



Additional Project-Specific Liquidated Damages

February 2020



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- ❑ Texas Transportation Code §223.012 and 43 TAC §9.22 require TxDOT to provide additional disincentives to assure the ***timely completion of projects***. These will be included in the contract in the form of **Additional Project-Specific Liquidated Damages (APSLD)**.
- ❑ The process and the Statewide RUC calculator were developed through a joint effort of the following TxDOT Districts and Divisions.

Beaumont District	Dallas District	Houston District
Corpus Christi District	San Angelo District	Compliance Division
Construction Division	Design Division	General Counsel Division
Transportation Planning and Programming Division		

- ❑ Form 2699 determines which projects present a significant impact to the traveling public and require APSLDs.
- ❑ TTI will provide yearly updated value of time for passenger cars and trucks to be used for the RUC calculator.



When evaluating a project for APSLD consider the following:

- ☐ Use new Form 2699 (located on E-forms) for every project except for PM and 2R projects. APSLD evaluation is *optional* on PM and 2R projects.
- ☐ Districts should ensure APSLDs do not conflict with other contracting techniques that use RUC for determining value of time, such as
 - lane rental fees,
 - A+B bidding,
 - milestones,
 - lane assessment fees, or
 - other incentive/disincentive clauses.
- ☐ The RUC calculator, Handbook and the WebEx Training are available at:
 - <https://www.txdot.gov/inside-txdot/division/design.html> and
 - <https://www.txdot.gov/inside-txdot/division/construction/road-user-costs.html>



- ☐ The process for determining APSLDs is completed **during PS&E development.**
- ☐ An accurate **Traffic Control Plan and Contract Time Determination** are necessary in order to calculate APSLDs.
- ☐ Form 2699 to be **completed by the project designer or the Project Manager, including consultant designers or consultant PMs** to determine if APSLDs are necessary for the project.
- ☐ Determine relevant AADT for the project.
- ☐ Update Form 2699 with the APSLDs per day determined using the **RUC Calculator.**
- ☐ Include the amount of **APSLDs calculated under Item 8 of the General Notes.**
- ☐ SP 000-001 has been replaced with **SP 000-658** to include the APSLDs.
- ☐ Form **2699 will be included** with the **supporting documentation** in the final PS&E **submittal** per requirement from Form 1002.



- ❑ **Administrative Liquidated Damages** (LDs) are monetary damages recovered from the contractor to compensate the agency's additional construction oversight costs associated with the contractor's failure to complete the project on time.
- ❑ Highway improvement contracts that entered the design phase prior to September 1, 2018, in accordance with Special Provision (SP) 000-001, **only require assessment of administrative liquidated damages.**

000-001		
Special Provision to Item 000		
Schedule of Liquidated Damages		
		
Table1 Schedule of Liquidated Damages		
For Dollar Amount of Original Contract		Dollar Amount of Daily Contract Administration Liquidated Damages per Working Day
From More Than	To and Including	
0	100,000	570
100,000	500,000	590
500,000	1,000,000	610
1,000,000	1,500,000	685
1,500,000	3,000,000	785
3,000,000	5,000,000	970
5,000,000	10,000,000	1125
10,000,000	20,000,000	1285
20,000,000	Over 20,000,000	2590



- ❑ SP 000-658 replaced SP 000-001 for all highway improvement contracts that entered the design phase after September 1, 2018.
- ❑ In addition to the administrative LDs, SP 000-658 introduces the APSLDs.
- ❑ The calculated APSLDs will be shown under Item 8 of the General Notes, when applicable.

000-658


Special Provision to Item 000
Schedule of Liquidated Damages

Table 1
Schedule of Liquidated Damages

For Dollar Amount of Original Contract		Dollar Amount of Daily Contract Administration Liquidated Damages per Working Day
From More Than	To and Including	
0	100,000	570
100,000	500,000	590
500,000	1,000,000	610
1,000,000	1,500,000	685
1,500,000	3,000,000	785
3,000,000	5,000,000	970
5,000,000	10,000,000	1,125
10,000,000	20,000,000	1,285
20,000,000	Over 20,000,000	2,590

In addition to the amount shown in Table 1, the Liquidated Damages will be increased by the amount shown in Item 8 of the General Notes for Road User Cost (RUC), when applicable.



