



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.
SECRETARY

January 22, 2021

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 Ashley Anderson from the State Construction Office to update the Liquidate Damages rate per the Florida Statutes and include language to adjust the rate when all contract work is complete.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to daniel.strickland@dot.state.fl.us

If you have any questions relating to this specification change, please call me at 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 11-5-20)

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 \$ [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
\$50,000 and under.....	\$ 868 1,015
Over \$50,000 but less than \$250,000.....	\$ 882 1,045
\$250,000 but less than \$500,000.....	\$1,1 97 70
\$500,000 but less than \$2,500,000.....	\$1,6 94 0
\$2,500,000 but less than \$5,000,000.....	\$2,5 79 2
\$5,000,000 but less than \$10,000,000.....	\$3,7 85 6
\$10,000,000 but less than \$15,000,000.....	\$4,7 69 344
\$15,000,000 but less than \$20,000,000.....	\$5,8 55 74
\$20,000,000 and over.....	\$9,214 10,203 plus 0.00005 of any amount over \$20 million (Round to nearest whole dollar)

The Engineer may approve adjustments to the liquidated damages amounts in accordance with the Construction Project Administration Manual (CPAM) provided all contract work is complete.