

## EXHIBIT 3



MATERIALS MANAGEMENT DIVISION • 901-B TEXAS STREET • DENTON, TEXAS 76209  
(940) 349-7100 • FAX (940) 349-7302

June 7, 2016

MAG Construction Services, LLC  
320 Little School Road  
Kennedale, Texas 76060  
Attn: Ron Dailey, Owner  
P#817-929-1352  
F#817-563-1446  
Email: [rdailey@magconstructionservices.com](mailto:rdailey@magconstructionservices.com)

RE: City of Denton Contract Number #5753

Dear Mr. Dailey:

This letter serves as official notice from the City of Denton.

The City of Denton requests your immediate attention, response, action, and ***timely resolution*** in regards to completion of the construction work mutually agreed to with Contract #5753 – Construction of the Denton City Airport Hangar Project.

As stipulated within Article 9.7 – Substantial Completion of Contract #5753, your firm was required to prepare and submit to the Architect a comprehensive list of remaining items to be completed or corrected (Punch List). This task has not been accomplished, and the City was forced to ask Aguirre-Roden Architects to perform this function on your behalf. The first “punch list” dated February 25, 2016 was submitted to your firm for completion (Exhibit A). Very little of the original punch list has been completed to an acceptable condition as of today.

Again on May 26, 2016, the City required Aguirre-Roden to perform a second “punch list” inspection (Exhibit B) of the project. A significant amount of time has elapsed since the original “punch list” was submitted, and your firm has not made substantial completion of the issues and problems required within the “punch list”, as identified by the second punch list inspection.

Please understand that it is also apparent that your firm has failed to continually provide City staff with the basic communication and information to indicate a successful project could be achieved, such as: Obtaining a Certificate of Occupancy, provide keys, providing O&M Manual, provide written warranties, and Lien Waivers for any authorized sub-contractors.

You are hereby notified that you have ***twenty (20) days from receipt of this notification, or June 9<sup>th</sup>, 2016*** to complete all deficiencies and issues as noted in the punch list dated May 26, 2016. Provided the City has not received an acceptable construction product, and all issues identified in the punch list correction by July 1, 2016, the Owner will immediately thereafter initiate Article 2.4 – Owner’s Right to Carry out the Work, of Contract 5753.

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Additionally, you have been notified of the requirement that these issues must be resolved in satisfaction with the requirements of the contract, the Architect, and the Owner. Provided you *fail or refuse to start* the remedy of the construction issues identified in the punch listed dated May 26, 2016, the Owner will initiate the steps to immediately terminate the contractual agreement between both parties, within 10 days of receipt of this notification, or June 20<sup>th</sup>, 2016, as stipulated within Article 13.3 – Termination by the Owner for Cause.

In accordance with the terms, conditions, and requirements of Contract #5753, the City hereby demands corrective action to be immediately taken with this written notice. ‘

If you have any questions regarding this notice, please contact me at [Elton.Brock@cityofdenton.com](mailto:Elton.Brock@cityofdenton.com) or (940) 349-7100.

Your prompt attention to this matter is required.

Regards,

Elton D. Brock, MBA, CTPM, CTCM, C.P.M.  
Manager  
Materials Management and Purchasing  
901 B. Texas Street  
Denton, Texas 76209  
[elton.brock@cityofdenton.com](mailto:elton.brock@cityofdenton.com)

**Exhibit A**  
**Contract Deficiencies**

## EXHIBIT 3



PARTIAL DRAFT PUNCH LIST  
DENTON AIRPORT HANGARS  
February 25, 2016

### General Electrical Comments:

1. Provide panel schedules for all electrical panels.
2. Provide arc flash warning labels on all electrical panels per NEC 110.16.

