

Use of Form 2699 for Construction Letting Projects

*For more information about Additional Project Specific Liquidated Damages (APSLD), including the full handbook and FAQ, please see the [Road User Cost](#) website

- 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 in time. Special Provision 000-658, which is required on all construction projects, contains the Schedule of Liquidated Damages.
- Texas Transportation Code [§223.012](#) requires TxDOT to calculate additional project-specific liquidated damages (APSLD) on projects that have significant impact on the traveling public. APSLDs are in addition to, not in place of, Administrative LDs.
- Form 2699, Determination of Additional Project-Specific Liquidated Damages, is optional for Non-Freeway Resurfacing or Restoration (2R) and Preventative Maintenance (PM) projects and mandatory for all other projects.
- For 2R and PM projects:
 - On Form 1002, under Additional Project-Specific Liquidated Damages, check "N/A."
- For all other projects, including HSIP and on- and off-system bridges, submit Form 2699 with the Final PS&E submittal to DES.
 - If there are 0 or 1 checkmarks on the form, additional liquidated damages are not required.
 - On Form 2699, check "No."
 - On Form 1002, under Additional Project-Specific Liquidated Damages, check "No."
 - If the district determines that APSLDs should be included despite not being required based on Form 2699, the reason should be written in the text box on Form 2699 and the steps below should be followed.
 - If there are 2 or more checkmarks on the form, additional liquidated damages are required. The Road User Cost (RUC) calculator on the [Road User Cost website](#) should be used to determine the amount.
 - On Form 2699, check "Yes" and fill in the dollar amount calculated using the link above.
 - On Form 1002, under Additional Project-Specific Liquidated Damages, check "Yes" and fill in the dollar amount calculated using the link above.
 - In the General Notes, add the following note under Item 8, with the dollar amount calculated using the link above: "The road-user cost liquidated damages are \$X,XXX.XX per day."
 - If the district determines that a reduced rate of APSLDs should be used, this information should be noted in the text box on Form 2699 and the Sample Memo found on the [Road User Cost website](#) should be filled in and signed by the District Engineer.
 - If the district determines that APSLDs will not be used despite being indicated on the form, justification should be written in the text box on Form 2699 and the Sample Memo found on the [Road User Cost website](#) should be modified as needed for the situation and signed by the District Engineer.