

 **Bauer & Raether Builders, Inc.**

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4801 Tradewinds Parkway  
Suite 200  
Madison, WI 53718  
[www.bauer-raether.com](http://www.bauer-raether.com)

Phone: 608-222-8941  
Fax: 608-222-0862

November 11, 2008

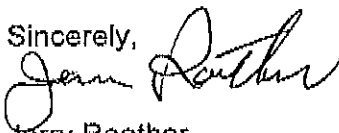
Mr. Larry D. Nelson, P.E.  
City Engineer  
Department of Public Works  
City-County Building, Room 115  
210 Martin Luther King, Jr., Blvd.  
Madison, WI 53703

Re: MTCCC Rooftop Kiosk  
One John Nolen Drive  
Madison, WI 53703  
Project No. 5988

Mr. Larry D. Nelson:

We would like to appear in front of the Board of Public Works to appeal the decision by the City to hold the balance of the contract for the Monona Terrace Community and Convention Center, Rooftop Concession Kiosk.

Sincerely,



Jerry Raether  
Project Manager  
Bauer & Raether Builders, Inc.



MONONA  
TERRACE

March 13, 2008

Mr. Jerry Raether  
c/o Bauer & Raether Builders, Inc.  
4801 Tradewinds Parkway, Suite 200  
Madison, WI 53718

Dear Mr. Raether:

This letter reiterates the points that were made at our meeting on March 6. Please advise if you have any concerns or comments regarding the legitimacy of the points outlined.

Mr. Griffith clearly summarized the City's concerns in regards to the completion of the project. He noted that the 120 day contract was set to terminate in early fall of 2007 and yet the project remains unfinished as we near the end of the first quarter in 2008. He noted that the City had serious concerns about getting this project completed before the spring/summer season was upon us.

During the course of the meeting, we discussed the reasons for the delay i.e. the precast concrete manufacturer. We advised you that we would like a letter from the contractor explaining the reasons for the delay. The critical issue now is not to place blame on the reasons for the project not being completed but the total commitment to getting it done.

Attached you will find the meeting minutes and the timeline that you supplied, based on the telephone conversation you had with Mr. Ivers, President of GFRC, and the anticipated work yet to be completed. Unless we hear something different from you in the next five working days, we will assume the timeline is accurate and we will hold Bauer & Rather accountable to that timeline.

In addition, I will need to appear before the Public Works Committee to have the contract extended. Once I have received the date of that meeting, I will advise you and would strongly recommend that you plan on attending to answer questions of the committee. I would also recommend you have a copy of the letter from Mr. Ivers to distribute to the committee.

The City will not hesitate to execute the penalty conditions within the contract should they find any reason for non-performance delays. Therefore, a resolute commitment to completing this project is required and expected.

ONE JOHN NOLEN DRIVE  
MADISON, WI 53703

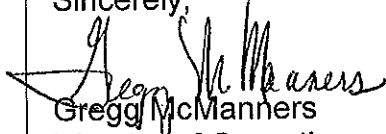
608 261-4000 TEL  
608 261-4049 FAX  
608 261-4150 TTY  
info@mononaterrace.com



MONONA  
TERRACE

Thank you for your efforts in completing the Lake Vista Cafe. Please let me know at your earliest convenience if you should have any questions or concerns.

Sincerely,

  
Gregg McManners  
Director of Operations

enclosures

cc: Jeff Griffith  
Jim Hess  
Larry Nelson

ONE JOHN NOLEN DRIVE  
MADISON, WI 53703

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# Potter Lawson

## Meeting Notes

Rooftop Concession Kiosk  
 Monona Terrace Community and Convention Center (MTCCC)  
 Madison, Wisconsin  
 Project No. 2006.21.00

"DRAFT"

**Meeting Date:** March 6, 2008

**Location:** MTCCC

**Purpose:** Project Progress Meeting

**Attendees:**

Jim Hess  
 Gregg Mc Manners  
 Jeff Griffith  
 Jerry Raether  
 Chris Wells  
 Paul Ament

**Representing:**

MTCCC  
 MTCCC  
 MTCCC  
 Bauer-Raether Builders  
 Bauer-Raether Builders  
 Potter Lawson, Inc.

**Distribution:**

Gregg McManners  
 Jeff Griffith  
 Steve Genz  
 Mike Gordon

**Organization:**

MTCCC  
 MTCCC  
 Potter Lawson  
 Potter Lawson, Inc.

**Discussion:**

1. MTCCC:

- Jeff noted that events start mid-May.
- Jeff indicated that this was 120 day contract.
- MTCCC needs to meet with City of Madison Public Works to extend contract date.
- Jeff requested new time line from Bauer-Raether Builders.
- Greg stated if time line is not met the damages will be \$74,000.00.
- Greg requested letter from GFRC supplier relative to all panel delays.
- Jeff will notify A/E on next visit requirement to site.

2. Bauer and Raether Builders:

- Jerry Raether expressed his disappointment with GFRC supplier and with their non-performance.
- Jerry has been in contact with GFRC panel supplier owner.
- Panels have been all wrong and supplier completely, "dropped the ball."
- Radius panels can be put into production now.
- Rest of panels can be manufactured in one to two weeks.
- Panels should all be delivered by April 1<sup>st</sup> with two weeks to install. (contingent on supplier performance)
- Two men will be on site on 3/10/08 to work FRP panels and coordinate Premier equipment installation with Dave Turner. (includes plumbing)
- Bauer-Raether will provide heat into space.

Rooftop Concession Kiosk-Monona Terrace Community and Convention Center (MTCCC)  
Meeting Notes  
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- After GFRC panels are installed:
  - S.S countertop completion (2 to 3 weeks for fabrication and installation)
  - Coiling counter door installation.
  - Install hood with HVAC connection.
- Bauer-Raether will follow-up on roof leak at wall flashing.
- Bauer-Raether presented updated schedule. (Attached)
- Final completion anticipated to be May 1, 2008.

3. Potter Lawson Inc

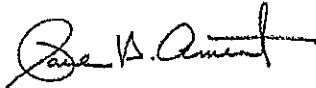
- Offered review of panel shops but Bauer-Raether did not feel this was needed.
- Viewed interior of space after meeting. Minor mold visible in two areas. Bauer Raether will remediate.
- Need to finalize all change order items prior to final payment. (See 9/10/07 meeting notes)

**Next Meeting: TBD**

The above constitutes items discussed and decisions reached. If there are any additions and/or comments, please contact the undersigned.

Sincerely,

POTTER LAWSON, INC.



Paul H. Ament  
Construction Contract Administrator

PHA:md

