**Section 810.90 Retainage**

The Department shall retain up to ten percent of its total share of a project as follows: for projects of less than $25,000, no retainage shall be held; for projects of more than $25,000 but less than $500,000, ten percent shall be retained; for projects of $500,000 or greater, five percent shall be retained. The following are the two instances when the State's retainage is released:

a) If the State is financing only part of the project, the retainage shall be released to the recipient within ninety calendar days of when the Department verifies that the State's share of the project has been completed, and the remaining portion of the project is proceeding on schedule, as evidenced by the Department's engineering inspection reports. (Engineering inspections are required in accordance with the Department of Transportation Act (49 USC 1654, as amended by the Local Rail Service Assistance Act of 1978)). If the remaining portion of the project is not on schedule, then the State will hold the retainage until total project completion; and

b) If the State is financing the total project, the retainage will be released to the recipient within ninety days after the Department's engineer has approved total project completion. Total project completion is determined by the Department's engineer and coincides with the completion of all work or line items found within the project contract.