

~~(H) SUBMITS TO THE PUBLIC BODY AN ESCROW AGREEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION.~~

~~(2) THE PROCUREMENT CONTRACT SHALL IDENTIFY THE ESCROW AGENT.~~

~~(C) THE ESCROW AGREEMENT SHALL:~~

~~(1) BE ON A FORM THAT THE PUBLIC BODY PROVIDES;~~

~~(2) INCLUDE THE COMPLETE ADDRESS OF BOTH THE ESCROW AGENT AND THE SURETY;~~

~~(3) AUTHORIZE THE PUBLIC BODY TO PAY RETAINAGE TO THE ESCROW AGENT; AND~~

~~(4) BE SIGNED BY:~~

~~(I) THE CONTRACTOR;~~

~~(II) THE SURETY FOR THE CONTRACTOR; AND~~

~~(III) THE ESCROW AGENT.~~

~~(D) ON COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE PUBLIC BODY SHALL PAY THE RETAINAGE TO THE ESCROW AGENT UNLESS:~~

~~(1) FEDERAL MONEY IS INVOLVED AND APPLICATION OF THIS SECTION WOULD JEOPARDIZE TIMELY RECOVERY OF THAT FEDERAL MONEY; OR~~

~~(2) RETAINAGE IS WITHHELD FOR:~~

~~(I) LACK OF PROGRESS ON THE PART OF THE CONTRACTOR; OR~~

~~(II) OTHER VIOLATIONS BY THE CONTRACTOR.~~

~~(E) IN ACCORDANCE WITH THE ESCROW AGREEMENT, A CONTRACTOR MAY REQUIRE AN ESCROW AGENT:~~

~~(1) TO INVEST THE RETAINAGE PLACED IN THE ESCROW ACCOUNT; AND~~

~~(2) TO THE EXTENT THE CONTRACTOR IS ENTITLED TO RETAINAGE UNDER SUBSECTION (F)(2)(II) OF THIS SECTION, TO PAY THE EARNINGS ON THE INVESTMENT TO THE CONTRACTOR.~~

~~(F) (1) RETAINAGE MAY BE RELEASED TO THE CONTRACTOR ONLY AS DIRECTED BY THE PUBLIC BODY.~~

~~(2) AT THE TIME OF FINAL PAYMENT, THE PUBLIC BODY SHALL DIRECT THE ESCROW AGENT TO SETTLE THE ESCROW ACCOUNT BY DISTRIBUTING MONEY IN THE ESCROW ACCOUNT IN THE FOLLOWING ORDER:~~

~~(I) TO THE PUBLIC BODY FOR ANY CLAIM IT MAY HAVE AGAINST THE CONTRACTOR UNDER THE PROCUREMENT CONTRACT; AND~~