



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Contract Compliance Unit – 450 Columbus Blvd., Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

Notice of Temporary Policy Regarding Retainage

Effective January 1, 2015, the Commission on Human Rights and Opportunities (“CHRO”) put in place a new temporary policy to address the 2% retainage on Public Works projects. All requests must be sent to Jim Murray by the “Requestor,” i.e., the Awarding Agency, Municipality, or Construction Manager at Risk (“CMR”). For projects considered a “\$20 Million Project” or Construction Management project, the CMR is the Requestor. For projects over \$50,000, but not considered a “\$20 Million Project” or Construction Management project, the Awarding Agency or Municipality is the Requestor.

Dear Awarding Agencies, Municipalities, and CMRs:

A temporary policy and practice related to the 2% retainage on Public Works projects has been put into place while the CHRO works diligently to eliminate its backlog. If an Affirmative Action Plan or Set-Aside Plan (“Plan”) has been timely submitted and the CHRO has not had an opportunity to fully review and approve, disapprove, or conditionally approve the Plan within 120 days, the following procedures will be utilized until further notice by the CHRO:

The Requestor must email Jill.Guerrera@ct.gov the following:

1. Statement that the Plan for *XYZ Company* (“the Contractor”) was received by the CHRO more than 120 calendar days ago,
2. Confirmation that all contractual obligations have been met by the Contractor,
3. Request to release the 2% retainage for the Contractor, and
4. Letter from the Contractor that
 - a. Is on company letterhead,
 - b. Is addressed to the CHRO,
 - c. Is signed by the head of the company, and
 - d. Explicitly affirms that “By accepting the release of the 2% retainage, *XYZ Company* agrees to comply with all the requests for documentation (including the curing of any deficiencies on the Plan to the best of our ability, close-out documents, reporting, etc.) through the close-out of this file at the CHRO for this project.”

*Copy the Contractor on this email.

Once all of the above-described items have been received, and provided that all criteria have been met, the CHRO will notify the Requestor that the 2% retainage can be released.

NOTE: It is expected that once the 2% retainage is released, the Contractor will also release the 2% retainage on all subcontractors that have completed their portion of the project, if applicable.

NOTE: The CHRO will not close out the project file until all close-out documents, reporting, etc. have been received by the CHRO.