



PLAINTIFF'S EXHIBIT

BIR-342

Memo To: Mr. F. Anthony

From: Mr. C. Patenaude

Subject: University of Maryland
Eastern Shore
Swimming Pool Roof

Date: July 10, 1987

Re: University of Maryland
Eastern Shore
Swimming Pool
Princess Anne, Maryland

Contract Date: 1971-1972

Completion Date: July 6, 1972

Bird's First Notice: Sept. 25, 1986

Performance Bond: None issued

Bird's 1971 Built-Up Roofing specifications states the following on pages 3 and 6 (see enclosed copy):

"As a condition to issuing this Guarantee Bond, all built-up roofing assemblies must be applied in strict accordance with Bird & Son specifications, utilizing Bird & Son materials.

Bird assumes that the roof deck has been properly designed and constructed. Bird and Son will assume no responsibility for damage to the roof from the underlying substrate that has been improperly designed or constructed."

See page 6

"The use of a vapor barrier is recommended between the deck and approved insulation, but again the discussion as to whether or not to specify a vapor barrier is the Architect's or designer's ... For conditions of high humidity, such as experienced in laundries, paper mills, etc. and when winter temperatures are low, the vapor barrier should be increased to a minimum of 2 layers of Bird Bonded Base Sheet solidly cemented together with hot asphalt."

The selection Type 20A and Bird No. W 15-2-MP specifications for the roof in question do not have the written approval by Bird & Son, Inc.

Clifford J. Patenaude

CP/em

cc: R. Maloof

BIRD 011302