### General Architectural Comments:

3. Secure Certificate of Occupancy
- ✓ 4. Install fence and gates
- ✓ 5. Provide keys
6. Provide O&M Manuals
7. Provide Warranties
8. Provide Lien Waivers
9. Provide remaining project change orders
10. Provide final cleaning, including power washing. ?
11. Remove identification markings from steel, all locations
12. Set limits on OH Door Operators, multiple locations
13. Remove duct tape adhesive from exterior wall panels and door panels, multiple locations
14. Repair tears and puncture holes in vinyl insulation facing. Observed in wall panels, door panels, and ceiling soffits, all units. -
15. Retape vinyl facing at insulation where lap seam adhesive has failed, Observed in wall panels, door panels, and ceiling soffits, all units.
16. Trim and seal exposed insulation faces at all personnel doors, multiple locations.
17. Exterior trim at hangar doors incomplete, all locations.
  - a. Repair or replace bent edge trim
  - b. Trim all flashings and edge trims to size
  - c. Trim all flexible flashings to size; replace flashings damaged by hanging loose
  - d. Trim and seal all exposed edges at insulation
18. Weatherstripping missing or misaligned at multiple man-doors, daylight visible at door heads, jambs and threshold.
19. Overlong guide cable at OH Doors tripping hazard multiple locations
20. Significant vibration observed in guide wire enclosures when OH Door operators in use. Verify compliance with manufacturer's requirements

### Location Specific Comments:

- ✓ 21. Site Area- Remove concrete demolition debris in landscape area north of site
- ✓ 22. Site Area- Remove and store for Owner excess hangar materials from NE paved area.
23. 2031B – Sheet metal attached to the pulley system is bent/damaged.
24. 2031B- Door operator guide device housing improperly installed, catching and damaging operator and housing

### EXHIBIT 3

25. 2031C – Provide dual cap plate between anchor bolts and replace partial washer at base plate in corner
26. 2031C – OH Door misaligned with jamb; guide not properly installed, rollers not aligned, stop latch catching
27. 2041A – Replace partial washer at base plate
28. 2041A – Manual OH Door sticking
29. 2041C - Interior corner panel joints not tight
30. 2041D - Interior corner panel joints not tight
31. 2041E – Floor slab appears to not be level. Verify levelness to comply with specifications and verify door seal; correct as required.
32. 2051A – Junction box cover for the door motor is not installed.
33. 2051A - Repair concrete grade beam and floor where damaged at hangar door threshold
34. 2051B – Repair concrete grade beam and floor at roll-up door
35. 2051B – Motorized hangar door not operational.
36. 2051C – Touch up paint at steel at West door
37. 2051D – Exterior door stained
38. 2051D - Interior corner panel joints not tight
39. 2051D – Repair hole in bottom flexible sweep at OH Door
40. 2051E – Cover for the motorized door switch is not installed.
41. 2061A– Seal frayed insulation at OH Door hinge
42. 2061A – Interior hinge trim damaged
43. 2061A – Scratch on man-door
44. 2061B - Replaced damaged nut in baseplate
45. 2061B – Trim/seal opening where conduit penetrates wall and insulation
46. 2061C – Panel damage on south exterior face
47. 2061C - Interior corner panel joints not tight
48. 2061D – Seal frayed insulation at OH Door hinge
49. 2061C – Seal frayed insulation at OH Door hinge
50. 2061E – Seal frayed insulation at OH Door hinge
51. 2221A – Remove construction waste and excess materials
52. 2221B – One of the strip lights has a lamp out.
53. 2221B – Insulation loose at man-door
54. 2221C – Paint on door trim incomplete
55. 2221C Insulation at door hinge not secured
56. 2221C – OH Door latch catching at S end
57. 2231 (Exterior) - Debris – apparently plastic and/or trash embedded into grade beam on the West side needs to be removed, and if deeper than just the surface, the concrete needs to be repaired.
58. 2231A – Roller at OH Door at north not correctly set
59. 2231A – Fascia improperly sealed at NW corner, daylight visible within hangar
60. 2231A – Touch-up flaking intumescent paint
61. 2231B- Guide wire cover plate at OH Door NE corner misaligned
62. 2231B – Replace damaged Door operator device
63. 2231C – Panel damage on exterior south wall
64. 2231C – Paint touch up on man-door
65. 2241 (Exterior) Base Drip edge missing at north and south exterior facades
66. 2241 (Exterior) Dirt and or Rust at exposed metal edge at eaves. Clean and touch up
67. 2241 (Exterior) Remove wood shims at base of panels

### **EXHIBIT 3**

- 68. 2241 (Exterior) Dents in panel wall
- 69. 2241 (Exterior) Missing screw in SW corner
- 70. 2241A – Seal and trim all exposed insulation at man-door
- 71. 2241A – Clean stain/dirt on ceiling
- 72. 2241B – Wall panels not tight to columns
- 73. 2241B – OH Door not level
- 74. 2241C – South door latch not functioning/catching
- 75. 2241C – Paint quality on south door unacceptable
- 76. 2241C - OH door out of level when opened

**Exhibit B**  
**Contract Deficiencies**

## EXHIBIT 3



COMPILED PUNCH LIST  
DENTON AIRPORT HANGARS  
May 26, 2016

### General Electrical Comments:

1. Provide arc flash warning labels on all electrical panels per NEC 110.16.
2. Install additional emergency lights and adjust existing lights as required by code.

