

Federal Property Management Regulations

§ 101-41.604-2

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(31 U.S.C. 952, 31 U.S.C. 1801; 31 U.S.C. 3726, 31 U.S.C. 1801, 40 U.S.C. 486(c))

[46 FR 42667, Aug. 24, 1981, as amended at 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983]

§ 101-41.604 Payment of transportation claims.

§ 101-41.604-1 Transportation claims payable by agencies.

Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary under 41 CFR 101-41.103(i), each agency or department shall pay any properly documented bill (claim) for freight or passenger transportation charges that is not excepted by the provisions of § 101-41.604-2 provided the following guidelines are observed:

(a) The agency shall annotate each paid claim, other than a bill for air excess baggage charges, with the payment record on the related procuring Government bill of lading (GBL) or Government transportation request (GTR) including Disbursing Office (DO) voucher number, bureau voucher number, date of payment, and DO symbol number.

(b) The agency shall make an administrative examination of each claim to ensure that it is not a duplicate billing of a previous payment and that it is properly supported, presented in the name of the carrier to which the original charges were paid, and in agreement with agency records concerning the amount previously paid.

(c) Claims paid in accordance with this § 101-41.604-1 shall be transmitted to GSA (BWAA/C) separately from other paid transportation documents submitted for audit.

(31 U.S.C. 952, 31 U.S.C. 3726; 40 U.S.C. 486(c))

[47 FR 33960, Aug. 5, 1982, as amended at 48 FR 27726, June 17, 1983; 53 FR 25166, July 5, 1988]

§ 101-41.604-2 Transportation claims not payable by agencies.

(a) Agencies shall not pay supplemental claims for amounts which have been administratively deducted from transportation payment vouchers in connection with loss and/or damage to

property but shall forward such claims to: Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

(b) Agencies shall not pay the following types of transportation claims:

(1) Any claim that is "time barred" by a statute of limitations as indicated in § 101-41.602 or any claim on which there is doubt as to whether it is "time barred."

(2) Any claim that refers to a GSA file number or to a previously paid amount which is not in agreement with the agency's record of prior payment.

(3) Any claim that is doubtful. A claim is doubtful when in the exercise of fair judgment of the person responsible for deciding appropriate administrative action or the person who, in accordance with applicable statutes, will be held accountable if the claim were paid and then found to be incorrect, illegal, or improper, is unable to decide with reasonable certainty that the claim is valid and correct. The accuracy of rates, fares, routes, and related technical data shall not be a factor in determining the correctness of the claim.

(4) Any pricing adjustment claims for services previously billed and paid, except single-factor ocean rate adjustments (SFORA) on international household goods shipments. Each SFORA claim shall be billed on a separate Public Voucher for Transportation Charges, SF 1113, and the annotation "SFORA claim" shown on the SF 1113.

(5) Claims described in paragraph (b) of this section are subject to GSA prepayment audit. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

(6) Interest penalties under the Prompt Payment Act are not required when payment is delayed because of a disagreement between a Federal agency and a carrier or forwarder over the amount of the payment or other issues.

Claims concerning any interest that may be payable will be resolved in accordance with the provisions of the Contract Disputes Act of 1978, 41 U.S.C. 601 *et seq.*

(7) Irreconcilable claims disputing prepayment audit positions of agencies that are subject to a delegation of authority by the Administrator under § 101-41.103. All claims protesting an audit activity's prepayment audit position will be addressed to that activity. The activity shall promptly acknowledge the claim in writing and stamp it with its date of receipt. The activity must adjudicate the claim within 30 days of receipt, but if the authority fails to approve all or any portion of the carrier's claim, it shall make a final decision providing a clear, specific, and detailed written explanation of its position. If the carrier is dissatisfied with the activity's final decision, it may appeal that decision to GSA, providing a copy of all documentation involved in the record, including a copy of the audit activity's decision. All such appeals shall be forwarded by the carrier to GSA, Attn: FWC (Code PA), Washington, DC 20405.

(c) Claims described in paragraph (b) of this section will be handled by GSA under the provisions of § 101-41.605 of this subpart and shall be forwarded separately from other types of transportation documents to the General Services Administration (BWCA), Washington, DC 20405. Agencies shall support each claim forwarded to GSA with:

- (1) Appropriate certification of factual matters not considered in previous certifications;
- (2) Administrative report of any pertinent information not previously furnished;
- (3) Recommendation of the action to be taken;
- (4) Citations to previous payments, if any, by reference to disbursing office (D.O.) voucher number, date of payment, and D.O. symbol number; and
- (5) Citations to applicable appropriation or fund accounts. Administrative reports and recommendations are not required on claims for amounts collected by or through the efforts of GSA, but factual data that were not

previously submitted shall be furnished.

(d) Agencies shall notify claimants of the dates on which their claims are forwarded to GSA but shall not inform them of administrative recommendations. Agencies need not take further administrative action but shall forward to GSA (BWCA) any materials subsequently received which relate to forwarded claims and shall furnish supplemental reports to GSA when requested. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

(31 U.S.C. 952; 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 46 FR 42667, Aug. 24, 1981; 47 FR 33960, Aug. 5, 1982; 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983; 50 FR 3910, Jan. 29, 1985; 53 FR 25166, July 5, 1988]

§ 101-41.605 GSA processing of direct settlement claims.

§ 101-41.605-1 Acknowledgments.

Each claimant is informed of the number assigned to his claim upon its receipt in GSA. Claimants should withhold inquiries for at least 6 months after receipt of acknowledgments because inquiries merely delay settlement action on the claims.

§ 101-41.605-2 Processing claims certified for payment.

(a) GSA certifies each payable claim by use of a GSA Form 7931, Certificate of Settlement, and includes therein a complete explanation of any amount that is disallowed. GSA forwards the certificate to the agency whose funds are to be charged for processing and prompt payment and concurrently forwards an advance copy of the certificate to the claimant. When an amount of the settlement is to be set off to recover a debt due the United States from the carrier, the agency shall effect such action immediately to preclude the setoff from being barred by expiration of the applicable statutory time period. (See § 101-41.501.)

(b) An agency shall not revise or alter any GSA certificate of settlement except to indicate the appropriation symbol number applicable at the time