

**WITHHELD CONTRACT FUNDS CERTIFICATION**

Public Contract Code Section 22300 requires the inclusion in invitations for public agency bids and in Public agency contracts a provision which will, at the expense of the contractor, permit the substitution of securities of equal value for any construction progress monies withheld to ensure performance under a contract.

[ ] I do not intend to substitute securities for monies withheld and thereby avail myself of the process and rights provided in Public Contract Code Section 22300.

[ ] I do intend to exercise my option as specified in Public Contract Code Section 22300 and hereby agree to the following:

1. I will establish an escrow agreement satisfactory to the County, with a state or federally chartered bank, which shall contain at a minimum provisions governing inter alia:
  - a. The amount of securities to be deposited;
  - b. The type of securities to be deposited, (eligible securities for deposit are described in Government Code Section 16430);
  - c. The providing of powers of attorney or other documents necessary for the transfer of the securities deposited;
  - d. The terms and conditions of conversion to cash to provide funds to meet defaults by the Contractor including, but not limited to termination of the Contractor's control over the work, stop notices filed pursuant to law, assessment of liquidated damages or other amounts to be kept or retained under the provisions of the contract;
  - e. The decrease in value of securities on deposit; and
  - f. The termination of the escrow agreement upon completion of the contract and acceptance by the County.
2. I will obtain written consent of the surety to any such agreement; and
3. I will attach to each progress payment submitted a notarized copy of escrow instructions executed by agents thereof and on bank letterhead as proof that such an account has been established. Such instructions will set forth that securities deposited shall not be withdrawn for any purpose (with contractors complete and unreserved agreement) without prior written approval by the County of Alameda with respect to the project hereinabove referenced.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
By (Signature)

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
Place of Residence