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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

Bureau of Turnpikes
January 02, 2019

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

[Signature] 2/8/19
Approved by Fiscal Committee Date

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the New Hampshire Department of Transportation to accept and expend revenue in the amount of \$3,915,983.00 from the City of Dover and the City of Portsmouth, for the relocation of water and sewer facilities in the City of Dover and a water main relocation on Woodbury Avenue in the City of Portsmouth, upon the date of Fiscal Committee and Governor and Council approval through June 30, 2019. 100% Private/ Local Funds.

Further, authorize the New Hampshire Department of Transportation to accept and expend revenue in the amount of \$284,681.00 from the Town of Newington for improvements to Woodbury Avenue in Newington, New Hampshire upon the date of Fiscal Committee and Governor and Council approval through June 30, 2019. 100% Private/ Local Funds.

In SFY 2019, funds shall be accepted and expended within 04-096-096-961017-7514- SPAULDING TPK/US 4/NH 16 as follows:

04-096-096-961017-7514	Current Budget FY2019	Requested Change	Revised Budget FY2019
SPAULDING TPK/US 4/NH 16			
Expenses:			
019 500105 Holiday Pay	\$ 1	\$ -	\$ 1
038 509038 Technology Software	1,558	-	1,558
046 500463 Eng. Consultants Non-Benefit	2,622,157	-	2,622,157
070 500705 In State Travel Reimbursement	1,000	-	1,000
400 500870 Highway Contract Pmts- DOT	60,479,541	4,200,664	64,680,205
401 500876 Land Interest	1,209,668	-	1,209,668
Total	\$64,313,925	\$ 4,200,664	\$68,514,589
Source of Funds			
Revenue:			
005-407991 Private Local Funds	\$(1,302,596)	\$ 4,200,664	\$ 2,898,068
000-000017 Turnpike Funds	65,616,521	-	65,616,521
Total	\$64,313,925	\$ 4,200,664	\$68,514,589

EXPLANATION

The Department requests authorization to accept and expend total proceeds of \$4,200,664.35 from the City of Dover, City of Portsmouth, and the Town of Newington for water and sewer facility relocation in the City of Dover, water main relocation on Woodbury Avenue in the City of Portsmouth, and improvements to Woodbury Avenue in the Town of Newington.

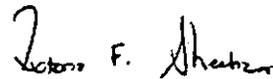
As part of the reconstruction of the Spaulding Turnpike from the Little Bay Bridges to the Dover toll booth and Exit 6 interchange (project 11238Q), non-participating work from the City of Dover, Town of Newington, and City of Portsmouth needs to be completed.

This request recognizes to date, funds prepaid by the Cities of Dover and Portsmouth prior to the execution of work and upon recognition of revenue, the Department is to accept and appropriate the funds to this open and ongoing project. The Spaulding Turnpike expansion impacted the current water and sewer facilities owned by the City of Dover. Dover is responsible for remedying the issue by moving their water and sewer facilities at their expense. The Turnpike System received two payments totaling \$3,283,029.35 to complete the work on their behalf (work commenced on November 1, 2016). The first payment of \$2,188,686.23 was received on August 29, 2016. The second payment of \$1,094,343.12 was received on August 14, 2017. The Spaulding Turnpike expansion also impacted water facilities owned by the City of Portsmouth on Woodbury Avenue. Portsmouth is responsible for remedying the issue by moving their water facility at their expense. The Turnpike System received \$632,954.00 on June 30, 2018 to complete the work on their behalf.

The Town of Newington has requested supplemental work and administrative oversight at their expense, along Woodbury Avenue for the incorporation of right turn lanes along Woodbury Avenue at the intersections of Fox Run Road and Piscataqua Drive, and median landscaping. The Turnpike System is expected to receive \$284,681.00 to complete the work on their behalf.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan
Commissioner

Attachment

Department of Transportation
FISCAL SITUATION FISCAL YEAR 2019
04-096-096-961017-75140000

SPAULDING TPK/US 4/NH 16

Estimated revenue budgeted:	\$	22,750,000
Prior year carryforward revenue (SFY 2018):	\$	41,563,925
Additional non-budgeted revenue:	\$	<u>4,200,664</u>
Amount available to budget:	\$	68,514,589
Less current FY18 budget authorization:	\$	<u>22,750,000</u>
Total available for budgeting:	\$	45,764,589
Amount to be budgeted this request:	\$	<u>4,200,664</u>
Amount available to budget with future requests:	\$	<u>41,563,925</u>

Source of Non-Budgeted Revenue	Amount	Expenses through 10/12/2018	Balance
Private Local Funds 005 407991	\$ 4,200,664	\$ -	\$ 4,200,664
Totals	<u>\$ 4,200,664</u>	<u>\$ -</u>	<u>\$ 4,200,664</u>

Amounts from Statement of Appropriations for AU 7514 Dated 10/9/2018
Private Local Funds 005 407991 \$4,200,664 is from local contributions from City of Dover, City of Portsmouth, and the Town of Newington for water, sewer, and road improvements as part of the Spaulding Turnpike expansion.

