

Charles M. Arlinghaus Commissioner

## State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES 25 Capitol Street – Room 100 Concord, New Hampshire 03301 (603) 271-3201 | <u>Office@das.nh.gov</u>

157

Catherine A. Keane Deputy Commissioner

Sheri L. Rockburn Assistant Commissioner

September 26, 2023

His Excellency, Governor Christopher T. Sununu and the Honorable Council State House Concord, New Hampshire 03301

#### **REQUESTED ACTION**

1) Authorize the Division of Public Works Design and Construction to enter into a contract with Triple Construction, LLC (VC #395282), Hudson, New Hampshire, for a total price not to exceed \$553,142 for Project Number 81242-B Philbrook Building Sewer Line Replacement, Concord, New Hampshire. This contract is effective upon Governor and Council approval through December 1, 2023, unless extended in accordance with the contract terms. **46% Capital Funds 38% Other Funds 16% General Funds** 

2) Further authorize the amount of \$18,500 be approved for payment to the Department of Administrative Services, Division of Public Works Design and Construction (VC#311152), for engineering services provided, bringing the total to \$571,642. 29% General Funds 71% Other Funds.

Funding is available in account titled Department of Human and Health Services as follows:

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05 -95 -94-940030-77290000-L23:14-11-Phlbrk Swr Ln Rplmn 034-500161 – New Construction	\$	256,200
05 -95-94-940010-87500000 Acute Psychiatric Services		
103-500736 – New Construction	\$	200,000
048-500226 – New Construction	\$	96,942
048-500226 – DPW Fees	\$	18,500
Grand Total	\$	571,642

His Excellency, Governor Christopher T. Sununu and the Honorable Council Page 2 of 2

#### **EXPLANATION**

Pursuant to Chapter 107:1, I, B, 3, Laws of 2021, as amended by Chapter 113:14, Laws of 2023, funds are available to replace the sewer line beginning from under Philbrook Building to the City's main sewer line. This project will replace the existing sewer line which runs through the Philbrook building by constructing new sewer lines from the building to a main line outside, and reconnecting to the City's sewer system.

The sewer line that currently runs under the building foundation slab has sagged over time, which has caused backups and continual maintenance issues. Additionally, the clay sewer pipe from the building to the City sewer line is damaged in several areas, exacerbating the backups. On several occasions, the sewer effluent has overflowed into the building, causing costly damage and disturbance to the building occupants. To prevent sewage backups from reoccurring, the Department of Health and Human Services hires a contractor on a regular basis to clean out the lines.

A public bid opening was held on May 10, 2023. One (1) bid proposal was received and the contract was awarded to the lowest qualified bidder. The low bid was 18% over the Department estimate. The estimate for some of the work may not have accurately reflected the continued rising costs within the industry for building material and labor.

The agreement has been approved by the Attorney General as to form and execution; and the Department of Administrative Services has certified that the necessary funds are available. Copies of the fully executed agreement are on file at the Secretary of State's Office and the Department of Administrative Services – Division of Public Works Design and Construction.

Respectfully submitted,

Charles M. Arlinghaus, Commissioner

Department estimate:	\$ 470,000
Low bid:	\$ 553,142
Under estimate:	\$ 83,142

## **ABC Bid Data**



CONCORD 81242B NON-FEDERAL

ROJECT:	CONCORD * 81242B	Awarded To:	
ED. PROJECT NUMBER:	NON-FEDERAL		
ATE BIDS OPEN:	May 03, 2023, 2:00 PM		
COPE OF WORK:	PHILBROOK BUILDING SEWER LINE REPLACEMENT	Amount: \$0.00 Certified by:	
OMPLETION DATE:	December 01, 2023	Award Date: Director of Project Devel	opment
OCATION:	Merrimack		

Contractor	Bid Amount	Rank
TRIPLE CONSTRUCTION LLC	\$553,142.00	A
5 EXECUTIVE DRIVE SUITE 3, HUDSON NH 03051		

Award to: Triple Construction, LLC
Contract Amount: \$553,142.00, no Alternates
Using Agency: HHS
Authorized by: MLJ
Date: 6/2/23

