



POLICY 7.11

4-C I recommend that the Board adopt the proposed revised Policy 7.11, entitled "Liquidated Damages."

[Contact: Joseph Sanches, PX 47573.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on March 7, 2012.
- This proposed revised policy was reviewed in conjunction with other construction-related policies and to meet the statutory requirement for Board review as provided in Sec. 120.74, FS.
- Section 1013.47, FS, provides that the Board's contract with a contractor for the construction of public facilities must contain a time limit in which construction is to be completed and consequences for failure to fulfill the time requirement.
- The Construction Oversight and Review Committee (CORC) reviewed the proposed revised policy at its February 9, 2012 meeting.

POLICY 7.11

LIQUIDATED DAMAGES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1. **Purpose**

This policy authorizes liquidated damages to be assessed against contractors for delays caused by the failure to fulfill any of the terms and conditions of a construction contract.

2. **Application**

This policy applies to all construction contracts of the Board.

3. **Policy Statement**

The general conditions of the contract for construction of school projects shall include provisions for liquidated damages.

4. **Administrative Procedures**

The Superintendent, or designee, shall develop administrative procedures and guidelines providing the technical details for the implementation of this policy.

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42(11),(25)

LAWS IMPLEMENTED: Fla. Stat. § 1013.47

HISTORY: 4/6/1983; ___/___2012

Cross References:

- | | |
|---------------------|---|
| Policy 6.14 | <i>Purchasing</i> |
| Policy 7.10 | <i>Construction Bid Procedures</i> |
| Policy 7.065 | <i>Errors and Omissions of Construction-Related Professionals</i> |
| Policy 7.22 | <i>Construction Change Orders</i> |

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.11 and finds it legally sufficient for adoption by the Board.

Attorney

Date