### General Architectural Comments:

3. Secure Certificate of Occupancy
4. Provide keys
5. Provide O&M Manuals
6. Provide Warranties
7. Provide Lien Waivers
8. Remove identification markings from steel, all locations
9. Verify set limits on OH Door Operators, multiple locations; doors do not all appear to open full height' observed at varying limits.
10. Repair tears and puncture holes in vinyl insulation facing. Observed in wall panels, door panels, and ceiling soffits, all units.
11. Retape vinyl facing at insulation where lap seam adhesive has failed, Observed in wall panels, door panels, and ceiling soffits, all units.
12. Trim and seal exposed insulation faces at all personnel doors, multiple locations.
13. Exterior trim at hangar doors incomplete, all locations.
  - a. Repair or replace bent edge trim
14. Multiple locations exterior panels missing screws

### General Structural Comments

15. Tighten tie rods at cross braces. Observed at 2021A, 2031B, 2041A, 2041B, 2041C, 2051A, 2061A, 2061C

### Location Specific Comments:

16. Site Area- Remove concrete demolition debris in landscape area north of site
17. 2031C – Provide dual cap plate between anchor bolts and replace partial washer at base plate in corner
18. 2041A – Replace partial washer at base plate
19. 2041A – Manual OH Door sticking
20. 2041E – Floor slab appears to not be level. Verify levelness to comply with specifications and verify door seal; correct as required.
21. 2015B – Repair tear at ceiling
22. 2051C – Install washers at door hinge
23. 2061A – Scratch on man-door
24. 2061B - Replaced damaged nut in baseplate
25. 2061C – Install washers at door hinge
26. 2221C – OH Door latch catching at S end
27. 2221C – Guide cover plate damaged

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28. 2221C – remove construction storage materials
29. 2231A – Door makes “catching/knocking” sounds when operating
30. 2231C – Slab damage. Rebar exposed
31. 2231C – Hangar does not drain properly. Verify floor slab elevation is correct per plans with no low spots
32. 2231C – Paint touch up on man-door
33. 2241 (Exterior) Missing screw in SW corner
34. 2241A – Clean stain/dirt on ceiling
35. 2241C –remove tape and touch up caulking at joint at wall panel to column
36. 2241C- install washers at hinge

#### City of Denton Punch List Items

37. Need washers/spacers in hinges at top of all bi-fold doors, verify all doors, noted on more than one door above.
38. Seat all screws on upper and lower sheets of bi-fold doors.
39. Need several screws at walk door hinges and frames on all buildings.
40. Need screws on the top of all interior sheet metal trim around the interior of units.
41. Touch up exposed metal on all red iron.
42. Damaged trim in several areas in the center of bi-fold doors.
43. Missing feet/spacers on all door poppers.
44. Several guide sheets for door poppers not attached with screws.
45. Frames too tight on several walk doors.
46. Set all upper limit switches for bi-fold doors at 11ft.
47. 5-7-5 inch screw pattern on top and bottom of all rear walls.
48. Verify Roof ridge caps screwed 6 inch on center.
49. Verify Roof lap screws at 12 inch on center.
50. Missing/backwards drip edge on several units.
51. Missing reflective striping on pavement at all units.

### EXHIBIT 3

#### Erect -A-Tube List

Hangar Facilities #2241, 2231, 2221, 2031, 2041 2051 , 2061  
Denton Municipal Airport  
Denton, TX

#### EXTERIOR

Key	Description
E 1	Wall screw pattern not installed per plans
E 30	Adjust bifold door in the clear opening (top hinge washer)
E 31	Roof panel stitch laps not installed per plans
E 32	Ridge cap stitch laps not installed per plans
E 38	Fill screw hole
E 39	Rear sidewall eave trim not fasten to panels (full run 117 ln. ft.)
E 40	Bottom trim not installed per plans
E 41	Re install 3060 jamb trim
E 42	Roof panels not installed per plans
E 46	Tie rod found on floor
E 47	Repair exterior trim
E 48	Secure exterior trim to panels
E 49	Tie rods found on taxiway
E 50	Missing tie rod ends

