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**SCHEDULE FOUR**

**LIQIDATED DAMAGES**

Where as a result of any action by the Contractor and/or their staff a material loss occurs to the council liquidated damages shall be applied as follows:

* The full cost of remedial action shall be fully recovered
* Any administrative costs incurred shall be fully recovered
* Any legal costs shall be fully recovered
* Any other costs incurred shall be fully recovered

A material loss shall include but not be exclusive to:

* The cost of appointing and paying another contractor to perform works that should have been executed by the Contractor
* The cost of any material and/or amenity losses
* The costs of any losses claimed against the council by third parties
* The specification provides for the calculation of amenity loss in the case of a tree that is mistakenly removed

These costs shall not be punitive to the Contractor and will accurately reflect the actual and full costs incurred to the council