



## Florida Department of Transportation

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MIKE DEW  
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### **CONSTRUCTION BULLETIN NO. 03-17**

*(FHWA Approved: 8/8/2017)*

**TO:** DISTRICT CONSTRUCTION ENGINEERS  
DISTRICT CONTRACT COMPLIANCE MANAGERS  
RESIDENT COMPLIANCE SPECIALISTS

**FROM:** David A. Sadler, P.E., Director, Office of Construction

**COPIES:** Courtney Drummond, Bob Burlison, Amy Tootle, Rafiq Darji, Nick Finch, Carey Shepard, Stefanie Maxwell, Victoria Smith, Stefan Kulakowski, Michael Klump, Patty Vickers

**SUBJECT:** COMPREHENSIVE CONTRACT COMPLIANCE REVIEWS

The following process has been included in our Contract Compliance Review Process, and is to be initiated immediately. It is to determine the contractor's adherence to the requirements of 49 CFR 26.29, prompt payment and what steps to take if a noncompliance is discovered:

- The 30-day time period for payment is required at every tier (49 CFR 26.29 (a)). A contract provision must exist in every contract that requires contractors and subcontractors to pay for satisfactory performance of their contract (completion and acceptance) no later than 30 days from their receipt of payment. The RCS should obtain copies of the contractor's last two "Certification Disbursement of Previous Periodic Payment to Subcontractors" (Form 700-010-38). These forms can be pulled from the Electronic Document Management System (EDMS).
- Proof that payment was made to subcontractor within 30 days of receiving payment from the Department. Proof can be in the form of canceled check or receipt of payment. This includes all subcontractor or material suppliers. Subcontractors should also pay lower tier subs within 30 days of receiving their payment from the prime and so forth. The previous two month's Certifications (Form 700-010-38), should be verified. (Make sure that at least one DBE and one non-DBE is a part of this Certification review, if applicable).
- Submit any and all deficiencies found in this section to the Department's State Construction Compliance Manager for further action.

If you have any questions, please contact Patty Vickers at (850) 414-4688.

DAS/pv