

## SECTION 13: PAYMENT DISPUTE RESOLUTION PROCEDURE

### 13.0 General

This procedure will apply to any payment dispute between the County and a contractor or vendor (both referred to as “vendors” in this section) over the County’s nonpayment of a payment request or invoice when there is no specific dispute resolution procedure prescribed in the contract.

### 13.1 Dispute Resolution Procedure

1) Lee County shall notify the vendor in writing within ten (10) days after receipt of an improper invoice, that the invoice is improper. The notice should indicate the steps the vendor should take to correct the invoice and resubmit a Proper Invoice to the County. The vendor’s first step must be to contact the project sponsoring department to validate their payment request or invoice and receive a sign off from that entity indicating that the payment request or invoice in question is in keeping with the terms and conditions of their contract. Once the project sponsoring department’s sign off is obtained, the vendor should then resubmit the payment request or invoice as a “Corrected Invoice” to the project sponsoring department which will initiate the payment timeline.

- “Project Sponsoring Department” for purposes of this Section is defined as the County department for whom the work is performed.
- “Proper Invoice” for purposes of this Section is defined as an invoice submitted for work performed that meets prior agreed upon terms or conditions to the satisfaction of Lee County.

2) Should a dispute result between the vendor and the County over payment of a payment request or invoice, the vendor should submit their dissatisfaction in writing to the project sponsoring department. Each project sponsoring department shall designate a representative to act as a “Dispute Manager” to resolve the dispute at the departmental level.

3) The Dispute Manager shall investigate the dispute and document the steps taken to resolve the dispute in accord with Section 218.76, Florida Statutes. Such investigation shall be commenced no later than forty-five (45) days after the date on which the payment request or invoice was received by Lee County, and shall be finally determined by the County no more than sixty (60) days after the date on which the payment request or invoice was received.

4) The Dispute Manager will investigate and ascertain whether the work for which the payment request or invoice has been submitted was performed to Lee County’s satisfaction and duly accepted by the Proper Authority. For purposes of this Section “Proper Authority” is defined as the Lee County representative who is designated as the approving authority for the work performed in the contract. The Dispute Manager must complete the investigation and furnish a written determination resolving the dispute within the sixty (60) day timeframe for resolution of the dispute, per Section 218.76, Florida Statutes.

5) If the vendor is not satisfied with the Dispute Manager's resolution of the dispute, the County Manager or his or her designee shall be the final arbiter in resolving the issue. The County Manager or his or her designee will issue their decision in writing within the sixty (60) day timeframe for resolution of the dispute.

6) The Lee County Dispute Resolution Procedure shall not be subject to Chapter 120 of the Florida Statutes. Per Section 218.76, Florida Statutes, this procedure is not intended as an administrative proceeding which would prohibit a court from ruling again on any action resulting from the dispute.

7) Should the dispute be resolved in the County's favor, interest charges begin to accrue fifteen (15) days after the final decision made by the County. Should the dispute be resolved in the vendor's favor, the County shall pay interest as of the original date the payment was due.