



Standard Operating Procedures: How to File a Contract Claim Against the State of Nebraska

Department of Administrative Services
Risk Management

Created By: Risk Management
Approved By: Risk Manager, Allen Simpson
Effective Date: 07/28/2017
Last Revised: 05/17/2021
Last Reviewed: 05/17/2021

[State Contract Claims Act, Nebraska Revised Statutes §§ 81-8,302 to 81-8,306](#)

When a dispute regarding a contract between the State of Nebraska (a State Agency, Board, and/or Commission) and a Contractor has ensued a Contract Claim may be filed. Contract claims are heard and decided by the State Claims Board

A Contract Claim is a claim describing a dispute over a contract between the State of Nebraska (a State Agency, Board and/or Commission) and the Claimant. The Contract Claim Act does not cover employment contracts under the State Personnel System or the contracts written under State Employees Collective Bargaining Act.

Contract claims shall be filed on [forms](#) provided by Risk Management. Each Claimant shall submit a completed Contract Claim form with, at a minimum, the following documentation:

1. A copy of the contract allegedly breached.
2. An explanation of the manner in which the contract was allegedly breached.
3. An explanation of damages incurred as a result of the alleged breach.

Upon receipt of a contract claim, Risk Management shall immediately notify the Claimant and the Contracting Agency, in writing.

Both the Claimant and the Contracting Agency have the right to object to the submission of the Claim to the State Claims Board. In order to object to the submission, the Claimant or the Contracting Agency must notify Risk Management, in writing, within ninety days of the mailing notification that the claim was filed.

If either the Claimant or the Contracting Agency object to the submission of the Claim to the State Claims Board, the Board shall have no further jurisdiction over the Claim, and the Claimant may initiate an action in the District Court of Lancaster County. Any action initiated in the District Court of Lancaster County must be filed within two years of the date that Risk Management receives the written notification of objection, or the claim shall be forever barred.

Every contract claim permitted under the State Contract Claims Act shall be forever barred unless the claim is filed with the Risk Manager within two years of the time at which the claim accrued.

TO FILE A CONTACT CLAIM:

[Download the Contract Claim Form Here](#)

Only fully completed and signed Contact Claim Forms will be accepted by the Office of Risk Management.

State of Nebraska Contract Claim Form

This form is for Contract Claims (Neb. Rev. Stat. § 81-8,302 - § 81-8,306) against the State of Nebraska.

Only **COMPLETED** and **SIGNED** Claim Forms will be accepted by the Office of Risk Management.
 * Indicates a **REQUIRED** field. If required fields are not filled out, your Claim will not be processed.

		FOR OFFICE USE ONLY
		Claim Number:
Claimant's Name*:	Claimant's Phone Number*:	Alternate Phone Number:
Claimant's Mailing Address*:		Claimant's Email Address:
		Name of State of Nebraska Agency Contracted*:
Date of Occurrence*:	Total Amount of Claim*:	Contract Number:
Name, Address, and Phone Number of Attorney, if any:		

A copy of the contract allegedly breached must accompany this Claim Form.

In the below space, please provide a detailed itemization of all known facts/circumstances/damages leading to your allegation of breach. Identify all property, places, and people involved. Include names, addresses, and phone numbers of witnesses, if any. The information provided below, along with the findings of the investigating agency, will form the basis of any decision.

Claimant Signature*:	Date*:
Under Penalties of law, I declare that I have examined this statement and that it is, to the best of my knowledge and belief, true, complete, and correct, and that I am duly authorized to sign this statement.	

Please include copies of any supporting documents that may be relevant to your claim.
 Make and keep copies of all documentation submitted as copies will not be provided.

Claim form and supporting documents can be emailed to: as.riskmanagement@nebraska.gov
 Or mailed to: Office of Risk Management, PO Box 94974, Lincoln, NE 68509-4974
 Questions? Call the Office of Risk Management at (402) 471-2551



The following pages explain the various sections of the Contract Claim Form. The title of each section is provided, followed by a description and an explanation of the information requested.

Please note that when a field contains an asterisk (*), it is a **REQUIRED FIELD** and cannot be left blank. Please fill out the fields with the asterisks completely. This will help the investigation.

Claimant's Name*:

This is the name of the person/company making the claim. This name should match the Claimant's signature.

Claimant's Phone Number*:

This is the phone number of the Claimant, the number where the Claimant can be reached during the day.

Alternate Phone Number:

This is any other phone number than the daytime phone number listed above. This field may be left blank when there is no alternate phone number.

Claimant's Mailing Address*:

This is the mailing address of the Claimant. The Office of Risk Management will send correspondence to this address.

