

Retainage and HB 2415
James Sealy

When does it take effect?
On contracts with an execution date after January 1, 2020.

The change to ORS 279C.570 that affected us

If the contract price exceeds \$500,000, the contracting agency shall place amounts deducted as retainage into an interest-bearing escrow account. Interest on the retainage amount accrues from the date the payment request is approved until the date the retainage is paid to the contractor to which it is due.



Issues with this change

- **The escrow account**
 - Currently, we typically use an interest-bearing bank account
- **Interest accrues from date payment approved**
 - What date to use for that?
 - What about the interest in the transit time from the time payment is approved until it is put into the escrow account?



How we are currently dealing with HB2415?

- Setting the retainage to None in CPS
We may re-introduce retainage back into contract at later date.
- Joe Squire is working with industry on the future of retainage.



The change to ORS 701.420 that affect the Contractor

If the contract price exceeds \$500,000, the owner, contractor or subcontractor shall place amounts withheld as retainage into an interest-bearing escrow account. Interest on the retainage amount accrues from the date the payment request is approved until the date the retainage is paid to the contractor or subcontractor to which it is due.



Questions



CPS Labeling, Tricks and Quirks

James Sealy

CCO that Increase, Decrease, or Delete PI

- Typically entered with \$0.00 unit price
 - This is done to prevent double payment
 - An exemption is when there is an increase or decrease of a LS item
 - On rare occasions, it is paid under the CCO line for tracking proposes

Contract Administration Workshop

March 2020

CONTRACT CHANGE ORDER (Page 2)

PROJECT NAME (SECTION)		CONTRACT NO.		CONTINUATION OF CCO NO.:		
FFO - US97, Survivor Interchange - OR31 Sec.		15045		02		
PAY ITEM	Sub-Item Job	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	AMOUNT
4002d	011	Portable Changeable Message Signs	2.00	EA	\$5,000.00	\$10,000.00
4002e	011	Increase Item 0170, Flaggers	200.00	HR	\$52.50	\$10,500.00
4002f	011	Flagger Station Lighting	3.00	EA	\$1,000.00	\$3,000.00
4002g	011	Increase Item 0200, Pilot Cars	100.00	HR	\$71.25	\$7,125.00
4002h	011	Increase Item 0260, Con. Survey	1.00	LS	\$5,000.00	\$5,000.00
4002i	011	Increase Item 460, Recondition	1.00	LS	\$20,000.00	\$20,000.00
4002j	011	Cold Plane Pavement Removal 0-2 Inches Deep	3,560.00	SY	\$6.35	\$22,606.00
4002k	011	Aggregate Shoulders	500.00	Ton	\$10.00	\$5,000.00
4002l	011	Increase Item 0530, Tack Coat	60.00	Ton	\$550.00	\$33,000.00
4002m	011	Level 3, 1/2 Inch Lime Treated ACP	22,500.00	Ton	\$29.20	\$657,000.00
4002n	011	Level 3, 1/2 Inch Lime Treated ACP	1,425.00	Ton	\$475.00	\$676,875.00
4002o	011	Extra for Asphalt Approaches	34.00	EA	\$650.00	\$22,100.00
4002p	011	Increase Item 0620, Plural Com.	157,000.00	FT	\$0.45	\$70,650.00
4002q	011	Increase Item 0840, RR Legends	2.00	EA	\$1,000.00	\$2,000.00
4002r	011	Pavement Legend, Type B Arrows	1.00	EA	\$300.00	\$300.00
4002s	011	Pavement Bar, Type B	90.00	SF	\$10.00	\$900.00
4002t	011	Increase Item 1270, Pavement Legend	6.00	EA	\$50.00	\$300.00
PAGE 2 TOTAL						\$1,548,358.00
CONTRACTOR SIGNATURE		DATE	PROJECT MANAGER OR LOCAL AGENCY LIAISON SIGNATURE		DATE	

