

DEPARTMENT OF THE AIR FORCE  
673d Contracting Squadron/PKA  
Joint Base Elmendorf-Richardson, Alaska 99506

**DETERMINATION AND FINDINGS**

Determination to Incorporate Liquidated Damages

**The 673 Civil Engineering Squadron has a requirement for FXSB 23-1040S Replace HAZMAT Survey B10435**

This Determination and Findings is based upon the requirements of FAR 11.501(a) & (b), 11.503(b) and 52.211-12.

**FINDINGS**

The Findings are as follows:

1. The 673 Civil Engineering Squadron has a requirement for **FXSB 23-1040S Replace HAZMAT Survey B10435**
2. IAW FAR 11.503(b), the contract includes the liquidated damages clause 52.211-12. Liquidated damages are to be specified on each order.
3. IAW FAR 11.501(a), the Contracting Officer has considered the potential impact on pricing, competition, and contract administration before using a liquidated damages clause. Timely performance is so important that the Government may reasonably expect to suffer damage if performance is delinquent, and the extent or amount of the damage would be difficult to estimate accurately or prove.
4. IAW FAR 11.501(b), Liquidated damages are not punitive and are not negative performance incentives. Liquidated damages are used to compensate the Government for probable damages. Therefore, the liquidated damage rates used are a reasonable forecast of just compensation for the harm that is caused by untimely performance. The liquidated damage rates are determined as follows:

A. Civil Engineering Cost for First and Last Day of Delay:

	<u>Rate</u>	<u>Hour(s)</u>	<u>Daily Rate</u>
Inspector	<b>\$63.29</b>	2	\$126.58
Project Engineer	<b>\$80.07</b>	2	\$160.14
Chief of Engineering	<b>\$106.37</b>	1	\$106.37
Total			<u>\$393.09</u>

B. Civil Engineering Cost per Day of Delay Other Than First and Last:

	<u>Rate</u>	<u>Hour(s)</u>	<u>Daily Rate</u>
Inspector	<b>\$63.29</b>	2	\$126.58
Project Engineer	<b>\$80.07</b>	2	\$160.14
Total			<u>\$286.72</u>

C. Contracting Costs for First and Last Day of Delay:

	<u>Rate</u>	<u>Hour(s)</u>	<u>Daily Rate</u>
Contract Administrator	<b>\$51.46</b>	2	\$102.92
Contracting Officer	<b>\$61.07</b>	2	\$122.14
Legal	<b>\$74.69</b>	1	\$74.69
Total			<u>\$299.75</u>

D. Contracting Costs for Each Day of Delay Other Than First and Last Day:

	<u>Rate</u>	<u>Hour(s)</u>	<u>Daily Rate</u>
Contract Administrator	<b>\$51.46</b>	2	\$102.92
Contracting Officer	<b>\$61.07</b>	1	\$61.07
Total			<u>\$163.99</u>

E. Total CONS & CES Rates for First and Last Day of Delay: **\$692.84**

F. Total CONS & CES Rates for Other than the First and Last Day: **\$450.71**

E. Additional Damages (If necessary):

**\$0.00**

5. Hourly rates were derived from the pay tables for each relevant position affected by the delay.

A. Military Rates were derived from AFI 65-503, TABLE A20-2. FY21 Military Rates last updated March 2021.

Capt (O-3)	\$78.07	MSgt (E-7)	\$59.73	SrA (E-4)	\$36.42
1Lt (O-2)	\$65.91	TSgt (E-6)	\$52.00	A1C (E-3)	\$28.93
2Lt (O-1)	\$52.55	SSgt (E-5)	\$44.09		

B. Civilian Rates were derived from AFI 65-503, TABLE A26-1. FY22 Civilian Rates last updated December 2021.

GS-13	\$74.69	GS-11	\$51.46	GS-07	\$36.42
GS-12	\$61.07	GS-09	\$42.42		

C. Engineering rates were provided by the 673 CES Project Engineer and are filed with the requirements package.

#### **DETERMINATION**

On the basis of the above findings and in accordance with FAR 11.501, I hereby determine that it is in the best interest of the Government to include liquidated damages in the subject solicitation and later award.

Liquidated damages for the first and last day of unexcusable delay are established at the per day rate of **\$692.84**.

Liquidated damages for each additional day of unexcusable delay are established at the per day rate of **\$450.71**.

The liquidated damages computed above are considered fair and reasonable based on our forecast of probable damages.

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Contracting Officer