

Rule No.: 941 - 7401 - 05000

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Contract Administration

Rule Title: Contractor Payment

The person to be contacted regarding the Proposed Rule is: Facility and Records Management Director

Name of person originating the proposed rule: Neal Dougherty

Name of supervisor or person who approved the proposed rule: B. B. House, P. E.

Purpose:

To measure quantities, determining compensation and providing payment to contractors.

Summary:

This rule will establish the methods of measuring quantities to determine proper payment to the contractor. MDOT pays the contractor based on measured quantities. The rule conforms to the Mississippi Standard Specifications for Road and Bridge Construction as amended, the Mississippi Code of 1972 as amended, the Code of Federal Regulations as amended and U. S. Code as amended.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

- 1) **Measurement of Quantities** – the rule conforms to Sec. 109.01 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
- 2) **Scope of Payment** – the rule conforms to Sec. 109.02 and 109.03 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
- 3) **Extra & Force Account work** – the rule conforms to Sec. 109.04 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.
- 4) **Partial Payments** – the rule conforms to Sec. 109.06 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*, Sec. 31-5-25 *Mississippi Code of 1972 as amended* and Sec. 635.122 *Code of Federal Regulations as amended*. The documentation for payment to contractor will be recorded on forms CAD-001 and CAD-002 as amended which are maintained in the Contract Administration Divisions Forms Manual. Advancement on Materials, Retainage and Withholding of Estimates are all discussed in Section 109.06 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.
- 5) **Changes in Material Costs** – the rule conforms to Sec. 109.07 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.
- 6) **Overpayment** – the rule conforms to Sec. 109.08 of the *Mississippi Standard Specifications for Road and Bridge Construction as amended*.

- 7) **Acceptance and Final Payment** – when all provisions of the contract have been completed and are in compliance with the specification, the Director will issue an acceptance letter to the Contractor. Once Contract Administration receives a copy of the Director's acceptance letter and the Surety Release, which is a task the Contractor must administer, authorizing payment to the contractor for full and final payment, final payment will be made to the contractor in accordance with Sec. 109.11 of the *Mississippi Standard Specification for Road and Bridge Construction as amended*.

Electronic links to all materials referenced (manuals, laws, regulations, etc.) relative to the Administrative Procedures Act Rules for the Contract Administration Division may be accessed via the department's internet website as follows:

<http://www.gomdot.com>