

Information for Subcontractors on Arizona Public Construction Projects

The information herein serves as an informational resource for subcontractors who may be chosen for hire by a designated Contractor of record for a Mohave County construction project. Said construction projects are formally solicited through the County's Procurement Department to provide labor and/or materials on Arizona public construction projects.

The Arizona Revised Statutes (A.R.S.) cited below provide the statutory authority governing contracted relationships between Prime Contractors and their subcontractors. **Subcontractors are solely responsible for ensuring they are aware of these statutory requirements** as they directly impact subcontractors' rights in the areas of: 1) *obtaining payment information for Contractors on projects with which they may be affiliated*; 2) *time-frames within which Contractors are to pay subcontractors*; and 3) *available recourses should issues arise with payment to subcontractors by a designated Contractor*.

The list of A.R.S. statutes cited herein is not a complete listing of all statutes regulating public construction projects, contractors, subcontractors, etc. Instead, the statutes cited below serve to highlight those statutes that specify:

- Who is responsible for payment to whom for Arizona Public Construction Projects;
- Time-frames for addressing payment disputes between Prime Contractors and subcontractors;
- Requests for public information, by subcontractors, related to payments made to Prime Contractors by government agencies.

It should be noted that matters related to subcontractors' contract service, contract terms, contract payments, etc. as negotiated with a Prime Contractor of record on a County designated project, are outside the purview and responsibility of the County.

Thus, should issues arise concerning contract disputes and/or payment issues, the A.R.S. statutes listed below, as well as others not listed herein, provide specific direction for the lawful remedies available to subcontractors who may be experiencing these types of issues. Subcontractors are solely responsible for ensuring they are familiar with these statutory requirements so they may take the proper and necessary action to address issues should they arise on these types of projects.

A.R.S. Title 32, §1129.02

Performance and Payment by Contractor, Subcontractor or Material Supplier; Conditions; Interest

Go to Link: <http://www.azleg.state.az.us/ars/32/01129-02.htm>

A.R.S. Title 34, §221

Contract with Successful Bidder; Payments to Contractor; Security; Recovery of Damages by Contractor for Delay; Progress Payments

Go to Link: <http://www.azleg.state.az.us/ars/34/00221.htm>

A.R.S. Title 34, §223 – Payment Bond Provisions

Go to Link: <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/34/00223.htm&Title=34&DocType=ARS>

A.R.S. Title 34, §607 – Contracts for Construction Manager at Risk, Design Build, and Job Order Contracting Construction Services; Payments to Contractor; Security; Recovery of Damages by Contractor for Delay; Progress Payments

Go to Link: <http://www.azleg.state.az.us/ars/34/00607.htm>

A.R.S. Title 41, §2574

Contract Performance and Payment Bonds

Go to Link: <http://www.azleg.state.az.us/ars/41/02577.htm>

A.R.S. Title 41, §2577

Progress Payments

Go to Link: <http://www.azleg.state.az.us/ars/41/02577.htm>

For more information on applicable deadlines, time-frames, and documentation requirements related to issues involving subcontractor contract services and payment, please contact:

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