following number of pages:

SHORT TITLE:

VERIFICATION

I, (print name) _____, declare under penalty of perjury under the laws of the State of California that I am an authorized representative of the Petitioner, I have read the facts and contents of all matters herein, and they are true of my own knowledge, except those that are stated on information and belief, and as to those I believe them to be true.

Signed on _____ 20____, at _____, California.

Status:

- | | |
|----------|----------------------|
| Officer | Authorized employee |
| Director | Legal Representative |
| Owner | |

**Legal references are to the Public Contract Code and California Code of Regulations, Title 1, Division 2, Chapter 4 (PWCA)*