

**State of Florida
Department of Transportation**



**EXHIBIT “B”, METHOD OF COMPENSATION
CONTRACT # E-6J28**

**FIXED CAPITAL OUTLAY INVITATION TO BID FOR
DISTRICT SIX – CONSTRUCTION BUILDING
GENERATOR REPLACEMENT PROJECT.**

**PROCUREMENT NUMBER: ITB-DOT-13/14-6141HO
FINANCIAL PROJECT NUMBER: T.B.A**

EXHIBIT "B"
METHOD OF COMPENSATION

1.0 PURPOSE:

This Exhibit defines the limits and method of compensation to be made to the Vendor for the services set forth in Exhibit "A" and the method by which payments shall be made.

2.0 COMPENSATION:

For the satisfactory performance of services detailed in Exhibit "A", the Vendor shall be paid up to a Maximum Amount of \$_____. The Maximum Amount consists of the following Lump Sum Amounts:

<u>Title</u>	<u>Lump Sum Amounts</u>
Section 1 ---	\$
Section 2 ---	\$
Section 3 ---	\$
Section 4 ---	\$

The Lump Sum Amount for each Section includes all related costs as per described in Exhibit "C" Bid sheet.

The Department, based on need and availability of budget, may increase or decrease the Contract Maximum amount. Execution of this Agreement does not guarantee that the work will be authorized.

3.0 **PROGRESS PAYMENTS**

The Vendor shall submit an invoice (3 copies) upon completion of each section in a format acceptable to the Department. Payment shall be made to the Vendor for the satisfactory completion of each section as approved by the Department.

Invoices shall be submitted to: Florida Department of Transportation

Facilities Services
1000NW 111th Avenue
Miami, Fl. 33172

PAYMENTS TO CONTRACTOR:

Thirty (30) calendar days shall be allowed for the Department's Project Manager or Designee's inspection and approval of the goods and services for which any application and certificate for payment is made. Based upon application and certificate for payment submitted, the Department's Project Manager or Designee shall make progress payments to the Contractor against the sum of the Contract total maximum amount in accordance with the following:

- A. Within thirty (30) calendar days from the Department's Project Manager or Designee's receipt and acceptance of a application and certificate of payment, the Department's Project Manager or Designee shall pay, or cause to be paid to the Contractor, ninety percent (90%) of the portion of the contract maximum amount properly allocable to labor, materials, and equipment incorporated into the work, and to materials and equipment suitably stored at the site or at some other locations agreed upon in writing by the parties, less the aggregate of previous payments.
- B. Neither the Department's Project Manager or Designee nor the Architect-Engineer shall have any obligation to pay or to see to the payment of any monies to any subcontractor except as may otherwise be required by law.
- C. The Contractor shall request such compensation by submitting:
 - 1. A properly completed and notarized Application and Certificate for Payment,
 - 2. A Schedule of Contract Values, and
 - 3. Minority Business Enterprises (MBE) Payment Certification

The Contractor shall, within ten (10) calendar days upon receiving the Notice to Proceed, submit to the Project Manager or Designee for approval three (3) copies of a Schedule of

Contract Values which will reflect the estimated cost of each subdivision of work of each specification section. The value of each item shall include a true proportionate amount of the Contractor's overhead and profit. The sum of all such scheduled values shall equal the Contract Maximum amount.

4.0 FINAL PAYMENT

Within thirty (30) calendar days from the date of Contract Completion, the Department's Project Manager or Designee shall pay or cause to be paid to the Contractor the entire unpaid balance of the then Contract Sum, less the amount of any sums which continue to be retained to satisfy the cost of performing any change in the work which is the subject of any claim or dispute and which has not yet been satisfactorily performed by the Contractor, provided that the parties have not otherwise stipulated in the Certificate of Substantial Completion, and provided further that the work has been satisfactorily completed and the Contractor's obligations under the contract have been fully performed.

The Contractor shall submit all required documents along with final invoice to the Department's Project Manager or Designee no later than 120 days after the project is completed and final acceptance of work is issued by the Department's Project Manager or Designee

The Contractor's application for FINAL PAYMENT shall be accompanied with the following:

- A. Notarized Application and Certificate of Partial Payment marked "Final Payment" - (4 copies with original signatures and original seals).
- B. Final Schedule of Contract Values.
- E. Contractor's Affidavit of Contract Completion.
 - 1. Page 1 completed by the General Contractor (Original + 3 copies).
- G. Notice of Release of Lien from each sub-contractor, worker or supplier, who has filed Notices to Department's Project Manager or Designee.
- H. Contractor's Guarantee of Construction for one (1) year from the date of Final Completion.
- I. Copy of the Approval by the Department's Project Manager or Designee and the Transmittal to the Department's Project Manager or Designee of Manuals, Shop

Drawings, As-Built (1 set of Sepias, 2 sets of Prints), Brochures, Warranties, and List of Subcontractors, with telephone numbers and addresses.

- L. Other special warranties as required by specifications, in the name of the Department's Project Manager or Designee, and
- M. Fully executed Contractor's Certification of No Asbestos-Containing Materials.

The Vendor has certified that ____% MBE/DBE utilization would be achieved for this contract. If MBE utilization was certified by the Vendor, an MBE payment certification form shall be submitted with each invoice to verify the MBE utilization.

If DBE utilization was certified, DBE payments are to be input each month at the following link: <https://www3.dot.state.fl.us/EqualOpportunityOffice/bizweb/>

New users reporting DBE payments will need to contact the FDOT Service Desk at FDOT.ServiceDesk@dot.state.fl.us to get a BizWeb user ID and password to access the application.

4.0 FINANCIAL CONSEQUENCES

Payment will not be made to the Vendor until the products have been delivered and/or the specified services have been satisfactorily performed and accepted by the Department.

5.0 AUTHORIZATIONS:

The Department will provide written authorization for each course, task, project. The Vendor shall not provide services until receipt of the written authorization.

6.0 TANGIBLE PERSONAL PROPERTY:

This contract does not involve the purchase of Tangible Personal Property, as defined in Chapter 273, F.S.