



**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



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Beard

**CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER**

**JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER**

Bureau of Highway Design
October 30, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Transportation to amend PO #4000451 with McFarland-Johnson, Inc., Concord, NH and Binghamton, NY, Vendor #164736, for the final design for the replacement or removal of six (6) red list bridges over the US Rte. 1 Bypass in the City of Portsmouth, by extending the completion date from December 31, 2013 to September 30, 2014, effective upon Governor and Council approval. The original Agreement was approved by Governor and Council on March 24, 2010, Item #123. Time extension only, no new funding.

EXPLANATION

The purpose of this engineering and environmental consultant services Agreement is for the preparation of the final design, contract plans, specifications, special provisions, estimates of quantities and costs, and right-of-way plans for the US Route 1 Bypass in Portsmouth, NH. Five structurally deficient bridges (Maplewood Ave., Stark St., Woodbury Ave., Islington St., and Middle Road) over the US Route 1 Bypass will be replaced with new bridges along with associated highway approach work. The existing Route 1 southbound bridge over the Route 1 Bypass will be removed and replaced with an at-grade signalized intersection. In addition to the roadway design, the work will include traffic signal timing/coordination for six signalized intersections. The environmental services include archaeological surveys at sensitive locations and historic property documentation, including each bridge. Multiple construction contracts are planned. This project is currently included in the State's Ten-Year Transportation Improvement Plan (Portsmouth 13455). Four of the bridges are presently under construction and the remaining two are in design.

This amendment to the Agreement is to extend the contract's original completion date to allow the consultant sufficient time to incorporate ongoing utility relocations into the final plans, address constructability issues and complete design for the final two bridges at Woodbury Ave. and Stark St. Of the amended \$2,410,987.79 amount for this contract, there is a balance of approximately \$251,220 remaining (100% Federal Funds).

This amended Agreement has been approved by the Attorney General as to form and execution. Copies of the fully-executed amended Agreement are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to amend this Agreement for consulting services as outlined above.

Sincerely,

Christopher D. Clement, Sr.
Commissioner



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

PORTSMOUTH
STP-X-5379(025)
13455 (PART B)
(Agreement Dated February 17, 2010
PO #4000451)

Bureau of Highway Design
Room 200 (CMF)
Tel. (603) 271-2171
Fax (603) 271-7025

October 30, 2013

Mr. Michael D. Long, P.E.
McFarland-Johnson, Inc.
53 Regional Drive
Concord, NH 03301

Dear Mr. Long:

This letter amends Article I, Section J (Date of Completion) for the above-noted Agreement. The original and amended dates are as follows:

Original Completion Date	December 31, 2013
By this letter, amended to	September 30, 2014

This no-additional-cost change order for the extension is as requested by your letter dated September 23, 2013.

This amendment becomes effective upon approval by the Governor and Council.

Sincerely,

Keith A. Cota, P.E.
Chief Project Manager

Approved: William J. Cass, P.E.
Director of Project Development

We concur in the above Amendment.

MCFARLAND-JOHNSON, INC.

By:

Title: Senior Vice President/COO

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AGREEMENT AMENDMENT

PORTSMOUTH, STP-X-5379(025), 13455

MCFARLAND-JOHNSON, INC.

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

Consultant

WITNESS TO THE CONSULTANT

By: *Linda M. Monahan*
Administrative Assistant

Dated: 10/31/13

CONSULTANT

By: *[Signature]*
Senior Vice President/COO (Title)

Dated: 10/31/13

Department of Transportation

WITNESS TO THE STATE OF NEW HAMPSHIRE

By: *Michelle Brown*

Dated: 11/4/13

THE STATE OF NEW HAMPSHIRE

By: *[Signature]*
William J. Cass, P.E.
Director of Project Development

DOT COMMISSIONER
Dated: 11/4/13

Attorney General

This is to certify that the above amended AGREEMENT has been reviewed by this office and is approved as to form and execution.

Dated: 11/6/13

By: *[Signature]*
Assistant Attorney General

Secretary of State

This is to certify that the GOVERNOR AND COUNCIL on _____ approved this amended AGREEMENT.

