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State of New Hampshire

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DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street - Room 120
Concord, New Hampshire 03301
Office@das.nh.gov

Charles M. Arlinghaus Commissioner (603) 271-3201 Joseph B. Bouchard Assistant Commissioner (603) 271-3204

Catherine A. Keane Deputy Commissioner (603) 271-2059

May 21, 2020

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

REQUESTED ACTION

Authorize the Department of Administrative Services, Division of Public Works Design and Construction to enter into a **sole source** amendment to an existing statewide mechanical consultant agreement with Dubois and King, Inc. (Vendor #1,603<u>8</u>1), Randolph, VT 05060, originally approved by Governor and Council on July 10, 2019, Item #75 to increase the not-to-exceed amount by \$200,000, from \$300,000 to \$500,000. Effective upon Governor and Council approval through June 30, 2022.

EXPLANATION

On July 10, 2019, Item #75, Governor and Council approved a contract with Dubois and King, Inc. for statewide mechanical engineering services. This contract amendment is required to complete mechanical and related engineering services required for work related to the Steam Conversion project, NH Veterans Home water pump, commissioning services on several ongoing construction projects, and other maintenance or capital projects requiring mechanical engineering design.

This request is noted as **sole source** because the amount is more than 10% of the original contract. The Department of Administrative Services, Division of Public Works Design and Construction did not publish an RFP to seek other design firms due to the emergent nature of the steam conversion project. Dubois and King, Inc., is working to design heating systems for seventeen of the buildings located in the downtown area and at the State Office Park South campus. Dubois and King, Inc., was chosen to assist DPW with this project because they have had a successful track record of completing projects on time and within budget while providing designs that incorporate the latest technologies and provide options that align with the goals of the State of New Hampshire.

His Excellency, Governor Christopher T. Sununu and the Honorable Council May 21, 2020 Page 2 of 2

The agreement has been approved by the Attorney General as to form and execution. 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

THE STATE OF NEW HAMPSHIRE **DEPARTMENT OF ADMINISTRATIVE SERVICES DIVISION OF PUBLIC WORKS DESIGN & CONSTRUCTION**

CONTRACT AMENDMENT	CO	M	TRA	CT	AM	EN	iD/	MEN
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MECHANICAL STATEWIDE DATED JULY 10, 2019

Date

5/11/20

Vendor No.

160381 R001

TO: DuBols & King Inc, PO Box 339, Randolph VT 05060

You are authorized to make the following changes in the Contract:

1 Amend contract amount by \$200,000 from \$300,000 to \$500,000.

\$200,000.00

2 Completion date remains June 30, 2022

\$0.00

All other terms and conditions of the Contract remain the same.

\$200,000.00

ACCEPTED BY:

Date: May 11, 2020

5/12/2020

APPROVED BY:

DuBols & King Inc.

Jeffrey W. Tucker, President

Theodore Kupper, P.E.

Administrator

Division of Public Works Design & Construction

DuBois & King, Inc.

Certificate of Vote And Certificate of Authority

- I, Richard J. Goodall, hereby certify that I am duly elected Clerk of DuBois & King, Inc.
- I, hereby certify the following is a true copy of a vote taken at a meeting of the Board of Directors of the Corporation, duly called and held on February 26, 2020, at which a quorum of the Board was present and voting.

VOTED:

That the President of the Corporation (Jeffrey W. Tucker) is authorized and directed to execute and deliver, on behalf of the Corporation, any and all documents to include, but not by way of limitation, The Contract Amendment and Increase Agreement that in such officer's sole judgement, are necessary or appropriate in connection with executing a Contract Amendment and Increase Agreement with the State of New Hampshire Department of Administrative Services, Bureau of Public Works Design & Construction to provide Professional Services under this Statewide Mechanical Agreement.

I hereby certify that said vote has not been amended or repealed and remains in full force and effect as of May 11, 2020 and that Jeffrey W. Tucker is authorized to submit the Contract Amendment and Increase Agreement as detailed above for this Corporation.

Date: May 11, 2020 Clerk J. Hoodall

Attest:

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 DUBOIS & KING, INC. is a Vermont Profit Corporation registered to transact business in New Hampshire on June 04, 1970. 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: 766

Certificate Number: 0004910108



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 7th day of May A.D. 2020.

William M. Gardner Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/007777) 05/08/2020

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.

REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) 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). **PRODUCED** PHONE (AC. No. Ext.: 800-371-1063 Poole Professional B&B - TM 107 Audubon Rd, 2-305 Wakefield, MA 01880 Thomas M. Mullard ADDRESS: NAIC # INSURER(8) AFFORDING COVERAGE PISURER A: XL Specialty Insurance Company 37885 DuBois & King, Inc. MSI DED INSURER B: P.O. Box 339 MAURER C Randolph, VT 05060 INSURER D : INSURER E : MAURER F **REVISION NUMBER: CERTIFICATE NUMBER: COVERAGES** 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. ADOL BUER POLICY EFF POLICY EXP (MM/DD/YYYY) TYPE OF INSURANCE LIMITE POLICY NUMBER COMMERCIAL GENERAL LIABILITY EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE OCCUR MED EXP (Any one person) PERSONAL & ADV INJURY GEN'L AGGREGATE LIMIT APPLIES PER: GENERAL ARGREGATE PRO-POLICY PRODUCTS - COMPJOP AGG OTHER OMBINED SINGLE LIMIT AUTOMOBILE LIABILITY \$ BODILY INJURY (Per person) ANY AUTO ALL OWNED **ECHEDULED BODILY INJURY (Per socident)** AUTOS NON-OWNED PROPERTY DAMAGE (Per accident) HIRED AUTOS AUTOS \$ UMBRELLA LIAB EACH OCCURRENCE 8 OCCUR EXCESS LIAB CLAIMS-MADE AGGREGATE \$ DED RETENTION \$ ORKERA COMPENSATION STATUTE AND EMPLOYERS' LIABILITY AND EMPLOYERS CARATTHE RECCUTIVE OFFICERALEMBER EXCLUDED? (Illendatory in INI) It yes, describe under DESCRIPTION OF OPERATIONS below E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT 08/01/2019 | 08/01/2020 | Per Claim 3.000.000 DPR9946676 Arch/Engrs 3,000,000 Prof. Liability Aggregate DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) For Professional Liability coverage the aggregate limit is the total insurance available for all coverage the aggregate limit is the total insurance available for all covered claims presented within the policy period. The limit will be reduced by payments of indemnity and expenses. Project: Mechanical Statewide Deductible - \$75,000 CANCELLATION **CERTIFICATE HOLDER** STATENH SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN State of New Hampshire Deprt ACCORDANCE WITH THE POLICY PROVISIONS. of Administrative Services Div of Public Works Design & Const AUTHORIZED REPRESENTATIVE P.O. Box 483

Concord, NH 03302



CERTIFICATE OF LIABILITY INSURANCE

6/11/2020

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 have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on the certificate does not confortable to the certificate holder in light and the certificate holder in light and the certificate holder in the certificate holder i

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	Randolph, VT 05060					ADDRESS: klarocque@kinneypike.com					
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State of New Hampshire Department of Administrative Services Division of Public Works Design & Construction					SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.						
	PO Box 483 Concord, NH 03302				AUTHOR A	IZED REPRESEN	TATIVÉ				
Concord, NH 03302											



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/16/2019

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 REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) 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) PHONE JAC No. Ext): 800-371-1063 E-MAIL ADDRESS: Poole Professional Ltd.-TM FAX (A/C, Ho): 107 Audubon Rd. #2, Ste. 305 Wakefield, MA 01880 Thomas M. Mullard INSURER(S) AFFORDING COVERAGE NAIC # MISURER A: XL Specialty Insurance Company 37885 DuBols & King, Inc. DISURED P.O. Box 339 DISURER C : Randolph, VT 05060 INSURER D : DIBURER E : DISURER F **CERTIFICATE NUMBER:** REVISION NUMBER: **COVERAGES** 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. POLICY EFF POLICY EXP ADDL SUBA NSR LTR TYPE OF INSURANCE POLICY NUMBER COMMERCIAL GENERAL LIABILITY EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) \$ CLAIMS MADE OCCUR MED EXP (Any one person) PERSONAL & ADV INJURY \$ GEN'L AGGREGATE UMIT APPLIES PER: GENERAL AGGREGATE \$ POLICY ____ PROT PRODUCTS - COMP/OP AGG 1 OTHER: \$ AUTOMOBILE LIABILITY (Ea ecodent) BOOKY INJURY (Per person) OTUA YMA SCHEDULED AUTOS NON-OWNED ALL OWNED AUTOS BODILY INJURY (Per socident) 1 PROPERTY DAMAGE \$ HIRED AUTOS ALITOS \$ UMBRELLA LIAB EACH OCCURRENCE 5 OCCUR AGGREGATE CLAIMS-MADE DED RETENTION \$ WORKERS COMPENSATION PER STATUTE AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in IGH) ELL EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE f yes, describe under DESCRIPTION OF OPERATIONS below ELL DISEASE - POLICY LIMIT 08/01/2019 3.000,000 DPR9929360 08/01/2018 Per Claim Arch/Engrs. DEDUCTIBLE \$75.000 Aggregate 3,000,000 Prof. Liability DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 181, Additional Remarks Schedule, may be attached if more space is required) For professional liability coverage, the aggregate limit is the total insurance available for all covered claims presented within the policy period. The limit will be reduced by payments of indemnity and expense. Project: Statewide Mechanical Agreement CANCELLATION **CERTIFICATE HOLDER NEWHADD** SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. State of New Hamphire Department of Administrative

AUTHORIZED REPRESENTATIVE

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Services

P.O. Box 483

Concord,, NH 03302-0483

Interview/Selection date: 9-Apr-19

COMMITTEE PROPOSAL RATING FOR MECHANICALSTATEWIDE

Consultant Name	Comprehension of Assignment	Clarity of Proposal	Capacity to Perform in a Timely Manner	Quality and Experience of PM/Team	Overall Sultability for the Assignment	Total Score	Cumulative Score	
DuBois & King							100.0	<===== Highest Rating
Ted Kupper	5	5	5	5	5	25	1 '	
Michelle Juliano	5	5	. 5	5	5	25	7	1
Beverly Kowalik	5	5	5	5	5	25	1 '	ì
David Goulet	5	5	5	5	5	25	1 .	1
Fitzerneyer & Tocci				·			0.0	1
Ted Kupper		0	0	O O	0	Ο .	1	
Michelle Juliano		- 0	0	0	0	0	1	
Beverly Kowalik		0	0	0	0	0]	
David Goulet	0	• 0	0	0	0	0	1	
Harriman	•			I			94.0	<===== Highest Rating
Ted Kupper		5	4	5	4	23]	
Michelle Juliano		4	5	4	5	23	7	i
Beverty Kowalik		5	4	5	5	24]	i
David Goulet	_ 5	5	5	5	4	24	· ·	1
McFarland Johnson							98.0	<===== Highest Rating
Ted Kupper	4	5	_ 5	5	5	24	1	1
Michelle Juliano	5	5	5	5	5	25	1	
Beverly Kowalik		. 5	5	4	5	24	1	
David Goulet	5	5	5	5	5	25	1]
Oak Point Assoc.						,	90.0	
Ted Kupper	4	• 5	5	4	4	22	1	
Michelle Juliano	3 .	4	5	5	5	22	1 ·	1
Beverly Kowalik	4	5	5	4	5	23	1 .	
David Goulet	5	5	4	5	4	23	1	İ
Yeaton Assoc.	,						78.0	1
Ted Kupper	4	5	2	3	4	18	1	
Michelle Juliano		3	4	5	5	20	1	
Beverly Kowalik	4	4	5	4	4	. 21	1	
David Goulet	5	3	3	4	4	19	1	i



Charles M. Arlinghaus Commissioner (603) 271-3201

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

25 Capitol Street - Room 120
Concord, New Hampshire 03301
Office@das.nh.gov

Joseph B. Bouchard Assistant Commissioner (603) 271-3204

Catherine A. Keane Deputy Commissioner (603) 271-2059

Division of Public Works
Design & Construction

May 29, 2019

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

REQUESTED ACTION

Authorize the Department of Administrative Services, Division of Public Works Design and Construction to enter into an agreement with Dubois and King, Inc., (Vendor Code 160381) Bedford, NH, 03110, for Mechanical Engineering Services required for planning, design and construction of various Public Works' Projects as necessary and required by the Department. The contract is effective from the date of Governor and Council approval through June 30, 2022. The amount expended under this agreement shall not exceed \$300,000.

EXPLANATION

The Department proposes to retain the private consulting firm of Dubois and King, Inc. to expedite the current project workload and provide appropriate technical expertise as required for specific projects. This is one (1) of three (3) open-ended agreements for Mechanical Engineering services that will be presented for approval. The agreement will enable the Department to respond quickly to unscheduled project requests and possible emergencies regarding Mechanical Engineering issues. The decision as to which projects will be assigned will be made on a case-by-case basis depending on the particular expertise required and the firm's current workload.

This type of consulting agreement will be funded from the monies for each project. The majority of projects needing this type of Mechanical Engineering Services consultant work are maintenance and capital funded projects.

