

# ORINATION FORM

## Proposed Revisions to the Specifications

(Please provide all information - incomplete forms will be returned)

Date:

Office:

Originator:

Specification Section:

Telephone:

Article/Subarticle:

email:

**\*\*Will the proposed revision require changes to:**

Publication	Yes	No	Office Staff Contacted and date contacted
Standard Plans Index			
Traffic Engineering Manual			
FDOT Design Manual			
Construction Project Administration Manual			
Basis of Estimate/Pay Items			
Structures Design Guidelines			
Approved Product List			
Materials Manual			

**\*\*This section must be completed prior to processing proposed revisions.**

**Will this revision necessitate any of the following:**

**Design Bulletin**

**Construction Bulletin**

**Estimates Bulletin**

**Materials Bulletin**

**Are all references to external publications current?**

**Yes**

**No**

**If not, what references need to be updated? (Please include changes in the redline document.)**

**Why does the existing language need to be changed?**

**Summary of the changes:**

**Are these changes applicable to all Department jobs?**

**Yes**

**No**

**If not, what are the restrictions?**

Contact the State Specifications Office for assistance in completing this form.

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**RON DESANTIS**  
**GOVERNOR**

**KEVIN J. THIBAUT, P.E**  
**SECRETARY**

## **MEMORANDUM**

**DATE:** December 10, 2020  
**TO:** Specification Review Distribution List  
**FROM:** Daniel Strickland, P.E., State Specifications Engineer  
**SUBJECT:** Proposed Special Provision: **SP0081000 Prosecution and Progress Liquidated Damages for Failure to Complete the Work.**

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was 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 share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or online at <http://fdotewp1.dot.state.fl.us/programmanagement/development/industryreview.aspx> . Comments received after **January 7, 2021**, may not be considered. Your input is encouraged.

DS/vc

Attachment

**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.....	<del>\$868</del> <sup>1,015</sup>
Over \$50,000 but less than \$250,000.....	<del>\$882</del> <sup>1,045</sup>
\$250,000 but less than \$500,000.....	<del>\$1,197</del> <sup>70</sup>
\$500,000 but less than \$2,500,000.....	<del>\$1,694</del>
\$2,500,000 but less than \$5,000,000.....	<del>\$2,579</del> <sup>2</sup>
\$5,000,000 but less than \$10,000,000.....	<del>\$3,785</del> <sup>6</sup>
\$10,000,000 but less than \$15,000,000.....	<del>\$4,769</del> <sup>344</sup>
\$15,000,000 but less than \$20,000,000.....	<del>\$5,855</del> <sup>74</sup>
\$20,000,000 and over.....	<del>\$9,214</del> <sup>10,203</sup> 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.