

EXHIBIT DD-1

Liquidated Damages Related to Substantial Completion

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EXHIBIT DD-1

Liquidated Damages Related to Substantial Completion

If the DB Contractor does not achieve Substantial Completion of each of the Project Assets by the applicable Scheduled Substantial Completion Date (and, in certain instances as provided in Section 13.01(e), if Substantial Completion is not achieved by given date even if the applicable Scheduled Substantial Completion Date is extended as a result of a Delay Event), the DB Contractor shall pay to the Concessionaire liquidated damages as follows:

1. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(a)(i) of the CA, **\$7,000** as liquidated damages for each Day that CA Substantial Completion of the Existing Midtown Tunnel extends beyond the CA Existing Midtown Tunnel Scheduled Substantial Completion Date;
2. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(a)(ii) of the CA, **\$7,000** as liquidated damages for each Day that CA Substantial Completion of the Existing Downtown Tunnels extends beyond the CA Existing Downtown Tunnels Scheduled Substantial Completion Date;
3. (A) **\$27,893** as liquidated damages for each Day that Substantial Completion of the New Midtown Tunnel extends beyond the New Midtown Tunnel Scheduled Substantial Completion Date, plus, (B) to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(a)(iii) of the CA, **\$21,000** as liquidated damages for each Day that CA Substantial Completion of the New Midtown Tunnel extends beyond the CA New Midtown Tunnel Scheduled Substantial Completion Date; and
4. (A) **\$17,329** as liquidated damages for each Day that Substantial Completion of the New MLK Extension extends beyond the New MLK Extension Scheduled Substantial Completion Date, plus, (B) to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(a)(iv) of the CA, **\$11,500** as liquidated damages for each Day that CA Substantial Completion of the New MLK Extension extends beyond the CA New MLK Extension Scheduled Substantial Completion Date.

EXHIBIT DD-2

Liquidated Damages Related to Final Acceptance

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EXHIBIT DD-2

Liquidated Damages Related to Final Acceptance

If the DB Contractor does not achieve Final Acceptance of each of the Project Assets by the applicable Scheduled Final Acceptance Date, the DB Contractor shall pay to the Concessionaire liquidated damages as follows:

1. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(b)(i) of the CA, **\$3,000** as liquidated damages for each Day that CA Final Acceptance of the Existing Midtown Tunnel extends beyond the CA Existing Midtown Tunnel Scheduled Final Acceptance Date;
2. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(b)(ii) of the CA, **\$3,000** as liquidated damages for each Day that CA Final Acceptance of the Existing Downtown Tunnels extends beyond the CA Existing Downtown Tunnels Scheduled Final Acceptance Date;
3. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(b)(iii) of the CA, **\$8,500** as liquidated damages for each Day that CA Final Acceptance of the New Midtown Tunnel extends beyond the CA New Midtown Tunnel Scheduled Final Acceptance Date; and
4. to the extent the Concessionaire is obligated to pay the same to the Department pursuant to Section 8.10(b)(iv) of the CA, **\$5,000** as liquidated damages for each Day that CA Final Acceptance of the New MLK Extension extends beyond the CA New MLK Extension Scheduled Final Acceptance Date.

EXHIBIT DD-3

Liquidated Damages Related to Full or Partial Closures of Existing Project Assets

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The hourly rate specified shall be charged in increments of 15 minutes (or any portion thereof) from the time the traffic is stopped until the time the traffic begins to flow again; for example, a closure of 7 minutes would be charged as 15 minutes, and a closure of 31 minutes would be charged as 45 minutes.

Closure Type	Shift	Start		End		LD's per Hour		
		Day	Time	Day	Time	DTT WB	DTT EB	MTT
Full Closure	Day	Monday	5:00 AM	Monday	8:00 PM	\$3,619	\$3,619	\$457
Full Closure	Night	Monday	8:00 PM	Tuesday	5:00 AM	\$833	\$894	\$2
Full Closure	Day	Tuesday	5:00 AM	Tuesday	8:00 PM	\$3,619	\$3,619	\$457
Full Closure	Night	Tuesday	8:00 PM	Wednesday	5:00 AM	\$833	\$894	\$2
Full Closure	Day	Wednesday	5:00 AM	Wednesday	8:00 PM	\$3,619	\$3,619	\$457
Full Closure	Night	Wednesday	8:00 PM	Thursday	5:00 AM	\$833	\$894	\$2
Full Closure	Day	Thursday	5:00 AM	Thursday	8:00 PM	\$3,619	\$3,619	\$457
Full Closure	Night	Thursday	8:00 PM	Friday	5:00 AM	\$833	\$894	\$2
Full Closure	Day	Friday	5:00 AM	Friday	8:00 PM	\$3,619	\$3,619	\$457
Full Closure	Weekend Night	Friday	8:00 PM	Saturday	5:00 AM	\$648	\$726	\$4
Full Closure	Weekend Day	Saturday	5:00 AM	Saturday	8:00 PM	\$1,746	\$1,822	\$10
Full Closure	Weekend Night	Saturday	8:00 PM	Sunday	5:00 AM	\$648	\$726	\$4
Full Closure	Weekend Day	Sunday	5:00 AM	Sunday	8:00 PM	\$1,746	\$1,822	\$10
Full Closure	Weekend Night	Sunday	8:00 PM	Monday	5:00 AM	\$648	\$726	\$4
Single Lane Closure	Day	Monday	5:00 AM	Monday	8:00 PM	\$822	\$822	\$194
Single Lane Closure	Night	Monday	8:00 PM	Tuesday	5:00 AM	\$188	\$146	\$3
Single Lane Closure	Day	Tuesday	5:00 AM	Tuesday	8:00 PM	\$822	\$822	\$194
Single Lane Closure	Night	Tuesday	8:00 PM	Wednesday	5:00 AM	\$188	\$146	\$3
Single Lane Closure	Day	Wednesday	5:00 AM	Wednesday	8:00 PM	\$822	\$822	\$194
Single Lane Closure	Night	Wednesday	8:00 PM	Thursday	5:00 AM	\$188	\$146	\$3
Single Lane Closure	Day	Thursday	5:00 AM	Thursday	8:00 PM	\$822	\$822	\$194
Single Lane Closure	Night	Thursday	8:00 PM	Friday	5:00 AM	\$188	\$146	\$3
Single Lane Closure	Day	Friday	5:00 AM	Friday	8:00 PM	\$822	\$822	\$194
Single Lane Closure	Weekend Night	Friday	8:00 PM	Saturday	5:00 AM	\$141	\$116	\$6
Single Lane Closure	Weekend Day	Saturday	5:00 AM	Saturday	8:00 PM	\$379	\$291	\$16
Single Lane Closure	Weekend Night	Saturday	8:00 PM	Sunday	5:00 AM	\$141	\$116	\$6
Single Lane Closure	Weekend Day	Sunday	5:00 AM	Sunday	8:00 PM	\$379	\$291	\$16
Single Lane Closure	Weekend Night	Sunday	8:00 PM	Monday	5:00 AM	\$141	\$116	\$6

