



DeKalb County School District

DESIGN & CONSTRUCTION
1780 Montreal Road
Tucker, GA 30084-6705
(678) 676-1345

Dr. Devon Q. Horton
SUPERINTENDENT

Routing/Transmittal Form

Project: Renovations at Green Forrest Drive Facility Project No: 380-35
 Contractor: The Winter Construction Company Architect: N/A
 Originator: Chante Lemon Date: September 21, 2023

DOCUMENT ATTACHED

Design/Construction Phase

- Contract Award Package: *(Reason Below)*
 - Notice of Award
 - Notice to Proceed
 - Original Contract
- Mandatory Addendum to Owner Architect Agreement - State Capital Outlay
- Work Authorization
- Request for Proposal/Invitation to Bid Package
 - Review
 - Signature
- Design Contract Additional Services Request
- Change Order
 - Change Order Request: *(Reason Below)* COR Amount \$(3,411,283.00)
 - Amendment Amendment Amount _____
 - Owner Request
 - Errors/Omissions
 - Unforeseen Conditions
 - Regulatory Change
 - Other (Specify): _____
- Review of Drawings or Specifications
- Finish Board/Color Boards
- Plaque Dedication Authorization
- Project Close-Out: *(Reason Below)*
 - Release of Retainage
 - Recommendation of Acceptance
 - Report of Substantial Completion
 - Certificate of Substantial Completion

Other: _____

Change Order #1 to closeout contract due to project being cancelled.

Notes: _____

REVIEWERS & APPROVALS

Please Fill In Appropriately and Forward to the Next Approver

Review	Approve		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Project Manager</u>	<u>Chante J. Lemon</u> <i>[Signature]</i> 9/21/23
<input type="checkbox"/>	<input type="checkbox"/>	<u>Program Director</u>	<u>Mel Butler</u> <i>[Signature]</i> 9/22/23
<input type="checkbox"/>	<input type="checkbox"/>	<u>Director of Design and Construction</u>	<u>Richard Boyd</u> <i>[Signature]</i> 9/22/23
<input type="checkbox"/>	<input type="checkbox"/>	<u>Chief Operating Officer</u>	<u>Erick Hofstetter</u> <i>[Signature]</i> 9/26/23
<input type="checkbox"/>	<input type="checkbox"/>	_____ <input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____ <input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____ <input type="checkbox"/>	_____

**THE DEKALB COUNTY BOARD OF EDUCATION
CONSTRUCTION CONTRACT CHANGE ORDER**

The Winter Construction Company

Project Name:	Renovations at the Green Forrest Drive Facility
Project No.:	380-423
Change Order No.:	01
Date:	September 20, 2023

Contractor:	The Winter Construction Company 5616 Peachtree Road, Suite 100 Atlanta, GA 30341 Phone: (404) 588-3300
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(the "Contractor")

Project Description: Design and construction of renovations at the facility.

Reason for Change: Owner Requested Termination of Contract

The Contract for the above-referenced Project is hereby amended to provide for the following described change(s) upon the terms set forth below:
Scope of Work (for this change):

1. Project cancelled and contract terminated at work completed and paid-to-date amount of \$1,495,217.00

Grand Total Cost = \$(3,411,283.00)

Contract Amount:	Original Contract Price:	\$4,906,500.00
	Previous Change Orders (Nos.):	\$ 0.00
	Current Contract Price (with Change(s)):	\$4,906,500.00
	Amount of this Change Order:	<u>\$(3,411,283.00)</u>
	Revised Contract Price:	\$1,495,217.00

Contract Time:	Original Substantial Completion Date:	10/14/2022
	Increase/(Decrease) in calendar days by previous Change Order(s):	0
	Increase/(Decrease) in calendar days by this Change Order:	0
	Revised Substantial Completion Date:	12/31/2022

Attachments (Incorporated by Reference):

CLAIM IDENTIFICATION OR WAIVER
 The Contractor has no claims arising out of or related to the Project for any (i) costs, expenses, profit, overhead, direct damages, consequential damages or increase in the Contract Price or (ii) delay or impact to the Contractor or the Project except as identified as follows:

and any and all claims that are not identified hereinabove by the Contractor are hereby waived by the Contractor.

Signatures are included on the following page.

As changed hereinabove, the Contract for the above-referenced Project shall continue in full force and effect.

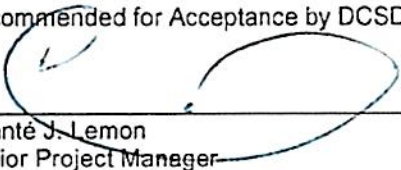
Agreed to by the Contractor:



Drew Clayton
Senior Project Manager

09/20/2023
Date


Recommended for Acceptance by DCSD Project Manager:



Chanté J. Lemon
Senior Project Manager

9/21/2023
Date

Recommended for Acceptance by Program Manager & Owner:




Mel Butler
Program Director

9/22/23
Date



Richard Boyd
Director, Design and Construction

9/22/23
Date



Erick Hofstetter
Chief Operating Officer

9.26.23
Date

Approved by The DeKalb County Board of Education:



Dr. Devon Q. Horton
Superintendent

11-12-23
Date

Board of Education Approval: Date: N/A	Item No.: N/A
(Not Required Under \$100,000)	



Operations

June 29, 2023

Sent Via Certified Mail: Article No.7022-0410-0000-7092-1483

Ms. Carrie Campbell, Director of Operations
The Winter Construction Company
5616 Peachtree Road, Suite 100
Chamblee, GA 30341

Re: Design/Build Services for Renovations at Green Forrest Drive Facility; Notice of Contract Termination Pursuant to Article 19(G) of Standard Form Contract for Fixed Price Design and Construction Services between Owner and Design/Builder.

