



UPPER DECK
ARCHITECTS, INC.

50 MINNESOTA ST. - SUITE 1
RAPID CITY, SD 57701
PH: 605 721-0237
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November 18, 2013

Rod Johnson
City of Rapid City
Engineering
300 6th Street
Rapid City, South Dakota 57701

Re: 2011 Storm Damage Recovery Project – Schedule C
Rapid City, South Dakota
UDA Project # 12274

Dear Rod,

This letter is to serve notice that Upper Deck Architects, Inc. is certifying and making recommendation to terminate the Standard Form of Agreement Between Owner and Contractor between Pendor Construction Inc. and the City of Rapid City for cause pursuant to section 14.2 of the General Conditions.

As you know this project was awarded on December 3, 2012 with a completion date of June 30, 2013. We are in agreement that due to weather days at the early stages of this project and the user requirements at certain locations, this completion date was dismissed. We have requested many times throughout the project for an updated schedule from the contractor in order to bring this project back in line and establish a new completion date with no response.

This portion of the Storm Damage Recovery Project, Schedule C, encompasses twenty (20) facilities with eleven (11) of these being a standing seam metal roof to which requires a seaming process. Construction began on these facilities on May 14, 2013 to which only three (3) have been completed, one (1) was given a stop work, and one (1) is still under construction.

Our records indicate that Upper Deck, as well as each facility user, has continuously expressed concern in maintaining a safe work environment due to the amount of debris of screws, pieces of trim metal, and lack of protection during overhead construction that could be a potential life safety issue to the general public. The safety concerns were again brought to the attention of the contractor when the manufacturer's representative noted that the roof panels on the Sioux Park Pavilion have not been attached could be blown off in high winds.

The project documents require this project to comply with the manufacturer's requirements to obtain a weather-tight warranty. In the manufacturer's mid-point inspection dated October 3, 2013, it was noted that the three standing seam metal roofs that have been completed, do not meet these requirements and a major portion of these

2011 Storm Damage Recovery Project – Schedule C (cont.)

roofs will require removal and reinstallation. It is evident that the contractor does not have the ability to install the standing seam roofs as noted by the manufacturer.

Due to the lack of temporary weather protection during construction, there have been two occupied facilities that have received interior damage. Damage due to snow accumulation in the attic on April 12, 2013 was repaired. Damage to the sheetrock and carpeting at Fire Station #6 has not yet been addressed.

In the last 2-3 months, the number of personnel on site has been minimal and therefore contributing to the lack of progress in completing this project. Pendos Construction did request to hire an outside construction company to assist them; however lack of background information questions the qualifications of this contractor.

Our major concerns is that it is evident that Pendos Construction does not have the man power or the qualifications to complete the project, and to get these enclosed and weather-tight before we receive any more significant snow fall.

Should you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry D. Eisenbraun".

Jerry D. Eisenbraun
Project Manager

Cc: file