**Contract Payment System
Preliminary Progress Payment Report**

Item-Sub Item Name	Units	Unit Price	Original Authorization Quantity	Corrected Estimate Quantity	Performed To Date Quantity	Performed since Last Estimate Quantity
4001B 11 DECREASE ITEM 080, FED. CHANN.	FOOT	\$0.00	0.000	0.000	0.000	0.000
4001C 11 TRENCH BACKFILL	TON	(\$6.88)	0.000	1,398.880	1,398.880	0.000
4001D 11 DECREASE ITEM 590, 6 INCH AS.	SQYD	\$0.00	0.000	0.000	0.000	0.000
4001E 11 LIGHTING POLES AND ARMS	LAMP SUM	\$7,361.39	0.000	100.000	100.000	0.000
Bid Item Retainage is Released				\$7,361.39	\$7,361.39	\$0.00
4002A 11 INCREASE ITEM 0010, MOBILIZATION	LAMP SUM	\$110,000.00	0.000	100.000	100.000	0.000
Bid Item Retainage is Released				\$110,000.00	\$110,000.00	\$0.00
4002B 11 INCREASE ITEM 0020, TP & DT	LAMP SUM	\$39,000.00	0.000	100.000	100.000	0.000
Bid Item Retainage is Released				\$39,000.00	\$39,000.00	\$0.00
4002C 11 TEMP. FLEXIBLE PAVEMENT SURFERS	EACH	\$0.01	0.000	2,284.000	2,284.000	0.000
Bid Item Retainage is Released				\$22.84	\$22.84	\$0.00
4002D 11 PORTABLE CHANGEABLE MESSAGE SIGNS	EACH	\$5,000.00	0.000	2.000	2.000	0.000
Bid Item Retainage is Released				\$10,000.00	\$10,000.00	\$0.00
4002E 11 INCREASE ITEM 0170, FLAGGERS	HOOR	\$0.00	0.000	0.000	0.000	0.000
Bid Item Retainage is Released				\$0.00	\$0.00	\$0.00
4002F 11 FLAGGER STATION LIGHTING	EACH	\$1,000.00	0.000	3.000	3.000	0.000
Bid Item Retainage is Released				\$3,000.00	\$3,000.00	\$0.00
4002G 11 INCREASE ITEM 0200, PILOT CARS	HOOR	\$0.00	0.000	0.000	0.000	0.000
Bid Item Retainage is Released				\$0.00	\$0.00	\$0.00
4002H 11 INCREASE ITEM 0260, CON. SURVEY	LAMP SUM	\$5,000.00	0.000	100.000	100.000	0.000
Bid Item Retainage is Released				\$5,000.00	\$5,000.00	\$0.00

Contract No: C15045 - 15 Preliminary Progress Payment Report. Page 13

Labeling Adjustments & MOH

- Label MOH after the PI (ex PI 67 to 7067A)
- When adjustment relates to a PI, label after the PI
- Statspec
 - use separate lines for different lots
 - put the lot # in the line item description
- 6600, 6700, and 6800 series are reserved for escalation.
- LD's description needs to start with Liquidated



OREGON DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION
CONTRACT PAYMENT SYSTEM - SUMMARY OF WORK

PAGE 7


CPSUMPT-1
PROJECT NAME: OR1261CHICKAHOHINY CREEK TO POTERF CR

CONTRACT NUMBER: C14781 ESTIMATE NUMBER: 010 EUGENE SAND CONSTRUCTION INC ORIG AMOUNT: \$ 1,666,419.55

	CONTRACT PAYMENT	LIQUIDATED DAMAGE	ADJUSTMENT AMOUNT	FORCE ACCOUNT AMOUNT	GROSS PAY
AMOUNT TO DATE:	1,672,598.76	880.00-	18,565.50-	0.00	1,661,235.46
PRIOR AMOUNT:	1,676,511.26	880.00-	18,565.50-	0.00	1,658,947.96
PRESENT AMOUNT:	2,287.50	0.00	0.00	0.00	2,287.50

EA-NUMBER	SUB-JOB	CONTRACT PAYMENT	LIQUIDATED DAMAGE	ADJUSTMENT AMOUNT	FORCE ACCOUNT AMOUNT	GROSS PAY
C14781	011	2,287.50	0.00	0.00	0.00	2,287.50
TOTAL		2,287.50	0.00	0.00	0.00	2,287.50

PROJECT MANAGER: STEVE TEMPLIN
REGION ENGINEER: SONNY CHICKERING


 CONSTRUCTION ENGINEER

2-12-16
 APPROVAL DATE

+ 751.75
 3,039.00

2.5% HELD RETAINAGE: \$ 10,000.00 (ORIG. BID ITEMS + CCOG)
Cash bond


RELEASE RETAINAGE: \$ 751.75 (COMPLETED PAY ITEMS)

TOTAL THIS ESTIMATE: \$ _____

PREVIOUS RETAINAGE HELD: \$ _____

TOTAL RETAINAGE HELD TO DATE: \$ 35,016.35

OK TO VOUCHER
DATE: 2-10-16

VERIFIED BY FINANCIAL SERVICES: _____ DATE: _____ BY: 

6042A 11 ADJUST ACP SMOOTHNESS Bid Item not started or not opened	DOLLAR \$1.00	0.000 \$0.00	51,777.580 \$51,777.58	51,777.580 \$51,777.58	0.000 \$0.00
6042B 11 STAT SPEC ADJUSTMENT ACP LOT 1 Bid Item not started or not opened	DOLLAR \$1.00	0.000 \$0.00	16,837.120 \$16,837.12	16,837.120 \$16,837.12	0.000 \$0.00
Contract No: CL5052 - 16 Preliminary Progress Payment Report. Page 5					