Dear Ms. Campbell:

Please be advised that due to the Owner has elected to terminate the above Contract for convenience pursuant to Article 19(g) of the Standard Form Contract for Fixed Price Design and Construction Services effective immediately. As set forth in Article 19(G) we request the following:

- Immediately stop any and all work related to the project effective as of the date of this communication;
- Immediately advise as to any outstanding orders or subcontracts;
- Settle all liabilities and claims arising out of the termination of any subcontracts and orders;
- Immediately transfer title and deliver to the Owner such completed or partially completed Work and materials, equipment, parts, fixtures, information and Contract rights the Contractor has.

With regard to any termination claim, we request that you follow the provisions of 19(H) to include the timeframes set forth therein.

Thank you in advance for your cooperation.

Sincerely,

Richard H. Boyd
Director, Design & Construction

Cc: Mr. Erick Hofstetter, COO
Mr. Mel Butler, Program Director
H. Eric Hilton, Esq., Hall Booth Smith



August 24, 2023

Sent via Certified Mail and E-Mail

Director of Design and Construction
DeKalb County Board of Education
1780 Montreal Road
Tucker, GA 30084

With a copy sent to:

Project Manager for Design/Build Services for Green Forrest Drive Facility
Mr. Richard H. Boyd, Interim Chief Operating Officer
c/o DeKalb County Board of Education
1780 Montreal Road
Tucker, GA 30084

RE: Notice of Contract Termination
Design/Build Services for Renovations at Green Forrest Drive Facility

Mr. Boyd,

The Winter Construction Company (Winter) received the DeKalb County Board of Education's (DCSD) Notice of Contract Termination for convenience letter dated June 29, 2023, on July 27, 2023. See responses below to items noted in the letter:

- All work related to the Project has been stopped as of January 1, 2023, per email correspondence to DCSD on December 28, 2022.
There are no outstanding orders or subcontracts.
There are no known liabilities or claims related to termination of any subcontracts/orders.
Included with the digital version of this letter are the final design documents. The only other items Winter has procured for the project that need to be turned over to DCSD are noted in the image below, which will be coordinated with Chanté Lemon:

Table with columns: Type, Qty, Mazer, to Side, Rem Number, Description, Manufacturer/Rep, Mazer PO #, ESD, Notes, P/Ord, Carrier Name. Rows include items like NO Panel, PANELBOARD ENCLOSURE, TRANSFORMER DRY TYPE, SWITCH FUSIBLE, etc.

Release of Winter by DCSD: DCSD does hereby for itself and for its successors, agents and assigns, release and forever discharge Winter, along with any related business organizations, members, parent or subsidiary corporations, successor and predecessor corporations, agents, servants, employees, insurers and contractors, as well as all other individuals and/or entities, of and from any and all actions, causes of action, suits, proceedings, damages, costs, loss of services, expenses, obligations, claims and demands whatsoever, whether in law or in equity, known or unknown, foreseen or unforeseen, which the DCSD may have or which may hereafter accrue, in any way resulting from or arising out of the Project, the Contract, or the Work.

Release for Future Use of Work Product. DCSD and Winter intend for the full and final release of both parties from any obligations of the Contract. DCSD and Winter intend for this release to encompass any future use by DCSD of work product prepared by Winter in the course of its performance of Work under the Contract and/or for the Project, including but not limited to, designs, documents, drawings, schematics, surveys, reports, calculations, bids, takeoffs, estimates, communications with subcontractors or suppliers, and value engineering efforts (the "Work Product"). For clarity, should DCSD elect to use any Work Product in future efforts to obtain bids

good experience builders™

for, retain, contract, design, construct or otherwise use any of the Work Product in the DCSD's efforts to proceed with the Project with any other architect, contractor, construction manager, or design-builder, Winter shall have no liability or responsibility for any claims, damages, losses, or other liabilities arising from or related to such Work Product regardless of the cause or basis for such liability. DCSD expressly waives and releases Winter from any and all liability associated with the use of the Work Product.



Winter appreciates the opportunity to work with DCSD again, and we look forward to working on many more projects together.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Clayton", is located below the word "Sincerely,".

Drew Clayton
Senior Project Manager
The Winter Construction Company

CC: Chanté Lemon, DCSD Regional Project Manager
Carrie Campbell, Winter Director of Operations
Brik Ethridge, Winter Project Manager