Regional Engineers

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Special Provision for Payments to Subcontractors

September 29, 2017

This special provision was developed by the Bureau of Construction and Office of Chief Council to comply with 49 CFR §26.29 and Section 7 of the Prompt Payment Act, 30 ILCS 540/7 to correspond with recent changes to the Prompt Payment Act.

This special provision should be inserted into all contracts.

The districts should include the BDE Check Sheet marked with the applicable special provisions for the January 19, 2018 and subsequent lettings. The Project Development and Implementation Section will include a copy in the contract.

This special provision will be available on the transfer directory   
September 29, 2017.

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# payments to subcontractors (bde)

Effective: November 2, 2017

Add the following to the end of the fourth paragraph of Article 109.11 of the Standard Specifications:

“ If reasonable cause is asserted, written notice shall be provided to the applicable subcontractor and/or material supplier and the Engineer within five days of the Contractor receiving payment. The written notice shall identify the contract number, the subcontract or material purchase agreement, a detailed reason for refusal, the value of payment being withheld, and the specific remedial actions required of the subcontractor and/or material supplier so that payment can be made.”

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