ANNOUNCEMENT:  BDC19S-03

DATE: September 3, 2019

SUBJECT: Liquidated Damages
- Revision to the 2019 Standard Specifications for Road and Bridge Construction, Subsections 101.03 and 108.20

Subsections 101.03 and 108.20 of the 2019 Standard Specifications for Road and Bridge Construction have been revised to reduce liquidated damages.

The following revisions have been incorporated into the Standard Inputs (SI 2019):

101.03 TERMS
THE FOLLOWING TERM IS ADDED:

Full Traffic Access. All work is complete to allow safe unencumbered use of the final paved portion of roadway throughout the project including but not limited to striping, RPMs, rumble strips, highway lighting, and traffic signals as determined by the RE.

108.20 LIQUIDATED DAMAGES

SME CONTACT – ROAD USER SOLUTIONS

SME CONTACT – CONSTRUCTION MANAGEMENT

SELECT APPROPRIATE CONDITION FROM THE FOLLOWING LIST

Liquidated damages are as follows:

COMPLETE AND INCLUDE THE FOLLOWING.
DELETE APPROPRIATE PART(S), IF NOT APPLICABLE AND REASSIGN APPROPRIATE LETTER TO THE REMAINING STATEMENTS

A. For each day that the Contractor fails to complete the work as specified in Subsection 108.10 of these Special Provisions, for Interim Completion, the Department will assess liquidated damages in the amount of $_____.

USE ONLY THE ROAD USER COST.
B. For each day that the Contractor fails to complete the work as specified in Subsection 108.10 of these Special Provisions, for Substantial Completion, the Department will assess liquidated damages in the amount of $_____.

FULL TRAFFIC ACCESS NOT ACHIEVED - USE THE TOTAL COST OF THE ROAD USER AND CONSTRUCTION ENGINEERING COSTS.

For each day that the Contractor fails to complete the work as specified in Subsection 108.10 of these Special Provisions, for Substantial Completion but has completed the work as specified for Full Traffic Access, the Department will assess liquidated damages in the amount of $_____.

FULL TRAFFIC ACCESS ACHIEVED - USE ONLY THE CONSTRUCTION ENGINEERING COST.

C. For each day that the Contractor fails to achieve Completion as specified in Subsection 108.10 of these Special Provisions, the Department will assess liquidated damages in the amount of $_____.

USE ONLY THE CONSTRUCTION ENGINEERING COST DIVIDED BY 2.

Implementation Code  R (ROUTINE)

Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for addenda or postponement of advertisement or receipt of bids.

Recommended By:  

Paul F. Schneider  
Director  
Capital Program Support

Approved By:  

Snehal Patel, P.E., PMP  
Assistant Commissioner  
Capital Program Management and State Transportation Engineer

PS: NE: HP