

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

A. Receiving Goods

All goods received must be accepted by a school division employee authorized to certify that the goods were received in good condition before payment can be approved.

B. Paying for Goods and Services

No payment for goods or services shall be made, unless both an itemized invoice showing name of the person or firm to whom payment is due is present, and a receiving document bearing the signature of an authorized school employee is on file; furthermore, the invoice must have been issued in response to an approved purchase order.

The superintendent shall establish procedures for accounting, purchasing and warrant writing so that each transaction is internally audited by several employees as they perform the required functions.

A time frame for the prompt payment of invoices is established in the first legal reference to this policy.

C. Contractual Claims

Any contractual claims made by a contractor shall be filed with the superintendent or his designee, in writing, no later than sixty (60) days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is made.

The superintendent or his designee shall investigate the claim and all pertinent facts and render a written decision on said claim within thirty (30) days of filing. Such decision shall be final unless the contractor appeals, in writing, to the Board within ten (10) days after receipt of the superintendent's decision. The board within thirty (30) days of the appeal filing shall render its written decision.

The above procedure shall be referenced in all contracts exceeding \$10,000

Legal Reference:

Code of Va., § 11-62.10. Prompt payment of bills by localities.--"Every agency of local government that acquires goods or services, or conducts any other type of contractual business with a non-governmental, privately owned enterprise, shall promptly pay of the completed delivered goods or services by the required payment date. The required payment date shall be either: (i) the date on which payment is due under the terms of the contract for the provision of such goods or services; or (ii) if such date is not established by contract, not more than forty-five days after goods or services are

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received or not more than forty-five after the invoice is rendered, whichever is later.

Separate payment dates may be specified for contracts under which goods or services are provided in a series of partial executions or deliveries to the extent that the contract provides for separate payment for partial execution or delivery.

Within twenty days after the receipt of the invoice or goods or services, the agency shall notify the business concern of any defect or impropriety which would prevent payment by the payment date.

Unless otherwise provided under the terms of the contract for the provision of goods or services, every agency that fails to pay by the payment date shall pay any finance charges assessed by the business concern which do not exceed one percent per month.

The provisions of this section shall not apply to the late payment provisions in any public utility tariffs or public utility negotiated contracts." (1985)

Code of Va., § 11-69 Contractual disputes: - A. Contractual claims, whether for money or other relief, shall be submitted in writing no later than sixty days after final payment; however, written notice of the contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

B. Each public body shall include in its contracts a procedure for consideration of contractual claims. such procedure, which may be incorporated into the contract by reference, shall establish a time limit for a final decision in writing by the public body.

C. A contractor may not invoke administrative procedures meeting the standards of § 11-71, if available, or in the alternative by instituting legal action as provided in §11-70, prior to receipt of the public body's decision on the claim, unless the public body fails to render such decision within the time specified in the contract.

D. The decision of the public body shall be final and conclusive unless the contractor appeals within six months of the date of the final decision on the claim by the public body by invoking administrative procedures meeting the standards of § 11-71, if available, or in the alternative by instituting legal action as provided in § 11-70. (1982)

Code of Va., § 22.1-122. Approval and payment of claims; warrants; prohibited acts.--

"A. Except as provided for in § 22.1-122.1 a school board shall examine all claims against it and, when approved, shall order or authorize the payment thereof. A record

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of such approval and order or authorization shall be made in the minutes of the school board. Payment of each claim shall be ordered or authorized by a warrant drawn on the treasurer or other officer charged by law with the responsibility for the receipt, custody and disbursement of the funds of the school board. The warrant shall be signed by the chairman, or vice-chairman of the school board, countersigned by the clerk or deputy clerk thereof, made payable to the person or persons, firm or corporation entitled to receive such payment and recorded in the form and manner prescribed by the Board of Education. There shall be stated on the face of the warrant the purpose or service for which such payment is drawn and the date of the order entered or authority granted by the school board.

B. . . . For appointment of agent/deputy agent see bylaw # 1-6.

C. The school board of any school division composed of a county may provide, by resolution, for the drawing of special warrants in payment of compensation, when such compensation has been earned and is due, for (i) all employees and school bus operators under written contract, (ii) upon receipt of certified time sheets or other evidence of service performed, the payment of all other employees whose rate of pay have been established by the school board or its properly delegated agent, and (iii) for payment on contracts for school construction projects according to the terms of such contracts. All such special warrants so authorized shall be signed by the clerk or deputy clerk of the school board. When the division superintendent and clerk is one and the same person, such special warrants shall be countersigned by such chairman or vice-chairman. Such payrolls and contracts so paid shall be reviewed and approved by the school board at its next regular meeting.

D. Any warrant provided for in this section may be converted into a negotiable check when the name of the bank upon which the funds stated in the warrant are drawn or by which the check is to be paid is designated upon its face and is signed by the treasurer or other officer charged by law with the responsibility for the receipt, custody and disbursement of the funds of the school board.

E. The acts prohibited by §15.2-1244 with respect to the ordering of the issuance of warrants by a board of supervisors and the signing and countersigning of such warrants by the clerk, deputy clerk, chairman, and vice-chairman of such board shall apply to the ordering of the issuance of warrants by a school board and to the signing and countersigning thereof by the chairman, vice-chairman, clerk, deputy clerk, agent and deputy agent of school board. Any clerk, deputy clerk, agent, deputy agent who violates any provision of this section shall be guilty of both a Class 3 misdemeanor and malfeasance in office." (1989)

Code of Va., § 22.1-122.1. Accounts to purchase certain materials and supplies.--"A school board, by resolution and subject to the approval of the governing body, may establish accounts in each of its schools committed solely for the purchase of

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instructional materials and office supplies which are not stocked or purchased directly by the school division, items costing no more than \$500 per order and essential to meet immediate health, safety, or security needs. The school board may authorize the transfer of a percentage of the funds budgeted for a school, not to exceed thirty-five percent of the allocation, into such account.

Such account shall be managed by the principal of the school who shall file a monthly accounting of the funds with the division superintendent. No additional funds shall be transferred into any such account unless the monthly accounting has been filed. The funds in the account may be disbursed for payment of obligations by issuing a negotiable check signed by the principal and a second person to be designated by the school board. At the close of the fiscal year, all funds remaining in the accounts shall be returned to the school board simultaneously with a full accounting of disbursements. All such accounts shall be subject to the requirements of § 15.1-167 and relevant provisions of the Virginia Public Procurement Act § 11-35 et seq)." (1992)

Editor's Note: For allotment funds see school board policy # 4-31.

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