



## CLAY COUNTY DISTRICT SCHOOLS

900 WALNUT STREET, GREEN COVE SPRINGS, FL 32043

P (904) 336-6500 F (904) 336-6536 W [oneclay.net](http://oneclay.net)

### SUPERINTENDENT OF SCHOOLS

David S. Broskie

#### BOARD MEMBERS:

Janice Kerekes, District 1  
Beth Clark, District 2  
Tina Bullock, District 3  
Mary Bolla, District 4  
Ashley Gilhousen, District 5

October 8, 2021

RE: Tynes Elementary School Classroom Addition - Liquidated Damages

Clay County Superintendent and School Board Members:

The Classroom Addition project at Tynes Elementary School obtained a Substantial Inspection Certificate on September 27, 2021. This represents 76 days beyond the established date of Substantial Completion (through Change Order #4). The tardiness was due to two separate causes: the first being weather related delays and the second being the death of Jay Chung, the owner of Core Construction.

The weather-related delay of 18.5 days would have allowed the opening of the new classrooms to coincide with staff occupation on August 2<sup>nd</sup> and student occupation on August 10<sup>th</sup>. These delays are justified. Facility Planning and Construction and the Architect recommend that the days be granted. This leaves 57.5 days of liquidated damages to address.

I provided the following justification for the waiver of Liquidated Damages for the 57.5 days. Mr. Chung was diagnosed with Cancer soon after the TES contract was awarded. He and his wife decided to honor his contract for the project, while making provisions to ensure the project was completed if he was unable to complete it himself. In late April it became apparent that the disease was progressing at a faster rate and Jay realized that he was unable to effectively manage the company by himself. In early May, Jay notified the Facility Planning and Construction Department that Mr. Dirk Harrison would be granted full privileges to oversee Core Construction. Soon after the Letter of Authorization documents were signed, Mr. Chung succumbed to his disease. Mrs. Chung's commitment to finishing the project amid the loss of her husband was truly monumental. This decision had multiple consequences, the most significant was it ensured that the project would not be conveyed to the Bonding Company and subsequent delay caused by acquisition of another Contractor to finish the project. Furthermore, Mrs. Chung has decided to cease the operations of Core Construction, however, the closing will not take place until the end of the twelve month Warranty period has expired.

In summary, after discussions with David Shively, Architect, Bryce Ellis, Assistant Superintendent of Operations, and Bruce Bickner, legal counsel for the School Board of Clay County: I recommend waiving the Liquidated Damages caused by the unavoidable and tragic circumstances.

Respectfully,

David R. Kramer Jr.  
Project Manager  
Clay County District Schools

**CHANGE ORDER**  
DOCUMENT AIA G701

Distribution to:  
OWNER ☒  
ARCHITECT ☒  
CONTRACTOR ☒  
FIELD ☐

PROJECT: Project No. **C-29-19/20** CHANGE ORDER NO. **CH-06**  
**Tynes Elementary School**  
**New Classroom Addition** INITIATION DATE: **November 4, 2021**  
**1550 Tynes, Blvd, Middleburg FL 32068** ARCHITECT'S PROJECT NO.: **BH-202003**

Owner:  
**School Board of Clay County**  
**900 Walnut Street** CONTRACT FOR: **\$2,530,000.00**  
**Green Cove Springs, FL 32043**

Contractor CONTRACT DATE: **October 1, 2020**  
**CORE Construction Co.**  
**8375 Baymeadows Way**  
**Jacksonville, FL 32256**

You are instructed to make the following change(s): **Rain Days & LD Waiver**

Not valid until signed by both the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract sum or Contract Time

The original Contract Sum was Base Bid	\$2,530,000.00
The change by previously authorized Change Orders	-\$382,560.49
The Contract Sum prior to this Change Order was	\$2,147,439.51
The Contract Sum will be <b>UNCHANGED</b> by this Change Order	\$0.00
The new Contract Sum including this Change Order will be	\$2,147,439.51
The Contract Time will add	76 Days
The Date of Substantial Completion as of the date of this Change Order is	September 27, 2021

AUTHORIZED:

Bhide & Hall Architects, P.A.

ARCHITECT (Firm Name)

Signature

David S Shively, Architect

Print Name and Title

October 13, 2021

DATE:

CORE Construction Co.

CONTRACTOR (Firm Name)

Signature

Dirk Harrison, Agent

Print Name and Title

October 13, 2021

DATE:

School Board of Clay County

OWNER

Signature

Mary Bolla / Board Chair

Print Name and Title

November 4, 2021

DATE: