

45A.200 Contract adjustment clauses -- Termination clause.

- (1) For all construction contracts expected to exceed fifty thousand dollars (\$50,000) in price, the secretary of the Finance and Administration Cabinet shall specify clauses providing for adjustments to contract terms and conditions where there has been:
 - (a) A unilaterally ordered change by the Commonwealth; or
 - (b) A site condition differing from that indicated in the contract except for turnkey contracts or negotiated contracts when appropriate written findings of fact have been made; or
 - (c) Variation in the estimated quantities in a contract providing for estimated quantities; or
 - (d) A unilateral suspension of work by the Commonwealth.
- (2) In addition, there shall also be specified for inclusion in all construction contracts expected to exceed fifty thousand dollars (\$50,000) in price a clause providing that a contract may be terminated for the convenience of the Commonwealth or for default, and further providing for liquidated damages when appropriate and as specified in the contract schedule, with excuses for nonperformance specifically provided for therein.
- (3) The above specified clauses and conditions required for inclusion in all construction contracts expected to exceed fifty thousand dollars (\$50,000) in price shall be available for optional use in other construction contracts.

Effective: January 1, 1979

History: Created 1978 Ky. Acts ch. 110, sec. 40, effective January 1, 1979.