AU 7514- SPAULDING TPK/US 4/NH 16	Appropriation	Balance Forward	Transfers	2019 Budget	Additions	New Budget
005 Private Local Funds		1,302,596.17				-
018 Overtime		0.16		0.16		0.16
019 Holiday Pay		0.80		0.80		0.80
038 Technology Software		1,558.00		1,558.00		1,558.00
046 Consultants	1,050,000.00	1,572,156.87		2,622,156.87		2,622,156.87
060 Benefits		0.04		0.04		0.04
070 In State Travel Reimbursement		1,000.27		1,000.27		1,000.27
400 Constructions Repair Material	21,700,000.00	38,859,541.09	(80,000.00)	60,479,541.09	4,200,664.53	64,680,205.62
401 Land Interest		1,209,668.21		1,209,668.21		1,209,668.21
Total	22,750,000.00	42,946,521.61	(80,000.00)	64,313,925.44	4,200,664.53	68,514,589.97
Revenue Budget	0	(1,302,596.17)		(1,302,596.17)	4,200,664.53	2,898,068.36
Turnpike Fund	22,750,000.00	44,249,117.78	(80,000.00)	65,616,521.61	-	65,616,521.61
				64,313,925.44	4,200,664.53	68,514,589.97

Amount to Recognize
Amount

Whom	Why	Project	APP
632,954.08 City of Portsmouth	City of Portsmouth Water Main Relocation Woodbury Avenue	11238Q	N/A 18
284,681.10 Newington	Woodbury Avenue Improvements (right turn lane, median landscaping)	11238Q	N/A 17
330,719.10 City of Dover	City of Dover Water	11238Q	N/A 05
2,952,310.25 City of Dover	City of Dover Sewer	11238Q	N/A 06
4,200,664.53	Total		

01:20: Date 10/30/18
Time 03:00

Statement of Appropriations by Office

Fiscal Year 2019

Periods From 1 to 4 Page 114
Period Beg 07/01/18 End 10/31/18

Company 0017 Turnpikes
Agency 096 TRANSPORTATION DEPT
Organization 7514 SPAULDING TPK/US 4/NR 16
BKK/DIV 3610 TURNPIKES DIVISION
Sub-Org 00: SPAULDING TPK/US 4/NR 16
Acct Unit 75140000

Class	Appropriation	Est Revenue	Expenditures	Revenue	Encumbrances	Transfers	Lapsed	Bal Fwd	Available	Rate
005	PRIVATE LOCAL FUNDS 0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,302,596.17	1,302,596.17	0.00
018	OVERTIME 3.00	0.00	0.00	0.00	0.00	0.00	0.00	.16	.16	0.00
019	HOLIDAY PAY 0.00	0.00	0.00	0.00	0.00	0.00	0.00	.80	.80	0.00
038	TECHNOLOGY-SOFTWARE 3.00	0.00	0.00	0.00	0.00	0.00	0.00	1,558.00	1,558.00	0.00
046	CONSULTANTS 1,059,300.00	0.00	177,543.54-	0.00	1,007,181.61-	0.00	0.00	1,572,156.87	1,437,431.72	.45
060	BENEFITS 3.00	0.00	0.00	0.00	0.00	0.00	0.00	.04	.04	0.00
070	IN STATE TRAVEL REIMBURSEME 3.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000.27	1,000.27	0.00
400	CONSTRUCTION REPAIR MATERIA 21,700,000.00	0.00	6,480,543.62-	0.00	39,788,487.01-	80,000.00-	0.00	34,859,541.09	14,210,510.46	.76
401	LAND INTEREST 0.00	0.00	12.00-	0.00	0.00	0.00	0.00	1,209,668.21	1,209,668.21	0.00
Sub-Org	22,750,000.00	0.00	6,658,099.16-	0.00	40,795,668.62-	80,000.00-	0.00	42,946,521.61	18,162,753.83	
Organization	22,750,000.00	0.00	6,658,099.16-	0.00	40,795,668.62-	80,000.00-	0.00	42,946,521.61	18,162,753.83	

1
City of Dover was

NEWINGTON-DOVER
11238-Q

(NH 16, US 4 & SPAULDING TURNPIKE;
EXIT 6 INTERCHANGE AND
MAINLINE TURNPIKE CONSTRUCTION,
INCLUDING SOUNDWALLS)
(Water & Sewer Relocations)

UTILITY AGREEMENT

This Agreement is made in duplicate this 17th day of Aug. 2016, by and between the STATE OF NEW HAMPSHIRE, by its Department of Transportation, party of the first part, hereinafter called the "State", and the CITY OF DOVER, Dover Community Services Department (Vendor #177380), a municipally owned utility, party of the second part, hereinafter called the "City".

