

Section 8.9

CONTRACT TERMINATION

8.9.1 Purpose

To establish a uniform procedure for termination of construction contracts entered into between the Department of Transportation (Department) and Contractors.

8.9.2 Authority

Sections 20.23(3)(a), and 334.048(3), Florida Statutes (F.S.)

8.9.3 Reference

Article 8-9, Standard Specifications for Road and Bridge Construction

Sections 120.57, and 337.18, F.S.

8.9.4 Termination Provision

The Department shall provide in its contracts a provision for the determination of termination of any Contractor and unacceptability of any Surety for cause attributable to such Contractor or Surety.

8.9.5 Reasons for Termination

The Department will give notice in writing to the Contractor of termination, for reasons stated in ***Standard Specifications, Article 8-9***.

A Contractor whose contract is terminated by the Department does not have hearing rights pursuant to ***Section 120.57, Florida Statutes***.

8.9.6 Termination Proceedings

(A) District Level Responsibilities

Since the primary responsibility for the implementation of the Department's transportation programs has been delegated to the Districts, each District Construction Engineer will be

responsible for identifying conditions meriting termination on the projects in his/her District. After consulting with the District Director of Operations, the District Construction Engineer will recommend that the Director, Office of Construction send a Notice of Termination to the Contractor.

(B) Central Office Level Responsibilities

In conjunction with its monitoring function to ensure uniform compliance and quality performance by the Districts, the Director, Office of Construction will review the District's recommendations of termination, consult with legal counsel, and provide a recommendation to the Chief Engineer.

The Secretary of Transportation appoints the Chief Engineer as a designee to issue a Notice of Termination of contract.

The Chief Engineer, based on the recommendations of the Director, Office of Construction, will issue the written notice of termination of contract to the Contractor and its Surety.

After the issuance of the Notice of Termination of Contract, the Office of Construction will distribute copies of such notice to the ~~Contractor, Contractor Surety Company,~~ District Construction Engineer, Comptroller, General Counsel, and other appropriate personnel.