

THIS MEMO IS EXPIRED

March 30, 2000

MEMORANDUM NO. 14-00

TO: DISTRICT CONSTRUCTION ENGINEERS

FROM: Charles Goodman, Construction Engineer

COPIES: W. H. Albaugh, Greg Xanders, Archie Montgomery, Lewis Harper, Area Engineers, Steve Ferst and Bruce Conroy

SUBJECT: FALSE CERTIFICATION

Rule 14-22 of the Florida Administrative Code, Section 14-22.012 (a) states “The contractor’s Certificate of Qualification shall be denied or revoked for at least one year when it is determined by the Department that any one of the following has occurred: Reason # 3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract.

One of these is the monthly certification “**Certification Disbursement of Previous Periodic Payment To Subcontractors**” form number **700-010-38 dated 02/99**. The Department needs to insure that the monthly certifications are filled out correctly and received on or before the due date. Number 6 of the instructions: To avoid delay in payment, certification must be submitted to the Project Engineer no later than the Friday before the monthly estimate cutoff date (generally the 3rd Sunday of the month). These monthly certifications shall be cross-referenced with any notice of non-payment for that contract to determine that there is no false certification and that all exceptions are for good cause. If the form is not filled out correctly, it shall be sent back to the contractor for correction. If it is not sent in on time, the Department shall inform the contractor that we will hold the monthly estimate until the form is received by the Department. If the Contractor fails to submit the form, the Department should follow up with a letter to the contractor informing them that they are in direct breach of contract, and have ten (10) days to submit. If the form is still not submitted, the State Construction Office should be notified so the Department may possibly default the Contractor.

The enforcement of this section must be uniformly enforced.

Should you have any questions or concerns regarding this matter, I can be contacted at (850) 414-4140 or SC 994-4140.

CWG/hc