



## PROMPT PAYMENT COMPLAINT PROCEDURES FOR SUB-CONTRACTORS AND MATERIAL SUPPLIERS

For prompt payment complaints, subcontractors (including lower-tier subcontractors) and suppliers are required to submit complaints in writing. The complaint should identify specifics regarding the subcontract language, items of work in question, and the subcontractor's or supplier's attempts to obtain payment from the prime contractor and to resolve the issues. Subcontractor/supplier should also provide any supportive documentation they may have to support their complaint (subcontractor or supplier agreements, invoices, subcontract or supplier agreement revisions (change orders), canceled checks, identification of billing errors, etc.). The New Hampshire Department of Transportation (hereafter the Department) reserves the right to require any documentation deemed as necessary to review and investigate the complaint.

The Department will review complaints within 5 business days from the date of the receipt of the complaint and contact the prime contractor to request justification for non-payment, and/or require the prime contractor to pay the subcontractor/supplier within 5 business days from the date of the request. The contractor must respond and/or provide evidence of payment (a cancelled check or proof of electronic fund transfer) made to subcontractor/supplier within specified timeframe. An extension of time to pay may be granted for additional 5 business days for reasons that are beyond prime contractor's control.

If the prime contractor does not provide justification of a dispute or does not make a payment to subcontractor within the timeframe specified, the Department will initiate appropriate administrative action. Possible administrative actions include: suspension of work, withholding progress payments and/or final payment, suspension of contract in whole or in part, withholding project acceptance, default for breach of contract which may affect contractor's ability to bid on future projects, and other actions as deemed appropriate.

Complaints should be submitted by e-mail to the External EEO Coordinator at

[Travis.J.Toner@dot.nh.gov](mailto:Travis.J.Toner@dot.nh.gov)

Questions about the prompt pay requirement and compliance should be sent to the External EEO Coordinator at [Travis.J.Toner@dot.nh.gov](mailto:Travis.J.Toner@dot.nh.gov) or 603.217.8252.