- ☐ Use Form 2699 to evaluate APSLDs for every project, with the exception of PM and 2R projects, for which evaluation is optional.
- ☐ A minimum of 2 applicable criteria selected, from anywhere on the form, will require the project to include APSLDs.
- ☐ Statewide criteria apply to all TxDOT districts (Rural, Urban, and Metro)

	Rural	Urban	Metro
Districts	Abilene Amarillo Atlanta Brownwood Childress Lufkin Odessa Paris San Angelo Wichita Falls Yoakum	Beaumont Bryan Corpus Christi El Paso Lubbock Laredo Pharr Tyler Waco	Austin Dallas Fort Worth Houston San Antonio

Form 2699 (Determination of APSLD)





**Determination of Additional
Project-Specific Liquidated Damages**

Form 2699
(3/18)
Page 1 of 1

* Use of this form is optional for Non-Freeway Resurfacing or Restoration (2R) and Preventative Maintenance (PM) projects and mandatory for all other projects.
* Use the Road User Cost (RUC) calculator located at <https://www.txdot.gov/inside-txdot/division/design.html>.

CSJ: County: Highway:

Texas Transportation Code §223.012 and 43 TAC §9.22 require TxDOT to provide additional disincentives to assure the timely completion of projects. These will be included in the contract in the form of additional project-specific liquidated damages. Select all applicable items from the checklist below. Any combination of two or more items will indicate the requirement for additional project-specific liquidated damages (check all that apply).

Note: Projects that already include lane rental fees, A+B bidding, milestones, lane assessment fees, or other incentive/disincentive clauses use RUC for determining value of time. The district should ensure any additional RUC does not conflict with these other contracting techniques.

Statewide criteria

- ☐ Interstate highway, hurricane evacuation route, hazardous material route, a corridor of regional, statewide, or national importance
- ☐ Significant impact on high density of businesses along the corridor, as deemed by the district
- ☐ Roadway with a daily RUC of \$5,000.00 or more

Rural district criteria

- ☐ Project on roadway with a minimum 25% truck traffic
- ☐ Project that reconstructs the primary thoroughfare in a community
- ☐ Project with signed detour which adds travel time and/or distance

Urban district criteria

- ☐ Construction phasing decreases lane capacity on major corridor
- ☐ Ramp closure and/or detour
- ☐ Eliminating or decreasing turn movement

Metro district criteria

- ☐ Lane and/or ramp closure
- ☐ Reduction in posted speed during the construction phase
- ☐ Project that involves reduction in lane width or shoulder reduction

If a project is not deemed to have a significant impact to the traveling public by the above criteria, a District Engineer may deem the project as needing additional project-specific liquidated damages by checking the box below and specifying the reason.

☐ Roadway deemed to need additional project-specific liquidated damages by the District Engineer (please specify):

Additional Liquidated Damages: ☐ No ☐ Yes \$ per day [Contact/Help](#)

Additional Project-Specific Liquidated Damages (APSLD)

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- ❑ When performing a RUC calculation, an ADT input is required.
- ❑ The TPP Division recommends using AADT data for the ADT input, as this represents the certified and annualized traffic data.
- ❑ TPP recommends obtaining AADT from the Statewide Planning Map or STARS II system.
- ❑ The Statewide Planning Map is an easy-to-use resource for obtaining traffic data for frontage roads and bi-directional (two-way) traffic.
- ❑ Use the Statewide Planning Map when performing RUC calculations where directionality is not a requirement.
- ❑ Use the STARS II system for projects that require traffic data for a single direction.
- ❑ When AADT from the Statewide Planning Map or STARS II is insufficient, contact TxDOT district or division personnel for assistance or use a consultant to produce traffic models and simulations.



