

Prompt Payment Complaint

The Federal regulation governing the DBE Program, 49 CFR Part 26, requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor by ODOT. The term “satisfactorily completed” is defined as when; 1) ODOT finds the work completed in accordance with the Plans and Specifications, 2) Any required paperwork, including material certification, payrolls, etc., have been received and approved by ODOT and 3) the Department has determined the final quantities on the subcontractor’s portion of the work. Failure to comply with the prompt payment and prompt return of retainage provisions of the contract may result in sanctions under the contract, as listed in Administrative Remedies. The requirement for prompt payment applies to all subcontractors, material suppliers, and trucking firms, DBE and non-DBE.

Prime contractors must include language in their subcontract agreements notifying subcontractors of the right to prompt payment and return of retainage under 49 CFR Part 26.29. Any violation of this contract clause may be reported to ODOT utilizing the Prompt Payment Complaint form. This form shall be completed by the complainant and forwarded, along with any supporting documentation, to the Civil Rights Division, External Programs, for investigation.