Michelle L. Juliano

## ABC Bid Data

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CONCORD

81242B

Page 2 of 3

NON-FEDERAL

Division of Public Works

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	902		8-WING	SEWER	LINE RE	PLACEM	ENT					U		1.00	\$125,000.00	\$125,000.00	\$166,424.00	\$166,424.00		
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## **PS&E** Comparison



CONCORD

81242B

NON-FEDERAL

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901	A-WING SEWER LINE REPLACEMENT	U	1.00	\$138,664.00	\$138,664.00	\$90,000.00	\$90,000.00	\$48,664.00
902	B-WING SEWER LINE REPLACEMENT	U	1.00	\$166,424.00	\$166,424.00	\$125,000.00	\$125,000.00	\$41,424.00
903	C-WING SEWER LINE REPLACEMENT	U	1.00	\$208,054.00	\$208,054.00	\$215,000.00	\$215,000.00	(\$6,946.00)
904	ALLOWANCE #1 FOR ADDITIONS AND MODIFICATIONS-TO-THE CONTRACT	\$	40,000.00	\$1.00	\$40,000.00	\$1.00	\$40,000.00	\$0.00

Total:

\$553,142.00

\$470,000.00

\$83,142.00





Division of Public Works

The undersigned, hereinafter referred to as principal or bidder, hereby proposes to furnish all materials and perform all labor necessary to complete the work described in the caption hereof, in accordance with the plans, current Standard Specifications, and special provisions, for the prices set for in the Total Bid. Failure to complete and submit this bid in its entirety or falsification of bid documents will result in the entire proposal being considered irregular and may be rejected by the Department of Administrative Services, Division of Public Works. Plans and specifications on this project cannot be transferred to any other firm or organization for the purpose of submitting a bid as a general contractor without the knowledge and authority of the department. Those who sign (manually and electronically) and the firm for which they are authorized to sign, do so under the penalty of perjury as specified by the laws of the United States and the State of New Hampshire.

State Contract Number: 81242B CONCORD

#### Contractor Profile Bid Bond Auth Code/Check# Firm TRIPLE CONSTRUCTION LLC Contractor ID 395282 Address **5 EXECUTIVE DRIVE SUITE 3** Receipt of Addenda HUDSON NH 03051 Sequence (603)318-7280 Phone FAX 1 E-Mail mbrockelman@triple-construction.com Authorized Signature: 151 Mark Brockelman

eipt of Addenda equence Date 04/25/2023. Yes

Verified

SNH05037438

Contract # 81242B Confirmation # 12578092

Page 2 of 5

.

#### Department of Administrative Services, Division of Public Works

Proposal

\$553,142.00

Contract 81242B

Number:

14

Contract Name: CONCORD

Proposal For: 395282 - TRIPLE CONSTRUCTION LLC

Bid Opening 03-May-2023 ÷ Date: **Project Funding:** 

State

Items <sub>Seq#</sub>	ltem #	Description	s	Unit		Quantity	Unit Price	Extended Price
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3	903	C-WING SEWER LINE REPLACEMENT		U.E.	1.1 1.1-14 (J. 1.1	1:000	\$208,054.00.	\$208,054.00
4	904	ALLOWANCE #1 FOR ADDITIONS AND TO THE CONTRACT	MODIFICATIO	NS \$		40,000.000	\$1.00	\$40,000.00
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#### Proposal

#### Proposal Of

#### TRIPLE CONSTRUCTION LLC 5 EXECUTIVE DRIVE SUITE 3, HUDSON NH, 03051

to furnish and deliver all materials and to perform all work in accordance with the Contract of the State of New Hampshire, Department of Administrative Services, Division of Public Works for which proposals will be received until 2:00:00 PM, Prevailing Time on Wednesday, May 3, 2023. Said project being situated as follows:

#### PHILBROOK BUILDING SEWER LINE REPLACEMENT

Department of Administrative Services, Division of Public Works John O. Morton Building P. O. Box 483 Concord, NH 03302-0483

#### Commissioner:

In accordance with the advertisement of the Department of Administrative Services, Division of Public Works inviting proposals for the project hereinbefore named and in conformity with the Plans and Specifications on file in the office of the Department of Administrative Services, Division of Public Works, I/WE hereby certify that I AM/WE ARE the only person, or persons, interested in this proposal as principals; that this proposal is made without collusion with any person, firm or corporation; that an examination has been made of the Plans, of the Standard Specifications, of the Standard Plans Book, of the Proposal, and applicable addendums, including but not restricted to the Special Attentions, Supplemental Specifications, and Special Provisions attached thereto, and also that an examination has been made of the site of the work; and I, or we, propose to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials specified in the manner and at the time prescribed; and understand that the quantities of work as shown herein are approximate only and are subject to increase or decrease, and further understand that all quantities of work whether increased or decreased are to be performed at the following prices:

I acknowledge, understand, and accept these terms and conditions.