Contract Payment System Preliminary Progress Payment Report					02/28/2020 04:17 PM	
Item-Grp	Item Name	Unit Unit Price	Original Authorization Quantity Amount	Corrected Estimate Quantity Amount	Performed To Date Quantity Amount	
6042C 11	STAT SPEC ADJUSTMENT ACP LOT 2 Bid Item not started or not opened	DOLLAR \$1.00	0.000 \$0.00	118,936.120 \$118,936.12	118,936.120 \$118,936.12	0.000 \$0.00
6042D 11	ADJUSTMENT ROLLER COVERAGE Bid Item not started or not opened	LUMP SUM (\$3,487.40)	0.000 \$0.00	100.000 (\$3,487.40)	100.000 (\$3,487.40)	0.000 \$0.00
6042E 11	THERMAL SEGREGATION ADJUSTMENT Bid Item not started or not opened	DOLLAR (\$1.00)	0.000 \$0.00	3,695.170 (\$3,695.17)	3,695.170 (\$3,695.17)	0.000 \$0.00
6042F 11	THERMAL COVERAGE ADJUSTMENT Bid Item not started or not opened	DOLLAR (\$1.00)	0.000 \$0.00	2,777.000 (\$2,777.00)	2,777.000 (\$2,777.00)	0.000 \$0.00

Funding Source & Funding Splits

- Funding Coordinators/EA letter.
- Check the zero estimate.
- Need a line added, contact Contract Admin.



Quantity	Quantity	Quantity	Quantity	Quantity		
106.000	106.000	106.000	0.000	10.000		
0005.111	\$135,000.00	40,000	106,000	10,000		
Name	Unit of Measure	Original Auth. Amount	Corrected Est. Amount	Performed To Date Amount	Balance Amount	Since Last Est. Amount
TEMP BARRICADES, TYPE III	EACH	\$5,400.00	\$14,310.00	\$14,310.00	\$0.00	\$1,350.00

Fast Item Navigation

Bid/Pay Item	Previous 0004-11	0005-11	Next 0006-11
Pay Notes	Previous 0004-11	0005-11	Next 0006-11

Pay Note List (PM)

MOH (\$0.00) available balance (\$0.00)

Pay Notes cannot be added to completed bid items.

Dates are in the format of (mm/dd/yyyy)
* = Required Field

1 - 4 of 4

Pay Note Number / Suffix	Est No	Remarks	Date Pay Note Entered	Date Work Completed	Quantity	Amount	Protected
5 /	18		02/29/2016	09/15/15	10	-	Submit
4 /	18	AT STATION 1	10/01/2015	09/15/2015	10,000	\$1,350.00	No
3 /	17	CORRECTION	05/03/2015	12/04/2007	-5,000	-\$675.00	Yes
2 /	5	TEST	02/14/2008	02/10/2008	1,000	\$135.00	Yes

Contractor Payment System

Contract: C14777 Est No: 36 Section: S.S. ANLAIF - ELKHED RD PAVING Contract: J.K.E. EXCAVATING INC.

Progress Estimates for 'C14777'

Est. No.	Done To Date	Estimated Completion Date	2nd Meet Code T, L, C Doc Rec Date	Plant Establishment Indicator	Corrected Estimate Amount	Performed to Date Amount	Performed Since Last Estimate Amount	Payment to Contractor Since Last Est. Amount	Current Retainage	Monthly Retainage Retained	Monthly Retainage Released	Last Update Date	Last Updated By
36			Missing		\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00		User not defined

Reset Create

The "Corrected Estimate Amount" of \$44,510,157.35 exceeds the "Original Project Authorization Amount" of \$44,496,888.67.
 Progress Estimate 36 has not yet been created.
 Preliminary Progress Payment Report

Contract Payment System Preliminary Progress Payment Report					02/20/2020 05:16 PM	
Item-Grp	Item Name	Unit Unit Price	Original Authorization Quantity Amount	Corrected Estimate Quantity Amount	Performed To Date Quantity Amount	Performed since Last Estimate Quantity Amount
98796	OVERSON AUTH \$150,000.00 9/18/17 0.344 Bid Item not started or not opened	\$0.00	0.000 \$0.00	0.000 \$0.00	0.000 \$0.00	0.000 \$0.00
98797	INCREASE AUTHORIZATION 8/22/16 10.413 Bid Item not started or not opened	\$0.00	0.000 \$4,194,177.62	0.000 \$0.00	0.000 \$0.00	0.000 \$0.00
98798	INCREASE AUTHORIZATION 12/21/15 11.023 Bid Item not started or not opened	\$0.00	0.000 \$4,000,000.00	0.000 \$0.00	0.000 \$0.00	0.000 \$0.00
98799	INCREASE AUTHORIZATION 08/20/15 9.673 Bid Item not started or not opened	\$0.00	0.000 \$2,200,000.00	0.000 \$0.00	0.000 \$0.00	0.000 \$0.00
Grand Totals for Contract No C14777 - 35:			\$44,496,868.67	\$44,510,157.35	\$44,508,630.99	(\$30,264.02)
Project Manager _____			Date _____			
Total Construction Authorization Amount :			\$44,496,868.67			
Total Corrected Estimate Amount (less Pending CCCs) :			\$44,510,157.35	100.02%		
Total Performed To Date Amount :			\$44,508,630.99	100.02%		
Contractors Original Bid Amount :			\$29,513,630.00			
Contractor Paid To Date Amount :			\$42,942,653.23	145.16%		
Contractor Paid To Date Minus MCH Amount :			\$42,942,653.23	145.16%		
Anticipated Corrected Estimate Amount :			\$44,510,157.35	100.02%		
Anticipated Work Amount :			\$0.00			

Questions