WITNESSETH:

WHEREAS, the State has the approval of the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), for a Turnpike Capital Program (Organization Code 7514) Project, NEWINGTON-DOVER, 11238-Q, for the construction of widening and re-alignment of NH 16 (Spaulding Turnpike) and US 4 in the Town of Newington and City of Dover, Counties of Rockingham and Strafford, New Hampshire (NH), which construction necessitates the relocation of 6" & 8" diameter water & 6", 8", 10" & 18" diameter sewer mains to the extent required to permit construction of the Project, and,

WHEREAS, the COMMISSIONER of the New Hampshire Department of Transportation (NHDOT), hereinafter called the "Commissioner", has prepared plans and specifications for such Project marked NEWINGTON-DOVER, 11238-Q, which plans and specifications meet with the approval of the City and will be on file in the permanent records of said Department of Transportation, Concord, New Hampshire, and,

WHEREAS, the State is obligated to reimburse the City for certain costs in accordance with RSA 228:22 (trench, backfill, and book value) for the portion of work as shown in the attached estimate, and,

WHEREAS, the City desires the 6" & 8" diameter water & 6", 8", 10" & 18" diameter sewer mains relocations to be included as part of the Highway Contract, and,

NOW THEREFORE, in consideration thereof, the parties hereto mutually agree as follows:

1. The State shall furnish the labor, equipment, and materials to perform Non-Participating construction of the water and sewer main relocations at the following approximate locations:

City of Portsmouth

NEWINGTON-DOVER
11238-Q
(NH 16, US 4 & SPAULDING TURNPIKE;
EXIT 6 INTERCHANGE AND
MAINLINE TURNPIKE CONSTRUCTION,
INCLUDING SOUNDWALLS)
(Woodbury Avenue Water Relocations)

UTILITY AGREEMENT

This Agreement is made in duplicate this _____ day of _____, 2018, by and between the STATE OF NEW HAMPSHIRE, by its Department of Transportation, party of the first part, hereinafter called the "State", and the CITY OF PORTSMOUTH, New Hampshire, Department of Public Works, Water Division (Vendor #177463), a municipally owned utility, party of the second part, hereinafter called the "City".

WITNESSETH:

WHEREAS, the State has the approval of the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), for a Turnpike Capital Program (Organization Code 7514) Project, NEWINGTON-DOVER, 11238-Q, for the construction to widen and re-align NH 16 (Spaulding Turnpike) and US 4 in the Town of Newington and City of Dover, Counties of Rockingham and Strafford, New Hampshire (NH), which construction necessitates the relocation of 12" diameter water facilities to the extent required to permit construction of the Project, and,

WHEREAS, the COMMISSIONER of the New Hampshire Department of Transportation (NHDOT), hereinafter called the "Commissioner", has prepared plans and specifications for such Project marked NEWINGTON-DOVER, 11238-Q, which plans and specifications meet with the approval of the City and will be on file in the permanent records of said Department of Transportation, Concord, New Hampshire, and,

WHEREAS, a portion of said water facilities are located on Piscataqua Drive (a municipally maintained roadway), the taking of which is compensable in eminent domain and therefore the costs of the relocations are the responsibility of the Project, and,

WHEREAS, a portion of said water facilities are located on Woodbury Avenue (a State maintained roadway) and therefore the costs of the replacements will be borne by the City, and,

WHEREAS, the City desires the 12" diameter water main relocations to be included as part of the Highway Contract, and,

NOW THEREFORE, in consideration thereof, the parties hereto mutually agree as follows:

11. The City agrees to record the costs paid by the State for the aforementioned facilities and maintain related accounting records in accordance with applicable provisions of the Cost Accounting Standards prescribed by the Cost Accounting Standards Board as defined in Title 48 CFR Chapter 99, and the costs paid by the State for facilities covered by this Agreement and the corresponding current and cumulative depreciation amounts will be eliminated from the rate determination process.

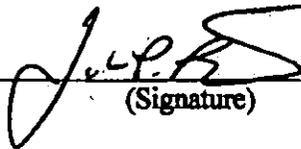
12. All cost records of the City pertaining to the Project will be subject at any time to inspection by representatives of the State and the Federal Government for a period of not less than three (3) years from the date final payment is received by the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE STATE OF NEW HAMPSHIRE
Department of Transportation

CITY OF PORTSMOUTH,
NEW HAMPSHIRE

By: 
Peter E. Stamnas, P.E.
Director of Project Development

By: 
(Signature)

John Bohenko
(Typed or Printed Name)

City Manager
(Title)

6-18-18
(Date)

JAM

Newington

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
AND
TOWN OF NEWINGTON**

MUNICIPAL AGREEMENT

STATE PROJECT: Newington-Dover 11238Q

This AGREEMENT executed in duplicate and entered into this 21 day of June, 2018 between the State of New Hampshire, Department of Transportation with a principal place of business at 7 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483 (hereinafter "DEPARTMENT") and the Town of Newington, a municipal corporation with a place of business at 205 Nimble Hill Road, Newington, NH 03801 (hereinafter called the "TOWN").

