

ANNOUNCEMENT: BDC23S-20

DATE: March 5, 2024

SUBJECT:

Contractor Certification of Payment to Subcontractors and Suppliers
Revision to the 2019 Standard Specifications for Road and Bridge Construction, Subsection 109.05.

Subsection 109.05 of the 2019 Standard Specifications for Road and Bridge Construction has been revised to make the language for the Contractor certifying that subcontractors and suppliers are properly paid matches the language on the DL-72 form "Contractor Certification of Payment to Subcontractors and Suppliers."

The following revisions have been incorporated into the 2019 Standard Specifications via 2019 Standard Inputs, SI2019:

109.05 ESTIMATES THE FOURTH PARAGRAPH IS CHANGED TO:

The RE will provide a summary of the Estimate to the Contractor. Before the issuance of each payment, certify, on forms provided by the Department, whether:

A. On Federally Funded Projects

- 1. No subcontractor or supplier was used on the project; or
- 2. Each subcontractor and supplier used on the project has been paid the amount due, from the previous progress payment; retainage is not being held, and
- 3. Each subcontractor and supplier used on the project will be paid the amount due from the current progress payment, for the subcontractor or supplier's work that was paid by the Department; or
- 4. There exists a valid basis under the terms of the subcontractor's or supplier's contract to withhold payments from the subcontractor or supplier. Therefore, the subcontractors and suppliers listed on the DL-72 Contractor Certification of Payment to Subcontractors and Suppliers have not been paid for work performed or materials supplied to the project from the proceeds of the previous progress payment or will not be paid for work performed or materials supplied to the project from the project from the proceeds of the current progress payment, or both.

B. On State Funded Projects

- 1. No subcontractor or supplier was used on the project; or
- 2. Each subcontractor and supplier used on the project has been paid the amount due, excluding retainage, from the previous progress payment, and

- 3. Each subcontractor and supplier used on the project will be paid the amount due from the current progress payment, excluding retainage, for the subcontractor or supplier's work that was paid by the Department; or
- 4. There exists a valid basis under the terms of the subcontractor's or supplier's contract to withhold payments from the subcontractor or supplier. Therefore, the subcontractors and suppliers listed on the DL-72 Contractor Certification of Payment to Subcontractors and Suppliers have not been paid for work performed or materials supplied to the project from the proceeds of the previous progress payment or will not be paid for work performed or materials supplied to this project from the proceeds of the current progress payment, or both.

Implementation Code R (ROUTINE)

Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for addenda or postponement of advertisement or receipt of bids.

Recommended By:

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Approved By:

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