

# LODI UNIFIED SCHOOL DISTRICT

## Business and Non-Instructional Operations

Rule 3314

### Payment for Goods and Services

#### **Payment for Construction Contracts**

Payment on any contract for the creation, construction, alteration, repair, or improvement of any district property or facility or other public works project shall be made in accordance with the estimates, process, and/or schedule approved by the Board of Education.

As necessary, the Superintendent or designee may make progress payments as actual work is completed or materials are delivered. When a payment request is properly submitted by a contractor, any undisputed portion of the payment request shall be paid within 30 days. If the Superintendent or designee determines any payment request to be improper, he/she shall return the payment request to the contractor with a written statement of reasons why the request is not proper.

The district may withhold a maximum of five percent of the contract price until the final completion and acceptance of the project, except when there has been a finding by the Board, at a regularly scheduled meeting prior to accepting bids on the project, that the project is "substantially complex." In that event, a maximum of ten percent of the contract price can be held until final completion and acceptance of the project.

The proceeds to be withheld by the district may exceed five percent when the Board has made a finding, prior to the bid and during a properly noticed and regularly scheduled meeting, that the project is substantially complex and requires a higher retention amount than five percent. In such cases, the Board's finding and the actual amount to be withheld shall be included in the bid documents.

At any time after 50 percent of the work has been completed, the Board may release the withheld proceeds if it finds that satisfactory progress is being made.

Proceeds withheld by the district from payments to contractors for public works contracts shall be released within 60 days after the construction or improvement is completed. In the event of a dispute between the district and the contractor, the district may withhold from the final payment an amount not to exceed 150 percent of the disputed amount.

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