

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 641, Section 34.057, Page 1, Line 7, by
2 deleting the words "contractor and" and inserting in lieu thereof the following:

3
4 "contractor, and any professional engineer, architect, landscape architect, or land surveyor, as
5 well as"; and

6
7 Further amend said bill, section and page, Lines 9-13, by deleting all of said lines and inserting in
8 lieu thereof the following:

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10 "(1) A public owner shall make progress payments to the contractor and any professional
11 engineer, architect, landscape architect, or land surveyor on at least a monthly basis as the work
12 progresses, or, on a lump sum basis according to the terms of the lump sum contract. Except in the
13 case of lump sum construction contracts, payments shall be based upon estimates prepared at least
14 monthly of work performed and material delivered, as determined by the project architect or
15 engineer. Retainage withheld on any construction contract or subcontract for public works projects
16 shall not exceed five percent"; and

17
18 Further amend said bill and section, Page 2, Line 28, by inserting after all of said line the following:

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20 "The public owner shall pay any professional engineer, architect, landscape architect, or land
21 surveyor the amount due within thirty days following the receipt of an invoice prepared and
22 submitted in accordance with the contract terms. In addition to the payment due, the contracting
23 agency shall pay interest at the rate of one and one-half percent per month calculated from the
24 expiration of the thirty-day period until fully paid."; and

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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.

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Action Taken _____ Date _____