WITNESSETH that,

WHEREAS, the DEPARTMENT entered in to a Municipal Agreement with the TOWN on the 28th of March, 2018 for the reconstruction of the Spaulding Turnpike being completed under construction contracts 11238-L, M, O, Q and S beginning north of Exit 1, and continuing north approximately 3.5 miles, to the toll booth in Dover north of Exit 6.

WHEREAS, the improvements under 11238-Q also includes the rehabilitation of Woodbury Avenue from the junction of Spaulding Turnpike at Exit 3 northbound off-ramp to Gosling Road intersection;

WHEREAS, the TOWN has requested supplemental work, at the TOWN's expense, along Woodbury Avenue for the incorporation of right turn lanes along Woodbury Avenue at the intersections of Fox Run Road (southbound) and Piscataqua Drive (northbound), and median landscaping as incorporated in the 11238Q "Revision-After-Proposal # 1" (Date 02/23/18);

WHEREAS, the TOWN has requested the DEPARTMENT to provide administrative construction oversight of the TOWN work in conjunction with the 11238Q contract;

NOW, THEREFORE, in consideration of the above premises, it is mutually agreed as follows:

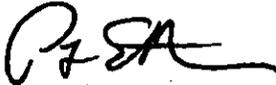
- A. The DEPARTMENT will provide the construction engineering, inspection and contract management of the TOWN improvements along Woodbury Avenue through the 11238-Q contract;
- B. The TOWN agrees to provide one hundred percent (100%) of the construction cost for the contract change order through Severino Trucking Company for the TOWN's authorized work for an amount not to exceed Two Hundred Forty Six Thousand, Four Hundred Seventy Seven Dollars and Fourteen Cents (\$246,477.14), DEPARTMENT construction engineering (CE) expenses of five percent (5%) applied to the Construction Cost for an amount not to exceed Twelve Thousand, Three Hundred Twenty Three Dollars and Eighty-Six cents (\$12,323.86) and DEPARTMENT indirect expenses of ten percent (10%) applied to the construction and CE totals for an amount not to exceed Twenty Five Thousand, Eight Hundred and Eighty Eight Dollars and Ten

Cents (\$25,880.10) for a total cost of Two Hundred Eighty Four Thousand, Six Hundred Eighty-One Dollars and Ten Cents (~~\$284,681.10~~);

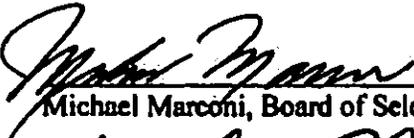
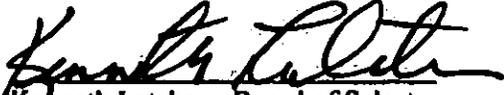
- C. The DEPARTMENT will coordinate with the TOWN for any necessary adjustments due to any unforeseen site conditions. For any necessary adjustments requiring the processing of a contract change order through Severino Trucking Company, the DEPARTMENT will obtain written approval from the TOWN prior to authorizing the contractor to complete the necessary adjustments and approval for any cost increases over the amounts as outlined in Section B above.
- D. The TOWN shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all third party claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the TOWN in the performance of this agreement. Notwithstanding the foregoing, nothing herein contained, shall be deemed to constitute a waiver of the sovereign immunity of the STATE, the DEPARTMENT or TOWN including but not limited to any immunity existing under common law or RSA Chapter 507-B and said immunity is hereby reserved.
- E. It is further understood and agreed between the DEPARTMENT and the TOWN that the DEPARTMENT will not be responsible for any expenses or costs incurred by the TOWN under this Agreement for the management of the AGREEMENT conditions.
- F. The TOWN acknowledges that this Agreement has been approved by the Newington Board of Selectmen, whereby based on this approval, the TOWN represents that it has full power and authority to execute, deliver, and perform this AGREEMENT in accordance with its terms.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the TOWN of Newington, New Hampshire, on this 11 day of June, 2018, and the Department of Transportation on this 21 day of June, 2018.

**NEW HAMPSHIRE DEPARTMENT OF
TRANSPORTATION**

By: 
for **COMMISSIONER**
Director of Project Development

TOWN OF NEWINGTON

By: 
Timothy "Ted" Connors, Chairman,
Board of Selectmen

Michael Marconi, Board of Selectmen

Kenneth Latchaw, Board of Selectmen

cc: Bureau of Turnpikes
Bureau of Construction