EXHIBIT DD-4

Liquidated Damages Related to Closures of Project Assets for Correction of Non-Conforming Work

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The hourly rate specified shall be charged in increments of 15 minutes (or any portion thereof) from the time the traffic is stopped until the time the traffic begins to flow again; for example, a closure of 7 minutes would be charged as 15 minutes, and a closure of 31 minutes would be charged as 45 minutes.

Closure Type	Shift	Start		End		LD's per Hour		
		Day	Time	Day	Time	DTT WB	DTT EB	MTT
Full Closure	Day	Monday	5:00 AM	Monday	8:00 PM	\$5,119	\$5,119	\$647
Full Closure	Night	Monday	8:00 PM	Tuesday	5:00 AM	\$1,119	\$1,201	\$2
Full Closure	Day	Tuesday	5:00 AM	Tuesday	8:00 PM	\$5,119	\$5,119	\$647
Full Closure	Night	Tuesday	8:00 PM	Wednesday	5:00 AM	\$1,119	\$1,201	\$2
Full Closure	Day	Wednesday	5:00 AM	Wednesday	8:00 PM	\$5,119	\$5,119	\$647
Full Closure	Night	Wednesday	8:00 PM	Thursday	5:00 AM	\$1,119	\$1,201	\$2
Full Closure	Day	Thursday	5:00 AM	Thursday	8:00 PM	\$5,119	\$5,119	\$647
Full Closure	Night	Thursday	8:00 PM	Friday	5:00 AM	\$1,119	\$1,201	\$2
Full Closure	Day	Friday	5:00 AM	Friday	8:00 PM	\$5,119	\$5,119	\$647
Full Closure	Weekend Night	Friday	8:00 PM	Saturday	5:00 AM	\$870	\$975	\$5
Full Closure	Weekend Day	Saturday	5:00 AM	Saturday	8:00 PM	\$2,345	\$2,448	\$13
Full Closure	Weekend Night	Saturday	8:00 PM	Sunday	5:00 AM	\$870	\$975	\$5
Full Closure	Weekend Day	Sunday	5:00 AM	Sunday	8:00 PM	\$2,345	\$2,448	\$13
Full Closure	Weekend Night	Sunday	8:00 PM	Monday	5:00 AM	\$870	\$975	\$5
Single Lane Closure	Day	Monday	5:00 AM	Monday	8:00 PM	\$1,163	\$1,163	\$275
Single Lane Closure	Night	Monday	8:00 PM	Tuesday	5:00 AM	\$253	\$196	\$4
Single Lane Closure	Day	Tuesday	5:00 AM	Tuesday	8:00 PM	\$1,163	\$1,163	\$275
Single Lane Closure	Night	Tuesday	8:00 PM	Wednesday	5:00 AM	\$253	\$196	\$4
Single Lane Closure	Day	Wednesday	5:00 AM	Wednesday	8:00 PM	\$1,163	\$1,163	\$275
Single Lane Closure	Night	Wednesday	8:00 PM	Thursday	5:00 AM	\$253	\$196	\$4
Single Lane Closure	Day	Thursday	5:00 AM	Thursday	8:00 PM	\$1,163	\$1,163	\$275
Single Lane Closure	Night	Thursday	8:00 PM	Friday	5:00 AM	\$253	\$196	\$4
Single Lane Closure	Day	Friday	5:00 AM	Friday	8:00 PM	\$1,163	\$1,163	\$275
Single Lane Closure	Weekend Night	Friday	8:00 PM	Saturday	5:00 AM	\$189	\$156	\$8
Single Lane Closure	Weekend Day	Saturday	5:00 AM	Saturday	8:00 PM	\$509	\$391	\$21
Single Lane Closure	Weekend Night	Saturday	8:00 PM	Sunday	5:00 AM	\$189	\$156	\$8
Single Lane Closure	Weekend Day	Sunday	5:00 AM	Sunday	8:00 PM	\$509	\$391	\$21
Single Lane Closure	Weekend Night	Sunday	8:00 PM	Monday	5:00 AM	\$189	\$156	\$8