



*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.  
SECRETARY

September 27, 2022

Khoa Nguyen  
Director, Office of Technical Services  
Federal Highway Administration  
3500 Financial Plaza, Suite 400  
Tallahassee, Florida 32312

Re: State Specifications Office  
Section: 008

Proposed Specification: **SP0081000 Prosecution and Progress– Liquidated Damages for Failure to Complete the Work.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Taylor Carlquist to comply with F.S. 337.18, the Department shall update the schedule of liquidated damages at least once every 2 years.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email [daniel.strickland@dot.state.fl.us](mailto:daniel.strickland@dot.state.fl.us).

If you have any questions relating to this specification change, please call me at (850) 414-4130.

Sincerely,

Signature on file

Daniel Strickland, P.E.  
State Specifications Engineer

DS/vc

Attachment

cc: Florida Transportation Builders' Assoc.  
State Construction Engineer

**PROSECUTION AND PROGRESS – LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE WORK.**

**(REV 6-30-22)**

SUBARTICLE 8-10.1 and 8-10.2 are deleted and the following substituted:

**8-10 Liquidated Damages for Failure to Complete the Work.**

**8-10.1 Highway Code Requirements Pertaining to Liquidated Damages:**

Section 337.18, paragraph (2) of the Florida Statutes, requires that the Department adopt regulations for the determination of default and provides that the Contractor pay liquidated damages to the Department for any failure of the Contractor to complete the Contract work within the Contract Time. These Code requirements govern, and are herewith made a part of the Contract.

Liquidated damages for this Contract will be a summation of the damages referenced above and projected lost toll revenues due to failure to timely open the project to revenue-producing traffic.

**8-10.2 Amount of Liquidated Damages:** Applicable liquidated damages are the sum of the daily rate of \$            per Calendar Day assessed as projected lost toll revenues for failure to complete the Work within the Contract Time plus the amounts established in the following schedule:

Original Contract Amount	Daily Charge Per Calendar Day
<del>\$50,000</del> <u>299,999</u> and under.....	<del>\$1,015</del> <u>980</u>
<del>Over \$3050,000</del> but less than <del>\$2,000,000</del> <u>250,000</u>	<del>\$1,045</del> <u>1,699</u>
<del>\$2,0050,000</del> but less than <del>\$500,000</del> <u>5,000,000</u> ...	<del>\$1,170</del> <u>2,650</u>
<del>\$5,000,000</del> but less than <del>\$10,000,000</del> <u>2,500,000</u>	<del>\$1,690</del> <u>3,819</u>
<del>\$102,0500,000</del> but less than <del>\$20,000,000</del> <u>5,000,000</u>	<del>\$4,687</del> <u>2,579</u>
<del>\$205,000,000</del> but less than <del>\$10,000,000</del> <u>40,000,000</u>	<del>\$3,756</del> <u>7,625</u>
<del>\$10,000,000</del> but less than <del>\$15,000,000</del> .....	<del>\$4,344</del>
<del>\$15,000,000</del> but less than <del>\$20,000,000</del> .....	<del>\$5,574</del>
<del>\$420,000,000</del> and over.....	<del>\$10,467</del> <u>203</u> plus 0.00005 of any amount over <del>\$420</del> million (Round to nearest whole dollar)

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Liquidated damages for this Contract will be a summation of the damages referenced above and projected lost toll revenues due to failure to timely open the project to revenue-producing traffic.

**8-10.2 Amount of Liquidated Damages:** Applicable liquidated damages are the sum of the daily rate of \$ [redacted] per Calendar Day assessed as projected lost toll revenues for failure to complete the Work within the Contract Time plus the amounts established in the following schedule:

Original Contract Amount	Daily Charge Per Calendar Day
\$299,999 and under.....	\$980
\$300,000 but less than \$2,000,000.....	\$1,699
\$2,000,000 but less than \$5,000,000.....	\$2,650
\$5,000,000 but less than \$10,000,000.....	\$3,819
\$10,000,000 but less than \$20,000,000.....	\$4,687
\$20,000,000 but less than \$40,000,000.....	\$7,625
\$40,000,000 and over.....	\$10,467 plus 0.00005 of any amount over \$40 million (Round to nearest whole dollar)