	Traffic Data in Linear Format (Traffic Counts Applied to Linework Segments)	Traffic Data in Point Format (Displays Each Traffic Station Location)	Bi-Directional Traffic Data for Main Lanes	Direction-Specific Traffic Data Available for <i>Some</i> Main Lanes	Direction-Specific Traffic Data Available for <i>All</i> Main Lanes	Roadbed-Specific Traffic Data for Frontage	Traffic Data for Supplemental Main Lanes or Supplemental Frontage	Traffic Data for Ramps and Connectors	Advanced Traffic Modeling, Analysis of Turning Movements, etc.
Statewide Planning Map	YES	NO	YES	NO	NO	YES	NO	NO	NO
STARS II	NO	YES	YES	YES	NO	YES	YES	YES	NO

- **Statewide Planning Map** – Presents traffic data in a linear format. Appropriate for use where directionality on the main lanes is not a consideration. **Examples:** A segment of a highway where the work zone involves traffic in both directions, or a work zone that only involves a frontage roadbed.
- **STARS II** – Presents traffic data in a point format. Appropriate for use where directionality is needed on the main lanes or where data is needed for specific traffic stations. **Examples:** A segment of a highway where the work zone only involves the southbound roadbed, or a work zone at an intersection where individual traffic stations need to be identified.
- **Traffic Modeling** from district staff or a consultant – Appropriate when the Statewide Planning Map or STARS II are not sufficient to determine the traffic data within the work zone limits. **Example:** A complex interchange of two highways in a metro area. Numerous connectors and ramps make a simple analysis impossible.

RUC Excel Calculator – Reduced Speed Scenario



- ☐ Fill out all cells under the Project Information and Inputs headings.
- ☐ Hourly Values of Time will be automatically generated from the VOT tab.
- ☐ The Department updates the VOT figures annually.

Work Zone Road Users Costs		
Reduced Speed Scenario		
Project Information		
CSJ:		
Highway / Roadway:		
County:		
District:		
Project Letting Year:	2018	
Inputs		
	Car	Truck
AADT of Section:		
Length of the Work Zone (Miles):		
Original Posted Speed (MPH):	65	65
Work Zone Speed (MPH):	65	65
Duration of Workzone (Days):	1	
Calculations		
Hourly Value of Time:	\$28.69	\$36.28
Travel Time Posted Speed (Secs):	-	-
Travel Time Work Zone Speed (Secs):	-	-
Additional Travel Time (Secs):	-	-
Additional Travel Time (Hours):	-	-
Delay Cost per Vehicle:	\$0.00	\$0.00
Delay Cost per Day:	\$0	\$0
Delay Cost for Work Zone Duration:	\$0	\$0
Total Delay Cost for Work Zone Duration:	\$0	
Results		
Average Delay Cost per Day:	\$0	

- Fill in all the Highlighted Cells
- The Average Delay Cost / Day is the Road Users Cost for this scenario.
- [Instructions for obtaining traffic data \(ADT\) can be found on the Traffic Data tab.](#)

RUC Excel Calculator – Increased Travel Time Scenario



- ☐ Fill out all cells under the Project Information and Inputs headings.
- ☐ Hourly Values of Time will be automatically generated from the VOT tab.
- ☐ The Department updates the VOT figures annually.

Work Zone Road Users Costs		
Detour resulting in Additional Distance and Different Speed		
Project Information		
CSJ:		
Highway / Roadway:		
County:		
District:		
Project Letting Year:	2018	
Inputs		
	Car	Truck
AADT of Detoured Section:		
Length of the normal route (Miles):	1	1
Length of the detour route (Miles):	1	1
Posted speed on normal route (MPH):	60	60
Posted speed on detour route (MPH):	60	60
Duration of Workzone (Days):	1	
Calculations		
Hourly Value of Time:	\$28.69	\$36.28
Travel time along normal route (Secs):	60.00	60.00
Travel time along detour route (Secs):	60.0	60.0
Delay (Secs):	-	-
Delay (Hours):	-	-
Delay Cost per vehicle (\$):	-	-
Delay Cost per Day (\$):	\$0	\$0
Delay Cost for Work Zone Duration:	\$0	\$0
Total Delay Cost for Work Zone Duration:	\$0	
Vehicle Operating Costs (\$/miles):	\$0.58	\$1.04
Additional Miles from detour (Veh-Miles):	-	-
Additional Vehicle Operating Costs (\$):	\$0	\$0
Additional Vehicle Operating Costs (\$):	\$0	
Results		
Average Road Users Cost per Day (\$):	\$0	

