



Legislation Text

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AN ACT AMENDING LEGISLATIVE ACT 38-05 TRIBAL EMPLOYMENT RIGHTS ORDINANCE, PROVIDING FOR PROMPT PAYMENT OF VENDORS BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be referred as the “TERO prompt Payment Act of 2009” and codified under Title 40 Section 32 of the Cherokee Nation Code Annotated (CNCA).

Section 2. Purpose

The purpose of this Act is to establish time frames by which TERO vendors will be paid for work they perform.

Section 3. Legislative History

Legislative act 22-87 TERO Ordinance
Legislative act 29-88 TERO Amendment
Legislative act 38-05 TERO Amendment
Article VI Section 7 of the Cherokee Nation Constitution:

“The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: “Be It Enacted By The Cherokee Nation”. The style of all resolutions shall be “Be It Resolved By The Cherokee Nation”.

Section 4. Definitions

Cherokee Nation:

Vendor:

Section 5. Substantive Provisions

There shall be a new Section 32 of Title 40 of the Cherokee Nation Code Annotated that shall read as follows:

§32 Payments to Vendors:

Payments

1. General. The Cherokee Nation will not make invoice payments earlier than

seven (7) days prior to the due dates specified in the contract, unless:

- a. To make earlier payment on case-by-case basis; or
- b. Accelerated payments are necessary.

2. Payment date: Date on which a check for payment is dated, or if EFT, settlement date is date on which EFT payment is credited to contractor's financial institution.

3. Interest Penalties:

a. Late Payment. Payment office will pay an interest penalty automatically, without request from contractors, when all conditions, if applicable, are met:

- 1) Proper invoice submitted,
- 2) No disagreement over quantity, or quality or contract compliance with any contract requirement.
- 3) No contract settlement actions between Cherokee Nation and Contractor.
- 4) Contractor paid after due date.

b. Computation of Interest Penalties:

- 1) Simple daily interest.

4. Determining Payment Due Date:

a. General. Policies/Procedures shall ensure that, when specifying due dates, contracting officers give full consideration.

b. Payment due dates: The due date for making an invoice payment is:

- 1) The later of the two events:
 - a. The 30th day after receipt of proper invoice from contractor.
 - b. The 30th day after Cherokee Nation acceptance of supplies delivered or services performed.

5. Failure to pay interest.

a. The designated payment office will pay a penalty amount, in addition to

the interest amount if payment offices does not pay interest penalty within 10 days after invoice is paid.

- b. Contractor makes written demand for additional penalty payment postmarked not later than 40 days after date of invoice amount is paid.
- c. No interest penalties if payment delays are due to disagreements between Cherokee Nation and contracts re:
 - 1) Payment amount
 - 2) Contract Compliance
 - 3) Amounts temporarily withheld in re-contract terms.