✓Yes No

Signature

: Isl Mark Brockelman

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Page 4 of 5

### SIGN-STATE

It is further proposed:

To execute the Contract and begin work within 10 days from the date specified in the "Notice to Proceed" and to prosecute said work so as to complete the Project and its appurtenances on or before <u>December 01, 2023</u>.

To furnish a Contract Bond in the amount of 100 per cent of the Contract award, as security for the construction and completion of the Project and its appurtenances in accordance with the Plans, Specifications and Contract. The Contractor's attention is called to section 103.05 of the Standard Specifications which reads, in part, as follows: "Unless specifically waived in the Proposal, upon execution of the Contract, the successful Bidder shall furnish the Department a surety bond or bonds equal to the sum of the Contract amount. The form of the bonds(s) shall be acceptable to the Department and the bonding Company issuing the bond(s) shall be licensed to transact business in the State of New Hampshire, and ..."

To guarantee all of the work performed under this Contract to be done in accordance with the Specifications and in good and workmanlike manner, and to renew or repair any work which may be rejected, due to defective materials or workmanship, prior to final completion and acceptance of the project.

Enclosed herewith find certified check or bid bond in the amount of <u>5% OF THE BID TOTAL</u> made payable to the "Treasurer, State of New Hampshire," as a proposal guarantee which it is understood will be forfeited in the event the Contract is not executed, if awarded by the Department to the undersigned.

ΠNo

I acknowledge, understand, and accept these terms and conditions.

Signature Isl Mark Brockelman

Contract # 812428 Confirmation # 12578092

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ACORD 25 (2016/03)

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## CERTIFICATE OF LIABILITY INSURANCE

24

DATE (MM/DD/YYYY) 06/05/2023

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THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.											
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Opti	sure	Risk Partners,	LLC		PHONE						
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		/ Philbrook Proje								- 19	
Waiver of subrogation in favor of the certificate holder											
CERTIFICATE HOLDER CANCELLATION											
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.										BEFORE	
					AUTHORIZED REPRESENTATIVE						
Concord NH 03302						Daniell	e l	Vest		19	

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#### **CERTIFICATE OF AUTHORITY**

I, Gino Bernard \_\_\_\_\_, hereby certify that I am a Member or

Manager of <u>Triple Construction, LLC</u> a limited liability company under (Name of LLC)

RSA 304-C.

VOTED: That <u>Kevin Cormier, Member</u> is duly authorized to enter (Name and Title) into contracts or agreements on behalf of <u>Triple Construction, LLC</u> with (Name of LLC) the State of New Hampshire and any of its agencies or departments; and further, is authorized to execute any documents which, may, in his judgment, be desirable or necessary to effect the purpose of this vote.

I further certify that it is understood that the State of New Hampshire will rely on this certificate as evidence that the person listed above currently occupies the position indicated and that they have full authority to bind the LLC and that this authorization shall remain valid for thirty (30) days from the date of this Corporate Resolution.

DATED: <u>June 5, 2023</u>

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ATTEST: (Name and Title)'

Gino Bernard, Member

# State of New Hampshire Department of State

#### CERTIFICATE

I, David M. Scanlan, Secretary of State of the State of New Hampshire, do hereby certify that TRIPLE CONSTRUCTION, LLC is a New Hampshire Limited Liability Company registered to transact business in New Hampshire on January 07, 2016. I further certify that all fees and documents required by the Secretary of State's office have been received and is in good standing as far as this office is concerned.

Business ID: 737136 Certificate Number: 0006217041

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IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 26th day of April A.D. 2023.

David M. Scanlan Secretary of State