Specimen Letter – Request for Early Partial Release of Contractor’s Holdback

____((HUD ORCF Construction Manager)______)
________________________________________
________________________________________
________________________________________
RE: _______ (Project Name) __________:________________________
     _______ (Project Location) __________:________________________
     Project No. ______________________._____________________________
Dear:
We request that you authorize release of $______________________, of the contractor’s retainage at this time. Current holdback through Requisition No._____, is $ ________________, minus the requested release, leaves $_____________________________ as undisbursed holdback, which equals ___________ percent of the contract amount. We also request that no further percent holdback be retained from future amounts due the contractor. The following certifications are provided as a basis for your favorable determination.

The undersigned hereby certify in regard to subject project, that to the best of our knowledge the following are true statements:

1. The general contractor, ________________________________________________, has no identity of interest as defined by the Construction Contract and the B108 HUD Amendment, except that the contractor has a ___________ percent ownership interest in the project.

2. Actual project completion is _________ percent, and scheduled completion is _________ percent.

3. There is no noncompliant work or other exceptions, including: stop orders, other sanctions, or warning to impose sanctions against the contract work, or the contractor in regard to the contract work, by any controlling authority.

4. There is no violation of the Davis-Bacon and Related Acts, no claim for nonpayment by any mechanic, subcontractor, supplier and/or Borrower, no dispute regarding under or nonpayment, nor payment more than 30 days past due, except:
5. There is no claim for damage arising from the performance of the contract.

6. The contractor's performance has been timely and responsive throughout the construction period.

7. The surety, _______________ (where applicable, Surety Name, otherwise omit item) _____, has given its consent for the early release of the contractor's retainage, as requested herein. The surety's consent and power of attorney for the authorizing agent are attached hereto.

_______ (Contractor) __________  _________ (Borrower) ____________

By _____________________________  By ________________________________

__________ (Title) ______________  ____________ (Title) ________________

_____________ ______________________
Date                                  Date

_______ (Mortgagee) _____________

By______________________________

__________ (Title) ______________

______________________________
Date

WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 30 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §§ 3729, 3802). Title 18 U.S.C. 1001, provides in part that whoever knowingly and willfully makes or uses a document containing any false, fictitious, or fraudulent statement or entry, in any matter in the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years or both.