His Excellency, Governor Christopher T. Sununu and the Honorable Council May 29, 2019 Page 2 of 3

This agreement is a proposed contract with the Mechanical Engineering services firm selected to provide on-call Mechanical Engineering services. It is anticipated that Mechanical Engineering Services can be handled by two (2), additional Mechanical Engineering firms through the contract period.

The consultant selection process employed by the Department for this project is in accordance with RSAs 21-1:22, 21-1:22-c, and 21-1:22-d, all applicable Federal Laws and the Department's procedures for "Selection of Engineers, Architects and Surveyors dated July 28, 2005. Consensus scoring was used in this selection process in order to assure that the perspective of each committee member received proper consideration during scoring deliberations. Each committee member, which included Theodore Kupper, Michelle Juliano, Beverly Kowalik, and David Goulet, brings different strengths and knowledge to the table. This allows thorough discussion and weighing of the different perspectives during the scoring process. This process also makes follow-up explanations to the unselected firms easier.

In February 2019, the Division of Public Works Design & Construction advertised in the Union Leader, the Division of Public Works Design & Construction website and email notification soliciting interest in providing on-call Mechanical Engineering Services. The following table lists the twelve (12) consultant firms who submitted letters of interest and were considered for this assignment:

Dubois & King, Inc. Harriman Associates NV5 Rist-Frost-Shumway Engineering, PC Stantec Consulting Services, Inc. WV Engineering Associates, PA Fitzemeyer & Tocci Associates, Inc. McFarland Johnson, Inc. 'Oak Point Associates SMRT Architects & Engineering H. L. Turner Group Yeaton Associates, Inc.

These firms were evaluated based on years of experience, experience on relative projects and past experience with the Division of Public Works, if any. The top six (6) rated firms listed below were sent a Request for Technical Proposals:

Dubois & King, Inc.
Fitzemeyer & Tocci Associates, Inc.
Harriman Associates

McFarland Johnson, Inc. Oak Point Associates Yeaton Associates, Inc.

The proposals were rated on the comprehension of the assignment, clarity of the proposal, capacity to perform in a timely manner, quality and experience of the project manager and team, and overall suitability for the assignment.

His Excellency, Governor Christopher T. Sununu and the Honorable Council May 29, 2019 Page 3 of 3

It is now the Department's intent to enter into Statewide Consultant Service Agreements with the three (3) highest rated firms as their legal documentation and Certificate of Insurance become available:

Dubois & King, Inc.
McFarland Johnson

Harriman Associates

A copy of Dubois and King, Inc.'s Statement of Qualifications is provided, herewith, for your information and convenience.

The subject agreement has been approved by the Attorney General as to form and execution. 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 & Construction.

Respectfully submitted

Charles M. Arlinghous

Commissioner

Explanation of Statewide Consultant Committee Selection

Members are selected using the approved guidelines for the Bureau of Public Works Design and Construction "Selection of Engineering, Architects, and Surveyor Services". Per these guidelines, the Committee should consist of the Bureau Administrator plus two other Project Managers.

The Administrator is a member of all the Selection Committees, serving to provide the larger perspective of the consultant capabilities that are desired, also bringing knowledge of the quantity of work and various types of anticipated projects the consultant may be called on to perform. He brings the perspective of achieving agency goals, using a balance of those consultants who have performed excellent work in the past, along with bringing in new consultant firms.

The Assistant Administrator manages the day-to-day oversight of the Consultant assignments, and is the second member of all the selection committees. Her job description specifically outlines her involvement in the management of the consultants. She brings the expertise of the day-to-day working with consultants. Her past and present experience involves frequent interaction with consultants, including review of consultants' proposals and their engineering work.

The **discipline head**, for the specific type of work the consultant is being hired for (i.e. Mechanical, Civil, Architectural, Electrical etc.), brings additional expertise concerning the capabilities of various consultants they have worked with. Their years of project management experience provide the more detailed perspective about the various consultants' strengths or weaknesses and how they would fit with the project needs.

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Assist. Administrator PM5 Mechanical Eng. PM4 Civil Engineer PM4 Electrical Engineer PM4

Architectural PM4 Senior Mechanical Engineer Theodore Kupper – 5 years State service

35 years private sector

Michelle Juliano-31 years State service Beverly Kowalik - 26 years State service Roger Dionne- 33 years State Service Gordon Graham- 17 years State Service,

25 years private7 years State Service, 34 years private sector

David Goulet - 34 years State Service