**PROSECUTION AND PROGRESS – LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE WORK.**
**(REV 5-24-23) (FA 9-21-23) (FY 2027-28)**

SUBARTICLE 8-10.1 is 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.

SUBARTICLE 8-10.2 is deleted and the following substituted:

**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 |
|---|---|
| $299,999 and under | $904 |
| $300,000 but less than $2,000,000 | $1,685 |
| $2,000,000 but less than $5,000,000 | $2,667 |
| $5,000,000 but less than $10,000,000 | $3,813 |
| $10,000,000 but less than $20,000,000 | $5,021 |
| $20,000,000 but less than $40,000,000 | $7,442 |
| $40,000,000 and over | $10,224 plus 0.00005 of any amount over $40 million (Round to nearest whole dollar) |