



CITY OF FRAMINGHAM
MASSACHUSETTS
Office of the City Solicitor

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City Solicitor

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February 11, 2020

VIA EMAIL ONLY

Djenne B. Clayton, Deputy General Counsel
Durham School Services
2601 Navistar Drive
Lisle, IL 60532

**RE: 12/18/2019 Notice of Breach of Contract – City of Framingham
Agreement for Transportation Services
Response to Your Letter of January 29, 2020**

Dear Attorney Clayton:

I am in receipt of your letter of January 29, 2020 on behalf of Durham School Services (“Durham”) requesting that the City of Framingham (“City”) “lift the default” set forth in my letter of December 18, 2019 on behalf of the City.

At the outset the City agrees that for the last two to three weeks Durham has finally addressed the driver staffing issues that have plagued its services to the City for the last several months. The City is pleased that Durham continues to take the City’s concerns seriously and hopes Durham will continue to proactively find solutions to these issues so they do not recur for the duration of Durham’s contract.

In light of Durham’s response, at this time the City has decided not to proceed with the financial penalty or termination options set forth in my letter of December 18, 2019. It is important to note, however, that given the issues that have already occurred, the City will have very little flexibility and patience for any further breaches of the Agreement by Durham going forward, and reserves the right to declare Durham in default and take the steps outlined in my prior correspondence, up to including termination of the Agreement, should Durham not maintain the staffing required to provide timely and adequate transportation services to the City.

The City will continue to monitor the situation going forward and take such as actions as it deems appropriate.

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Thank you for your attention in this regard.

Very truly yours,



Christopher L. Brown
Assistant City Solicitor

cc: (all via email only)
Framingham School Committee
Yvonne M. Spicer, Mayor
Jennifer Pratt, Chief Procurement Officer
Christopher J. Petrini, City Solicitor
RJ Castagno, Regional Manager, Durham School Services
Stephen Schmuck, Senior Vice President, Durham School Services

REGULAR MAIL

Travelers Casualty and Surety Company of America
RE: Performance Bond No. 106477341
One Tower Square
Hartford, CT 06183

2020.02.11 Letter to Durham re 1-29 Letter (612-00)