

0081002 PROSECUTION AND PROGRESS
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

Anonymous

Comment: (5-8-13)

This revision in liquidated damage amounts places Florida further afield as an outlier in terms of per diem damage assessments when compared with other states of similar infrastructure investment programs. Thereby further corroborating the notion of contractors abroad, that the Florida Department of Transportation is not a good business partner, and does not foster a contractor friendly environment. Perhaps a more appropriate measure would be to liberalize the use of the "incentive/disincentive" procurement option. This would allow for a better partnering relationship between contractors and the Department, with known and credible impacts at fixed milestones. By focusing on positives rather than negatives, the Department would be able to achieve project delivery within desired time frames, while maintaining a positive working relationship with the contractor.

Response: The State Construction Office updates the schedule of Liquidated Damages based on historical costs every two (2) years per Section 337.18, paragraph (2) of the Florida Statutes.

Thomas Bowles
941-757-0080
tom.b@russellengineering.com

Comment: (5-8-13)

It is interesting that the Department would raise liquidation damages during the worst Public Construction Market I can recall in nearly 30 years. It should also be noted that there are clearly stark differences between Districts where Computation of Time is concerned, a couple being vastly more realistic than the several others. Perhaps the Department should consider allowing Industry Review of proposed Project Time Constraints as well...

Response: The State Construction Office updates the schedule of Liquidated Damages based on historical costs every two (2) years per Section 337.18, paragraph (2) of the Florida Statutes.

PROSECUTION AND PROGRESS.
(REV 4-24-13)

SUBARTICLE 8-10.2 (Pages 90 – 91) is deleted and the following substituted:

8-10.2 Amount of Liquidated Damages: Applicable liquidated damages are the amounts established in the following schedule:

\$50,000 and under.....	\$836642
Over \$50,000 but less than \$250,000.....	\$884758
\$250,000 but less than \$500,000.....	\$1,074966
\$500,000 but less than \$2,500,000.....	\$1,7421,532
\$2,500,000 but less than \$5,000,000.....	\$2,8762,374
\$5,000,000 but less than \$10,000,000.....	\$3,7703,226
\$10,000,000 but less than \$15,000,000.....	\$4,6244,624
\$15,000,000 but less than \$20,000,000.....	\$5,6964,276
\$20,000,000 and over.....	\$9,7887,864 plus
.....0.00005 of any amount over \$20 million	
.....	<i>(Round to nearest whole dollar)</i>