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State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

LINDA M. HODGDON
Commissioner
(603) 271-3201

JOSEPH B. BOUCHARD
Assistant Commissioner
(603) 271-3204

Bureau of Public Works
Design and Construction
Project No. 80514R – Contract B

May 1, 2013

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

REQUESTED ACTION

Authorize the Department of Administrative Services, Bureau of Public Works Design and Construction to increase Bureau of Public Works (BPW) fees amount by \$21,569, from \$11,700 to \$33,269, for additional work at the DMV – EZ Pass Offices, Nashua, NH, effective upon Governor and Council approval. The prior contract with James J. Welch & Co., Inc was approved by Governor and Council on November 17, 2010, Item #35. **100% Turnpike Funds.**

Funding is available in account titled Dept. of Transportation as follows:

04-96-96-961017-75020000 Central NH Turnpike SFY13
400-500870 – Construction Repair Bldgs. (BPW Fees) \$21,569

EXPLANATION

This request is to increase BPW fees only and does not increase the contractor's contract amount or the overall project cost. The additional BPW fees are a reallocation in the form of liquidated damages withheld from the contractor and do not require any additional funds from the initial appropriation. The initial estimated BPW fee of \$11,700 was developed at the project inception, based upon the typical costs for BPW to administer building contracts. The contractor failed to complete the work on time and conducted work in a manner that required significant review, coordination, verification and inspection by BPW

engineers and clerks. The increase of \$21,569 in BPW fees reflects the additional time required for Contract Administration and the extraordinary oversight required to ensure adherence to the contract requirements, and as agreed by the Department of Transportation.

The \$21,569 BPW fee increase is funded by liquidated damages imposed upon the contractor for failure to complete the work on time. Per RSA 21-l:85 Planning and Design Costs. – "The division of plant and property management and the bureau of public works design and construction shall not perform any design and planning work for any non-general fund state agency unless the bureau is reimbursed for such work by the agency."

Attached please find a copy of the prior Governor & Council letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda M. Hodgdon", with a long horizontal flourish extending to the right.

Linda M. Hodgdon
Commissioner

CONTRACT SUPPLEMENTAL INFORMATION SHEET

PROJECT: BPW Project No. 80514, Contract B – DMV / EZ Pass Offices, 110 Broad Street, Nashua, NH.

DESCRIPTION: Renovations to the Department of Transportation - Nashua Welcome Center, for the new Nashua DMV and EZ-Pass offices at Exit 6 along the F.E. Everett Turnpike. The new DMV replaced the Merrimack DMV that was in rented space. The new facility includes truck licensing and motorcycle training as well as an EZ Pass counter, for a more centralized location.

EXPLANATION: Capital funds were appropriated in the State Budget to close the Nashua Welcome Center at Exit 6, relocate the Boston Express bus service to a new facility at Exit 8 (separate project) and renovate the existing building to house a DMV substation and EZ Pass location. Upon completion, the Merrimack DMV substation was closed and relocated to the new Nashua facility.

BPW FEE INCREASE: **\$21,569.** The increase in Bureau of Public Works Design and Construction (BPW) fees is necessary for additional contract administration and construction oversight required due to construction delays by the Contractor, James J. Welch & Co., Inc. In accordance with the contract, the BPW has assessed liquidated damages to James J. Welch & Co., Inc., for failure to complete the work on time. BPW fees will be funded by the liquidated damages.



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Bureau of Public Works
Design and Construction
Project No. 80514 - Contract B

November 2, 2010

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

11/17/2010 #35

REQUESTED ACTION

- 1). Authorize the Bureau of Public Works Design and Construction to enter into a contract with James J. Welch & Co., Inc., (VC# 161268) Salem, MA., for a total price not to exceed \$518,300.00, for the DMV - EZ Pass Offices in Nashua, NH. This contract is effective upon Governor and Council approval through April 29, 2011, unless extended in accordance with the contract terms. **42% Highway/Capital Funds, 36% Turnpike/Capital Funds, 11% Turnpike R & R Funds, 11% Revolving Funds.**
- 2). Further authorize that a contingency in the amount of \$25,000.00 be approved to provide for additional unanticipated expenses related to the DMV - EZ Pass Offices, bringing the total to \$543,300.00. **100% Turnpike/Capital Funds.**
- 3). Further authorize the amount of \$11,700.00 be approved for payment to the Department of Administrative Services, Bureau of Public Works Design and Construction (VC# 177875), for engineering services provided, bringing the total to \$555,000.00. **50% Highway/Capital Funds, 50% Turnpike/Capital Funds.**

Funding is available in account titled Dept. of Transportation as follows:

04-96-96-961030-1805	EZ Pass Nashua	<u>SFY11</u>
	034-500162 - Repair/Renovation Bldgs.	\$217,517.21
	034-500162 - BPW Fees	\$ 5,850.00
	100% Highway Funds	
	Sub Total	\$223,367.21
04-96-96-961017-7502	Central NH Turnpike	<u>SFY11</u>
	400-500870 - Construction Repair/Bldgs. (DOT)	\$185,482.79
	400-500870 - Construction Repair/Bldgs. (Cont)	\$ 25,000.00
	BPW Fees	\$ 5,850.00
	100% Turnpike Funds	
	Sub Total	\$216,332.79

04-96-96-961017-7205	Renewal - Replacement	<u>SFY11</u>
400-500870 - Construction Repair/Bldgs.		
100% Turnpike Funds	Sub Total	<u>\$ 56,400.00</u>

Funding is also available in account titled Dept. of Safety as follows:

02-23-23-233010-8200	Division of Motor Vehicles	<u>SFY11</u>
048-500226 - Contractual Maint, Bldg. & Grnds (Motorcycle Rider Educ. Program)		
100% Revolving Funds	Sub Total	<u>\$ 58,900.00</u>
Grand Total		\$555,000.00

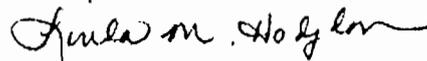
EXPLANATION

Per Chapter 145:2, II, F, Laws of 2009, for the EZ Pass Customer Service, this project will complete renovations to the Department of Transportation - Nashua Welcome Center, for the new Nashua DMV and EZ-Pass offices. The new DMV will replace the Merrimack DMV, currently in rented space. The new facility will include truck licensing and motorcycle training as well as an EZ Pass counter, for a more centralized location.

The contractor has been pre-qualified by the Department of Transportation. The contract has been approved by the Attorney General as to form and execution; and the Department of Safety and Department of Transportation has certified that the necessary funds are available. Copies of the fully executed contract are on file at the Secretary of State's Office and the Department of Administrative Services, Bureau of Public Works Design and Construction.

Attached please find a copy of the tabulation of bids for this project along with the contract supplemental information sheet.

Respectfully submitted,



Linda M. Hodgdon
Commissioner

Department Estimate: \$500,000
Contract Amount: \$518,300
Over Estimate: \$ 18,300