1 Fill in all the Highlighted Cells

2 The Average Delay Cost / Day is the Road Users Cost for this scenario.

3 [Instructions for obtaining traffic data \(ADT\) can be found on the Traffic Data tab.](#)



- ☐ Fill out all cells under the Project Information and Inputs headings.
- ☐ Hourly Values of Time will be automatically generated from the VOT tab.
- ☐ The Department updates the VOT figures annually.

Work Zone Road Users Costs		
Detour resulting in Additional Travel Time using Increased Travel Time		
Project Information		
CSJ:		
Highway / Roadway:		
County:		
District:		
Project Letting Year:	2018	
Inputs		
	Car	Truck
AADT of Detoured Section:		
Time to Drive the Roadway Section (Mins):		
Time to drive the detour or work zone (Mins):		
Duration of Workzone (Days):	1	
Calculations		
Hourly Value of Time:	\$28.69	\$36.28
Delay (Mins):	-	-
Delay (Hours):	-	-
Delay Cost per Vehicle (\$):	\$0.00	\$0.00
Delay Cost per Day (\$):	\$0	\$0
Delay Cost for Work Zone Duration:	\$0	\$0
Total Delay Cost for Work Zone Duration:	\$0	
Results		
Average Delay Cost per Day:	\$0	

- 1 Fill in all the Highlighted Cells
- 2 The Average Delay Cost / Day is the Road Users Cost for this scenario.
- 3 [Instructions for obtaining traffic data \(ADT\) can be found on the Traffic Data tab.](#)



- ❑ The District Construction Office (DCO) or Area Office creates Milestones in SiteManager.
- ❑ Naming Convention in SiteManager for APSLD is : **APSLD-#**

The screenshot shows the AASHTO SiteManager application window. The title bar reads "AASHTO SiteManager - CST-742517-L". The menu bar includes "File", "Edit", "Services", "Window", and "Help". The toolbar contains various icons for file operations and data management. The main window is titled "Milestones" and displays a table with columns: "Milstn Nbr", "Description", "Time Used[%]", and "Cur Milstn Cmpl Date". The table shows a single entry with "0.000" and "00/00/00". Below the table, there are input fields for "Milestone Nbr:", "Description:", "Time Charges:", "Bid Days:", "Charged:", "Adjusted:", "Rate Time Period:", "Bid Hours:", "Remaining:", and "Credit Days:". There are also checkboxes for "Autogen Disincent Ind", "Autogen Incentive Ind", "Preconstruction Ind", and "Milestone Cmpl Ind". Below these are input fields for "Incentive Rate Amt:", "Disincentive Rate Amt:", and "Incentive Cap Amt:". At the bottom, there are date and time fields for "Work Start:", "Original Milestone Cmpl:", "Current Milestone Cmpl:", and "Actual Completion:". The status bar at the bottom shows "Ready" and "Server: PROD: SMGRPRD: CSTSYSUP: CHURTA".

- ❑ Reference SiteManager Contract Administration User Manual, Chapter 2, Section 7, “Creating Milestones” for additional information
http://gsd-ultraseek/txdotmanuals/sca/creating_milestones.htm
- ❑ For assistance, contact CST at 512/406-2553 or CST_SiteManager@txdot.gov.



Resources available on the external Road User Costs Webpage:

External link TxDOT.gov:

<https://www.txdot.gov/inside-txdot/division/construction/road-user-costs.html>

Internal link Crossroads:

https://crossroads.dot.state.tx.us/des/Pages/Plan-Development_APSLDs.aspx

- APSLD Handbook
- Road User Cost Calculator
- Form 2699
- Sample memo template: Request for Concurrence – Reduced Rate of APSLD

Questions regarding the new requirements?

Contact :

Jacob Tambunga (DES) at 512/416-2051 or DES_PD_WEBHELP@txdot.gov.

