**Illinois Tollway**

Instructions: Form A-34

Request for Partial Release of Retainage Below 5% of the Adjusted Contract Amount

Definition

Semi-Final Pay Estimate – Any pay estimate on which retainage is reduced to below 5 percent of the adjusted contract amount requires Illinois Tollway Executive Director approval via the web based program management system PRR process. The A-34 form should be attached to the PRR process.

Per Supplemental Specification 109.07: **It is understood that there may be more than one semi-final pay estimate on a construction contract.**

Form A-34 is to be used only when recommending a reduction of retainage to below 5 percent of the adjusted contract amount. Below are several examples of when and when not to use the A-34 form.

A-34 Form is required when:

1. Recommending reduction of retainage from 10 percent of the value of work earned to an amount less than 5 percent of the adjusted contract amount.
2. Recommending reduction of retainage from a specified retainage dollar amount greater than 5 percent of the adjusted contract amount to an amount less than 5 percent of the adjusted contract amount.
3. Recommending reduction of retainage from 5 percent of the adjusted contract amount to an amount less than 5 percent of the adjusted contract amount.
4. Recommending reduction of retainage from a previously calculated and approved retainage amount less than 5 percent of the adjusted contract amount, to a lesser recalculated retainage amount based on a reduced value of work remaining.

A-34 Form is not required when recommending reduction of retainage from 10 percent of the value of work earned to 5 percent of the adjusted contract amount as explained in the standard specifications and supplemental specifications. Reducing retainage from 10 percent of the value of work earned to 5 percent of the adjusted contract amount requires a written request from the contractor, a written recommendation from the construction manager, and a written authorization from the Chief Engineer.

A-34 form is not required for the final pay estimate.

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**CONTRACT NO. DATE:**

**CONTRACTOR**

It is hereby requested that the retainage amount under the above contract be reduced from $ (line H previous pay estimate) to $ (line H this estimate) which is calculated to be not less than the sum of: twice the value of any and all work remaining to be completed as of the above date, projected liquidated damages, if any, and retainage for materials in storage, if any.

**VALUE OF UNCOMPLETED CONTRACT ITEMS**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **ITEM NO.** | **APPROVED ADJUSTED QUANTITY** | **QUANTITY COMPLETED TO DATE** | **UNIT** | **DESCRIPTION** | **UNIT PRICE** | **QUANTITY**  **TO BE COMPLETED** | **AMOUNT TO BE EARNED** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |

(A) TOTAL $

**VALUE OF UNCOMPLETED PUNCHLIST ITEMS**

|  |  |  |
| --- | --- | --- |
| **PUNCHLIST ITEM NO.** | **DESCRIPTION** | **AGREED ESTIMATED VALUE** |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

(B) TOTAL $

(C) A + B $

(D) C x 2 $

Adjusted Cont. Time Days Contract Completion Date

Project Actual Completion Date Overtime to Date Days

Projected Additional Overtime Days

Projected Overtime Days

Contract Liquidated Damage Rate /Day

Retainage for Liquidated Damages (E) $

Minimum Retainage Required (D + E) $

Retainage to be Withheld on Line F of Semi-Final Estimate & here $

To be not less than (D + E) (F) $

Material in Storage Est. No. $ x 10% = (G) $

Retainage to be Withheld on Line H of Semi-Final Estimate & here

To be not less than (F + G) (H) $

Adjusted Contract Amount $ From Semi-Final Est.

I CERTIFY THAT THE ABOVE CALCULATIONS ARE CORRECT AND ACCEPTED.

BY:

CONTRACTOR NAME/TITLE DATE

CERTIFIED AS CORRECT AND RECOMMENDED FOR APPROVAL.

BY:

CONSTRUCTION MANAGER NAME/TITLE DATE

APPROVED BY:

CHIEF ENGINEER DATE

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CONTRACTOR’S VERIFIED CERTIFICATE COVERING PAYMENT OF ALL LIABILITIES AND OBLIGATIONS INCURRED IN THE PERFORMANCE OF CONTRACT NUMBER OF THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY.

In accordance with the provisions of Section 109.08 of the Illinois Tollway Supplemental Specifications for the Illinois State Toll Highway Authority, the undersigned partnership/corporation, hereby certifies as to THE ILLINOIS STATE

Contractor(s)

TOLL HIGHWAY AUTHORITY, 2700 Ogden Ave., Downers Grove, Illinois 60515 as follows:

1. That the term "contract" as used in this certificate has reference to Contract No. , of the Illinois State Toll Highway Authority dated , including, without limitation, all documents, specifications, and other material incorporated therein by reference or otherwise, and all modifications thereof and supplements thereto.

2. That all payrolls, bills, expenses, claims, and costs of every type and nature whatsoever connected with the performance by the Contractor to date under said contract have been fully paid by said Contractor and its subcontractors and that it has fully paid all subcontractors and fully performed all of its obligations to date under said contract, or that the person or persons to whom payments may be due have consented to the reduction of retained monies as indicated herein.

3. That it will defend, indemnify and save harmless said Illinois Tollway from any actions, causes of actions, suits, claims and costs of every kind and description arising from non-payment of payrolls, bills, expenses, costs and obligations of every type and nature whatsoever incurred during its performance to date of said contract.

1. That said Contractor is not a party to any litigation nor are there any claims now pending against it involving any alleged liability incurred in the performance of said contract except:

|  |
| --- |
|  |

NOTE: If there are claims or suits pending, check box and submit detailed information.

5. That the Contractor executes this verified certification for the purpose of inducing said Illinois Tollway to pay monies owing under said Contract with reduced retainage as provided herein.

In executing this certificate, the said Contractor fully understands that the semi-final/final payment by said Illinois Tollway to said Contractor under the above mentioned Contract No. will be made in reliance on the foregoing representations.

IN WITNESS THEREOF, the said has caused this certification to be duly executed

Contractor(s)

for and on its behalf by , its attested by

Name Title

, its Secretary, all on this, the day of , .

ATTEST:

Secretary Contractor

CORPORATE SEAL: BY:

President/Vice President

**CONSENT OF SURETY TO REDUCTION OF RETAINAGE**

The undersigned,

(Surety) (Co-Surety) on the Contract Bond of covering Contract No. the Illinois State Toll Highway Authority, between THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY and said Contractor, dated the

day of , , hereby gives consent to THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY to reduce the retainage otherwise to be held thereunder to $ or % of the adjusted value thereof, and said (Surety) (Co-Surety) (agree) (agrees) that the execution of this Consent and said payment to said Contractor(s) shall in no way impair the liability of said (Surety) (Co-Surety) for the faithful performance of all of (its) (their) obligations under the terms of said Contract Bond.

Dated this day of , .

BY:

Attorney-in-fact

BY:

Attorney-in-fact