

HB 1702 -- Public Works Contracts

Sponsor: Fuhr

This bill changes from up to 10% to up to 5% the amount of retainage that can be withheld by a contractor from a subcontractor on a public works project. A contractor must release any retainage withheld from a subcontractor within 15 days of the completion of the subcontract. Currently, it is at the joint discretion of the public owner, the project architect or engineer, and the contractor whether to release a subcontractor's withheld retainage upon completion of a subcontract prior to substantial completion of the public works project.

The bill authorizes progress and final payments to be made based upon an estimate of work performed or materials delivered as verified by the project architect, engineer, or public owner. Currently, the determination on the estimate of work performed or materials delivered does not include the public owner.