Dated: _____

Attest: _____

By: _____
Secretary of State

**CERTIFICATE OF SECRETARY
OF
McFARLAND-JOHNSON, INC.
ATTESTING TO THE ADOPTION OF BOARD RESOLUTION**

I, Frank J. Greco, Secretary of McFarland-Johnson, Inc., certify that on March 20, 2013, at a Meeting of the Board of Directors of McFarland-Johnson, Inc., the Directors, acting unanimously, adopted the following resolution:

RESOLVED, that the following elected Officers and employees of the Corporation are authorized to sign contracts in the name of, and on behalf of, the Corporation, in accordance with corporate policies and rules:

<u>Name</u>	<u>Office</u>
Richard J. Brauer	- President/CEO – Engineering
James M. Festa	- Sr. Vice President/COO/Chief Engineer/ Binghamton Regional Office Manager
Frank J. Greco	- Sr. Vice President/CFO/Secretary/Treasurer
Chad G. Nixon	- Sr. Vice President/BDO
Robert W. Lambert	- Vice President
Frederick D. Mock	- Vice President
Michael D. Long	- Concord Regional Office Manager

I certify that as a result of the action of the Board of Directors, James M. Festa, Senior Vice President/COO/Chief Engineer/Binghamton Regional Office Manager of McFarland-Johnson, Inc., is fully authorized to enter into any contracts, including Portsmouth STP-X-5379(025), 13455 (Part B), in the name of and on behalf of the Corporation for the rendering of services by the Corporation.



Frank J. Greco, Secretary

[CORPORATE SEAL]

SUBSCRIBED AND SWORN TO
this 31st day of October 2013



Notary Public

My commission expires 7/2/14

State of New Hampshire

Department of State

CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that MCFARLAND-JOHNSON, INC. a(n) New York corporation, is authorized to transact business in New Hampshire and qualified on February 14, 1969. I further certify that all fees and annual reports required by the Secretary of State's office have been received.

In TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 16th day of April, A.D. 2013



A handwritten signature in cursive script, appearing to read "William M. Gardner".

William M. Gardner
Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/20/2012

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.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Robert J. Hanafin, Inc. 204 Washington Ave. P. O. Box 509 Endicott NY 13760	CONTACT NAME: Renee Davidson PHONE (A/C, No, Ext): (607) 754-3500 E-MAIL ADDRESS: renee@rjhanafininc.com	FAX (A/C, No): (607) 754-9797
	INSURER(S) AFFORDING COVERAGE	
INSURED McFarland Johnson, Inc. 49 Court Street PO Box 1980 Binghamton NY 13902-1980	INSURER A: Trumbull Insurance Company NAIC # 27120	
	INSURER B: Hartford Fire Insurance Company NAIC # 19682	
	INSURER C: Hartford Casualty Insurance Co NAIC # 29424	
	INSURER D: Hartford NAIC # 100	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 13-14 MASTER **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		01SBAAQ4699 (VT, MA)	1/1/2013	1/1/2014	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	01SBAAQ4702 (NY)			MED EXP (Any one person) \$ 10,000
			01SBAAQ4704 (CT, NH, PA)			PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO		01UECGF9204	1/1/2013	1/1/2014	BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						Uninsured motorist combined \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR				EACH OCCURRENCE \$ 10,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 10,000,000
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		01XHUWZ3498	1/1/2013	1/1/2014	\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	01WBCPT5691	1/1/2013	1/1/2014	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 500,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Project: Portsmouth 13455, STP-X-5379 (025). US Route 1 Bypass, (Part B), MJ Project No. 17402.00
New Hampshire Department of Transportation shall be named as additional insured on the general liability policy.

CERTIFICATE HOLDER**CANCELLATION**

New Hampshire Department Transportation
 P.O. Box 483
 Concord, NH 03302

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Debbie Blanchard/LORI *Deborah K Blanchard*

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
06/17/2013

PRODUCER
Fenner & Esler Agency, Inc.
PO Box 60
Oradell, NJ 07649

1-201-262-1200

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
McFarland-Johnson, Inc.
att: Frank J. Greco
49 Court Street, Metrocenter
PO Box 1980
Binghamton, NY 13902-1980

INSURER A: Atlantic Specialty Insurance
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Professional Liability	DPL-2518-13 FULL PRIOR ACTS	06/15/13	06/15/14	Per Claim \$ 5,000,000 Annual Aggregate \$ 5,000,000 Deductible per clm \$ 50,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Portsmouth 13455, STP-X-5379(025), US Route 1 Bypass, MJ Project No. 17402.00
Bow-Concord, 13742A, Meredith 10430, STP-F-X-0241(014)
Deductible: \$50,000

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

New Hampshire Department of Transportation

P. O. Box 483
7 Hazen Drive
Concord, NH 03302-0483

USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



Bureau of Highway Design

G. **ROBERT N. CAMPBELL, JR.**
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

February 16, 2010

His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action

Authorize the Department of Transportation to enter into an Agreement with McFarland-Johnson, Inc., Concord, NH and Binghamton, NY, Vendor #164736, for a total lump-sum fee of \$2,244,746.28, for the final design for the replacement or removal of six (6) red list bridges over the US Rte. 1 Bypass in the City of Portsmouth, effective upon Governor and Council approval, through December 31, 2013. 100% Federal Funds.