Email Address:

Does the Claimant have an email address? If so, please list it here. This is not a required field. This space may be left blank if the Claimant does not have an email address.

Name of State of Nebraska Agency Contracted*:

This is the Agency of the State of Nebraska with which the contract has been made.

Date of Occurrence*:

This is the date that the disagreement over the contract arose. When did the alleged breach of contract occur? When did this incident happen?

Total Amount of Claim*:

This is the amount of money that the alleged breach of contract has caused to be lost. What is the total amount of damages caused by this alleged breach of contract?

Contract Number:

This is the number assigned to the contract with the State of Nebraska.

Name, Address, and Phone Number of Attorney, if any:

Please list the attorney's name. Provide the contact information of the attorney, the attorney's phone number and mailing address. You may also provide a copy of the retainer or letter of engagement that was received when the attorney was hired.

A copy of the contract allegedly breached must accompany this Claim Form.

In the below space, please provide a detailed itemization of all known facts/circumstances/damages leading to your allegation of breach.*

Claimant Signature*:

Sign the claim in the space provided. This is the Claimant's signature or the person submitting the claim. Claims cannot be processed without the Claimant's signature and date of signature.

Date*:

This is the date that the Claimant is signing the form. Claims cannot be processed without the date of signature.

Once the Claim Form has been completed it needs to be submitted to the Office of Risk Management. It is recommended that the form be submitted electronically, however it can also be submitted by mail, fax, or in-person.

To Submit Your Claim Electronically:

Please email the completed, signed, and dated form as well as any supporting documents to:

as.riskmanagement@nebraska.gov

If submitting electronically, keep in mind that a typed signature is legally binding and equivalent to a handwritten signature.

To Submit Your Claim by Mail:

Please mail the completed, signed, and dated form as well as any supporting documents to:

**Office of Risk Management
PO Box 94974
Lincoln, NE 68509-4974**

To Submit Your Claim by Fax:

Please fax the completed, signed, and dated form as well as any supporting documents to:

402-471-2800

To Submit Your Claim in Person:

Please bring the completed, signed, and dated form as well as any supporting documents to:

**Office of Risk Management
1526 K Street, Suite 180
Lincoln, NE 68508**

What Happens Next?

Claims must be approved or denied by the State Claims Board. Claimants will be notified by mail of the hearing date and time. The hearing dates are posted in the Office of Risk



Management and also under the [State Claims Board](#) tab at the [Office of Risk Management](#) website. Claimants may attend the hearing, but it is not required. If a Claimant wishes to attend, they must notify the Office of Risk Management, in writing, at least one week prior to the hearing. Once the claim has been heard by the State Claims Board, the Claimant will be notified of the action taken on the claim within ten days of the hearing.

State Claims Board Hearings:

The State Claims Board shall have the power and authority to receive, investigate, and otherwise carry out its duties with regard to:

- All claims under the [State Tort Claims Act, Nebraska Revised Statutes §§ 81-8,209 to 81-8,235](#).
- All claims under the [State Miscellaneous Claims Act, Nebraska Revised Statutes §§ 81-8,294 to 81-8,301](#).
- All claims under [Nebraska Revised Statutes §§ 25-1802 to 25-1807](#),
- All claims under the [State Contract Claims Act, Nebraska Revised Statutes §§ 81-8,302 to 81-8,306](#),
- All requests on behalf of any Agency, Board, or Commission of the State for waiver or cancellation of money or charges when necessary for fiscal or accounting procedures, and
- All claims filed under section [66-1531](#). ([See Nebraska Revised Statute §§ 81-8,297](#)).

The Director of Insurance, Commissioner of Labor, and Director of Administrative Services shall constitute the State Claims Board which shall be part of the Risk Management Program created by section [Nebraska Revised Statute § 81-8,239.01](#). The Attorney General shall be its legal advisor. ([See Nebraska Revised Statute § 81-8,220](#))

The State Claims Board meets quarterly. The dates of the hearings are posted in Office of Risk Management and also under the [State Claims Board](#) tab at the [Office of Risk Management](#) website. The hearings are informal pursuant to the [Open Meetings Act, Nebraska Revised Statutes §§ 84-1407 to 84-1414](#). The Claimant does not need to be present for the claim to be heard. Claims will be heard before the Nebraska Legislature once per year.

Please call the Office of Risk Management at (402) 471-2551, Monday – Friday, 8 AM to 5 PM, if there are any questions.

It is important to keep copies of all documentation submitted to the Office of Risk Management, State of Nebraska.