

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 106

An Act to amend and reenact § 11-69 of the Code of Virginia, relating to the Virginia Public Procurement Act; contractual disputes.

[H 2054]

Approved March 13, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 11-69 of the Code of Virginia is amended and reenacted as follows:

§ 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 contained in the contract or* may be *specifically* incorporated into the contract by reference *and made available to the contractor*, shall establish a time limit for a final decision in writing by the public body. *If the public body has established administrative procedures meeting the standards of § 11-71, such procedures shall be contained in the contract or specifically incorporated in the contract by reference and made available to the contractor.*

C. A contractor may not invoke administrative procedures meeting the standards of § 11-71, if available, or institute 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.