

CHANGE ORDER NO. 1 TO FORM OF CONTRACT

Contractor: **Winter Johnson Group**

Contract No. **21RFP224211K-DB, Construction Management at Risk Services
for the New Fulton County Animal Shelter Facility**

Address: **5616 Peachtree Road**
City, State **Chamblee, Georgia 30341**

Telephone: **(404) 790-8985**

E-mail: breid@wintercompanies.com and ajohnson@winterjohnsongroup.com

Contact: **Brent Reid, Managing Member**
Artis L. Johnson, Managing Member

W I T N E S S E T H

WHEREAS, Fulton County ("County") entered into a Contract with Winter Johnson Group to provide/perform Construction Management at Risk Services for the New Fulton County Animal Shelter Facility, dated August 5, 2021, on behalf of the Department of Real Estate and Asset Management; and

WHEREAS, this change order is necessary for additional funding due to substantial costs attributable to price escalation for equipment, materials and supplies; scope changes required by regulatory agencies during permitting processes; and, unforeseen conditions of developing a raw site for the new construction project for the Fulton County Animal Shelter Facility (FCAS); and

WHEREAS, the Contractor has performed satisfactorily over the period of the contract; and

WHEREAS, this amendment was approved by the Fulton County Board of Commissioners on November 16, 2022, BOC Item #22-.

NOW, THEREFORE, the County and the Contractor agree as follows:

This Change Order No. 1 to Form of Contract is effective as of the 16th day of November 2022, between the Winter Johnson Group, who agree that all Services specified will be performed in accordance with this Change Order No. 1 of Form of Contract and the Contract Documents.

- 1. SCOPE OF WORK TO BE PERFORMED:** Modify the existing Contract for additional funding due to substantial costs attributable to price escalation for

equipment, materials and supplies, scope changes required by regulatory agencies during permitting processes, and unforeseen conditions of developing a raw site for the new construction project for the Fulton County Animal Shelter Facility (FCAS). Though these additional costs are specific to the Animal Services Facility Project, they are representative of inflationary price escalations, delays in equipment and materials deliveries, and labor shortages now seen throughout the construction industry.

Details of the additional costs prompting this Change Request are detailed in Exhibit A, attached herein.

This Change Order is necessary in requesting additional funding to prevent the disruption in the process and enabling the completion the construction for the new 58,000 square foot Fulton County Animal Services Facility located at 1251 Fulton Industrial Boulevard, Atlanta, Georgia 30318.

2. **COMPENSATION:** The services described under Scope of Work herein shall be performed by Contractor for a total amount not to exceed **\$2,823,544.00** (Two Million Eight Hundred Twenty Three Thousand Five Hundred Forty Four Dollars and No Cents).
3. **LIABILITY OF COUNTY:** This Change Order No. 1 to Form of Contract shall not become binding on the County and the County shall incur no liability upon same until such agreement has been executed by the Chair to the Commission, attested to by the Clerk to the Commission and delivered to Contractor.
4. **EFFECT OF CHANGE ORDER NO. 1 TO FORM OF CONTRACT:**
Except as modified by this Change Order No. 1 to Form of Contract, the Contract, and all Contract Documents, remain in full force and effect.

[INTENTIONALLY LEFT BLANK]

IN WITNESS THEREOF, the Parties hereto have caused this Contract to be executed by their duly authorized representatives as attested and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

OWNER:

FULTON COUNTY, GEORGIA

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

Tonya R. Grier
Clerk to the Commission

(Affix County Seal)

APPROVED AS TO FORM:

Office of the County Attorney

APPROVED AS TO CONTENT:

Joseph N. Davis, Director
Department of Real Estate and Asset
Management

CONSULTANT:

WINTER JOHNSON GROUP

Brent Reid, Managing Member

Artis Johnson, Managing Member

ATTEST:

Secretary/
Assistant Secretary

(Affix Corporate Seal)

ATTEST:

Notary Public

County: _____

Commission Expires: _____

(Affix Notary Seal)

ITEM#: _____ RCS: _____ RECESS MEETING	ITEM#: _____ RM: _____ REGULAR MEETING
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EXHIBIT A

	Owner's Contingency Balance	\$20,621.00	Balance as of 7/5
1	Design Revisions 1, 2 & 3 (Part Two)	\$91,852	User Requested Front Fencing & Additional Data/Camera Locations & Window Flashing Design Revisions
2	Canopy VE Reconciliation	\$226,048	Sub-Contractor Pricing Error reduced previously accepted Value Engineering Item & Steel Cost Escalation
3	Barn Escalation	\$37,716	Price Escalation Request from Selected Barn Manufacturer
4	Price Escalation as of 5/26	\$1,188,331	Price Escalation Requests for Equipment, Materials & Supplies from 19 Sub-Contractors as of 5/26
5	Animal Equipment/ Stainless Steel Escalation	\$413,372	Price Escalation in Stainless Steel Kennels vs Aluminum & Specialty Veterinary Equipment
6	Extended General Conditions	\$158,000	Design Revisions to accommodate FAA required Underground Detention System & resolve COA Water Pipe Location issue delaying receipt of LDP and extending Construction Commencement to 7/15
7	COA Impact Fees	\$28,846	County reportedly non-exempt from COA Impact Fees on new building construction. Fees negotiated from \$165,727 to \$28,846
8	Replenish Owner's Contingency	\$679,379	
Total Order Change Request		\$2,823,544.00	