Funding is available as follows:

		<u>FY 2010</u>
04-96-96-963015-3054	Consolidated Federal Aid	\$2,244,746.28
046-500463	Consultants	

EXPLANATION

The Department requires professional engineering design and environmental consultant services to prepare final design, contract plans, specifications, special provisions, estimates of quantities and costs, and right-of-way plans for the US Route 1 Bypass in Portsmouth, NH. Five structurally deficient bridges (Maplewood Ave., Stark St., Woodbury Ave., Islington St., and Middle Road) over the US Route 1 Bypass will be replaced with new bridges along with associated highway approach work. The existing Route 1 southbound bridge over the Route 1 Bypass will be removed and replaced with an at-grade signalized intersection. In addition to the roadway design, the work will include traffic signal timing/coordination for six signalized intersections. The environmental services include archaeological surveys at sensitive locations and historic property documentation, including each bridge. Multiple construction contracts are planned. This project is currently included in the State's Ten-Year Transportation Improvement Plan (Portsmouth 13455).

The consultant selection process employed by the Department for this qualifications-based contract is in accordance with RSAs 21-I:22, 21-I:22-c and 21-I:22-d, all applicable Federal laws and the Department's "Consultant Selection and Service Agreement Procedures" dated December 1999. The Department's Consultant Selection Committee is a standing committee that meets regularly to administer the process and make determinations. The Committee is comprised of the Assistant Director of Project Development (chair), the Chief Project Manager, the Administrators of the Bureaus of Highway Design, Bridge Design, Environment, and Materials and Research, and the Municipal Highways Engineer.

The consultant selection process for this qualifications-based contract was initiated by a solicitation for consultant services for the final design for the Portsmouth 13455 project. The assignment was listed as a "Possible Action Project" on the Department's website on February 12, 2009, asking for letters of interest from qualified firms. From the list of firms that submitted letters of interest, the Committee prepared a long and then short list of Consultants on March 26, 2009 for consideration and approval by the Assistant Commissioner. Upon receipt of that approval, four shortlisted firms were notified on April

16, 2009 through a technical "Request For Proposal" (RFP). Committee members individually rated the firms on June 22, 2009 using a written ballot to score each firm on the basis of comprehension of the assignment, clarity of the proposal, capacity to perform in a timely manner, quality and experience of the project manager and the team, and overall suitability for the assignment. The individual rankings were then totaled to provide an overall ranking of the four firms, and the Committee's ranking was submitted to the Assistant Commissioner for consideration and approval. Upon receipt of that approval, the short listed firms were notified of the results and the highest-ranking firm was asked to submit a fee proposal for negotiations.

The long list of ten consultant firms that were considered for this assignment, with the four short-listed firms shown in bold, is as follows:

<u>Consultant Firm/Team</u>	<u>Office Location</u>
Fay Spofford & Thorndike, LLC	Bedford, NH
GM2 Associates, Inc.	Glastonbury, CT
Hoyle, Tanner & Associates, Inc.	Manchester, NH
Jacobs	Manchester, NH
Lawrie & Associates, LLC	Alexandria, VA
McFarland-Johnson, Inc.	Concord, NH
Parsons Transportation Group, Inc.	Boston, MA
PB Americas, Inc.	Manchester, NH
Stantec Consulting Services Inc.	Auburn, NH
TY Lin International	Falmouth, ME

The firm of McFarland-Johnson, Inc. has been recommended for this contract. This firm has an excellent reputation and has demonstrated their capability to perform the necessary engineering and technical services for this assignment. Background information on this firm is attached.

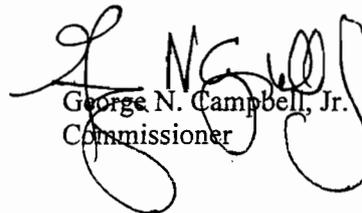
McFarland-Johnson, Inc. has agreed to furnish the required services for a total lump-sum fee of \$2,244,746.28. This is a reasonable fee and is commensurate with the complexity of the project and the scope of engineering and technical services to be furnished.

This project funding is 80% Federal funds with 20% State match. Turnpike toll credit is being utilized for New Hampshire's match requirement, effectively using 100% federal funds.

This Agreement has been approved by the Attorney General as to form and execution. The Department has verified 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, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to enter into an Agreement for consulting services as outlined above.

Sincerely,


George N. Campbell, Jr.
Commissioner