#### INTERIOR REVIEW

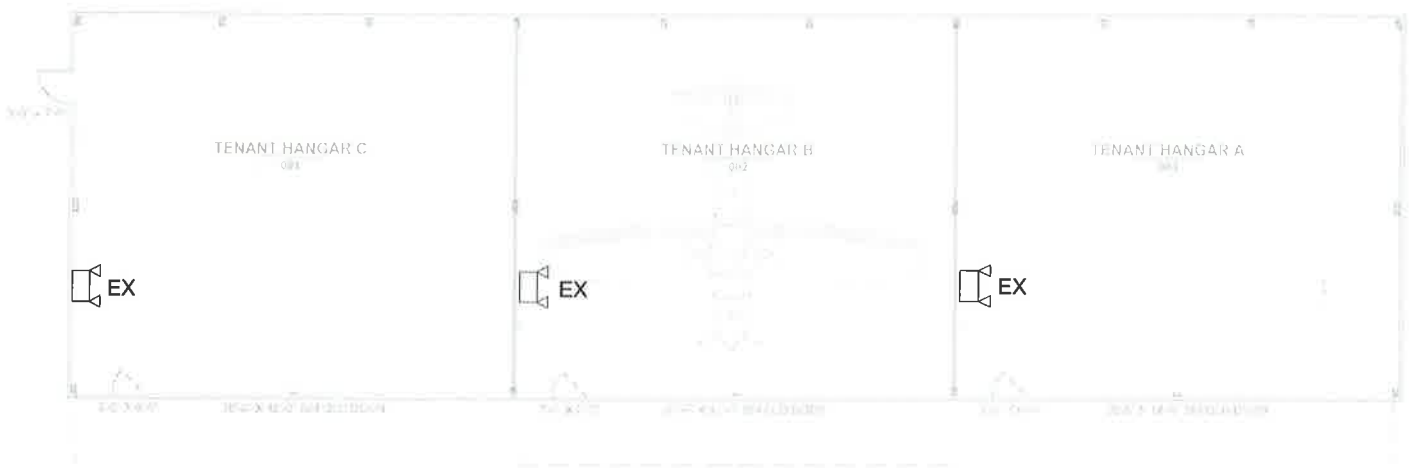
Key	Description
I 4	Spacer washers not installed. One set per all bifold door.
I 5	Door popper plates not installed. Refer to door book.
I 6	Door popper runners to be fasten to frame
I 8	Daylight showing at eave line
I 12	Day light around walk door frame
I 15	Over tighten left cable. Spring is fully compressed in closed position.
I 17	Daylight for endwall apex. Install peak cap boxes
I 27	Missing tek screw
I 28	Tie rod found on floor

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- I 29 Sharp cut edge
- I 30 Install 3070 parting strip and head seal
- I 31 3070 door sweep locate on top of slab
- I 32 Tie rods not installed
- I 33 Install jamb weather stripping
- I 34 Repair exterior trim
- I 35 Secure exterior trim to panels
- I 36 Install cotter pin
- I 39 Set screw not tight
- I 43 Tie rod from upper column to floor anchor not installed.
- I 49 Girt clip missed located from factory

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EMERGENCY LIGHT LEVEL MEASUREMENTS WERE TAKEN AND IT HAS BEEN DETERMINED THAT IT WOULD BE POSSIBLE TO OBTAIN THE MINIMUM LIGHT LEVEL REQUIREMENTS FOR EGRESS LIGHTING BY ADJUSTING THE (2) HEADS ON THE EMERG. FIXTURE SO THAT THEY PROVIDE ILLUMINATION ALONG PATH OF EGRESS. CONTRACTOR TO ADJUST HEADS AS REQUIRED.



### EXHIBIT 3

ARI RECOMMENDS PROVIDING ADDITIONAL  
EMERGENCY LIGHTS AS INDICATED BELOW.  
CONTRACTOR TO VERIFY EXACT QUANTITY,  
LOCATION, AND HEAD ADJUSTMENTS TO MEET  
REQUIRED  $F_c$  LEVELS ALONG PATH OF EGRESS.

