

Contractor Payment Process

This procedure applies to all vendors (attorneys, investigators, mental health providers, etc.) providing services to the Office of the State Public Defender (OPD).

Note:

- *Attorneys are not to pay for other professional services and then request reimbursement—those services are to be billed directly to OPD by the non-attorney service provider.*
- *Use the appropriate forms—there are different claim forms depending on type of vendor (the most current forms are always found at <http://publicdefender.mt.gov/contracts.asp>).*
- *Conflict, non-conflict, and appellate matters are to be billed separately **with original signatures** on each claim, using the appropriate forms.*
- *Do not include dates of service for more than one calendar month on a single claim form.*
- *Conflict claims are to be billed directly to the Conflict Office. Non-conflict claims are to be submitted to the Regional Deputy Public Defender assigning the case. Appellate claims are to be submitted to the Chief Appellate Defender. **Faxes, photocopies and signature stamps are not accepted.***

Procedure

1. Claims for payment of services are to be submitted to the appropriate office by the tenth of the month following the date of service (i.e. a vendor providing services to OPD during the month of June must submit a claim to the appropriate OPD office by July 10).
2. OPD will pay properly executed and approved claims 30 days from receipt of the claim, beginning when the claim is date stamped by the first OPD office to receive the claim. **See the checklist below for important information regarding how to ensure that you are submitting a “properly executed claim.”**
3. Claims submitted to regional, conflict or appellate offices will be reviewed by the appropriate individuals to determine that the claim is valid and that services were provided in accordance with OPD and state policies and procedures. Once the claim is approved by the appropriate office it will be forwarded to Central Services for final approval and payment.
4. Claims that are disputed by the regional, conflict or appellate office require written notification to the vendor explaining the dispute. The 30 day payment clock stops until the dispute is resolved. Once the dispute is resolved the 30-day clock resumes. For example, an office receives a claim on July 10 and date stamps the invoice, beginning the 30 day clock. The date that OPD expects to make the payment would be August 8. However, if the office disputes the claim on July 12 (stopping the payment clock) and resolves the dispute on July 15 (resuming the payment clock), the new payment date would be August 11.
5. Claims received in Central Services are reviewed for completeness using the checklist.
6. If all items on the checklist are complete, regional claims are forwarded to the Contract Manager for review. Conflict and appellate claims are forwarded directly to accounting.
7. Charges disputed by the Contract Manager will also be conveyed in writing. The 30 day payment clock stops until the dispute is resolved, as in item 4.
8. Disputed or incomplete claims are placed in a pending file until the issue is resolved. Contract management will follow up on a weekly basis to attempt to resolve pending claims.
9. Approved claims are forwarded to accounting for payment.
10. Payments are scheduled by due date—30 days from receipt in the Regional/Conflict/Appellate office plus additional days caused by disputes or other delays.

Checklist

1. Conflict, appellate and non-conflict cases must be submitted separately. Submit a separate claim for each region in which you've worked and send it to the appropriate office for approval.
2. Each claim must include the **correct** OPD case ID number(s) as assigned by OPD. **You must have an OPD case ID number to be paid. Many claims are delayed because of incorrect or incomplete OPD case ID numbers.**
3. Each claim must include an itemization of the hours worked by case by date, summarized by OPD number on the appropriate claim form. Attorneys are to bill in six minute increments, (.10 equals six minutes). All vendors must outline completely the task billed.
4. Bill the actual amount of time worked on each task, not a preset amount for each task, *i.e.* every telephone call is **not .2**.
5. Attorneys may bill up to \$25 per month (not per claim submitted) for office costs such as postage, copies and telephone. You do not need to itemize these costs except for collect calls from clients.
6. Attorneys may bill for collect calls from clients who are incarcerated. You must attach your phone bill and itemize those costs on the claim.
7. All claims must include **original** signatures, preferably in blue ink. Signature stamps, copies and faxes are not accepted. All signatures must be **on the same page as the total amount** of billing.
8. Attach back-up documentation including:
 - a. **Detailed itemization of charges**
 - b. **Travel forms**
 - i. Must include the destination, the purpose of the trip **and** the OPD case ID number(s).
 - ii. Mileage is to be calculated at the approved state rate. Do not round!
 - iii. Must include departure and arrival times if reimbursement for meals is requested (at state per diem rate only). Meal receipts are not required.
 - iv. Original motel receipts must be attached; however, you will only be reimbursed at the state rate, so be sure to request the government rate.
 - v. Make sure the amount is transferred to the face of the claim form, **by OPD case ID number**.
 - vi. The travel form should be directly behind the claim form.
 - c. **Pre-approval form for non-attorney costs exceeding \$200**

Note: attorneys will not be reimbursed for third-party costs. They must be billed directly to OPD by the non-attorney service provider.

 - i. Claims will not be approved if the amount exceeds the amount of the pre-approval. Amounts exceeding the original estimate require an additional pre-approval which must be included with the claim.
 - ii. Post-approval of costs will not be granted.
 - iii. A pre-approval form is not a substitute for a claim form! The pre-approval, a detailed itemization of the actual work performed **and** a claim form are all required for payment.
9. Ensure that the claim total appears on the first page of the claim, with back-up documentation directly behind the claim form.
10. Payment is made from ORIGINAL documents only—not faxes or photocopies. The original documents will be returned if they are incomplete.