

Charles M. Arlinghaus Commissioner

## State of New Hampshire

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



Catherine A. Keane Deputy Commissioner

Sheri L. Rockburn Assistant Commissioner

Division of Public Works
Design and Construction
Project No. 81196R – Contract B

August 1, 2022

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 D.L. King & Associates, Inc. (VC #168979), 45 Bates Rd, Merrimack, New Hampshire 03054 for a total price not to exceed \$4,095,000, for ARPA Spaulding Building & Supreme Court HVAC Upgrades, Concord, New Hampshire. This contract is effective upon Governor and Council approval through October 1, 2024, unless extended in accordance with the contract terms. 100% Federal Funds.
- 2). Further authorize the amount of \$125,000 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 \$4,220,000. 100% Federal Funds.

Funding is available in account titled Department of Administrative Services, as follows:

Sub Total	\$ 4.095.000
01-14-14-141510-24780000 ARP FRP SPAULDING HVAC REP 048-500226 – Contractual Maint Build-Grn	\$ 950,435.91
01-14-14-141510-24810000 ARP FRP DEF MAINT HVAC COVID 048-500226 - Contractual Maint Build-Grn	\$1,929,167.12
048-500226 – Contractual Maint Build-Grn	\$1,215,396.97
01-14-14-141510-24870000 ARP FRP SUPREME CRT HVAC REP	<u>FY 2023</u>

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

01-14-14-141510-24810000 ARP FRP DEF MAINT HVAC COVID

048-500226 - Contractual Maint Build-Grn - DPW Fees

\$ 125,000.

**Grand Total** 

\$ 4,220,000

#### **EXPLANATION**

This project will make mechanical upgrades to the Spaulding Building and the Supreme Court, in Concord. The work at the Spaulding Building will include removing and replacing the existing chiller, all heat pumps and mini split systems, and updating controls. The work at the Supreme Court will include removing and replacing the HVAC mechanical systems and updating the controls.

The cooling tower and 80 heat pumps at the Spaulding Building were installed in 1990. The tower is rusting and leaking and the heat pumps are past their useful life and experiencing frequent breakdowns. The controls are outdated and need to be replaced. The six (6) air handlers at the Supreme Court are 51 years old, inefficient, unreliable, and have failed many times over the past several years. The controls are outdated and need to be replaced.

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 Administrative Services 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, Division 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,

Charles M. Arlinghaus,

Commissioner

Department estimate:

\$ 2,850,000

Low bid:

\$ 4.095,000

Over estimate:

\$ 1,245,000

### CONTRACT SUPPLEMENTAL INFORMATION SHEET

PROJECT:

DPW Project No. 81196R, Contract B

ARPA - Spaulding Building & Supreme Court HVAC Upgrades 95 Pleasant Street and 1 Charles Doe Drive, Concord, NH

DESCRIPTION:

This project will make mechanical upgrades to the Spaulding Building and the Supreme Court, in Concord. The work at the Spaulding Building will include removing and replacing the existing chiller, all heat pumps and mini split systems, and updating controls. The work at the Supreme Court will include removing and replacing the HVAC mechanical systems and updating the controls.

**EXPLANATION:** 

The cooling tower and 80 heat pumps at the Spaulding Building were installed in 1990. The tower is rusting and leaking and the heat pumps are past their useful life and experiencing frequent breakdowns. The controls are outdated and need to be replaced. The six (6) air handlers at the Supreme Court are 51 years old, inefficient, unreliable, and have failed many times over the past several years. The controls are outdated and need to be replaced.

**OVER ESTIMATE EXPLANATION:** 

The low bid was 30% over the Department estimate. Work is required to be conducted during second shift at the Supreme Court so as not to interfere with daytime court proceedings. The labor cost for second shift increases the cost of the work considerably. Contractors are having a difficult time finding subcontractors to work second shift so they are paying more than the normal overtime rate of 1.5 times the hourly wage, as The Contractor also had to carry escalation costs on an incentive. equipment in their bid price due to the current material/product price volatility. In addition, there were some costs associated with coordinating work conducted by the State in the Supreme Court building that are difficult to estimate and were not included in the Department estimate. These coordination costs are regarding the State's asbestos removal efforts and the effect of those efforts on the contractor's overall schedule.

DEPARTMENT

ESTIMATE: \$ 2,850,000 LOW BID: \$ 4,095,000 OVER ESTIMATE: \$ 1,245,000

## **ABC Bid Data**



Contractor

DIL KING & ASSOCIATESING A 14 45 BATES ROAD MERRIMACK NH 03054

CONCORD 81196RB NON-FEDERAL

Rank

**Bid Amount** 

PROJECT: STATE PROJECT NUMBER: FED. PROJECT NUMBER: DATE BIDS OPEN:	Concord 81196RB NON-FEDERAL June 01, 2022, 2:00	Awarded To:	D. LKING & ASSOCIATES INC. 45 BATES ROAD MERRIMACK, NH 03054		
SCOPE OF WORK:	ARPA Spaulding Building & Supreme Court HVAC Upgrades	Amount:	\$4,095,000.00	Certified by:	
COMPLETION DATE:	October 01, 2024	Award Date:			Director of Project Development
LOCATION:	Merrimack .				

## **Summary of Bidders**

BUREAU OF PUBLIC WORKS
Award to DL King & Assoc  Hold for Negotiation  Cancel Contract  44,095,000
User Agency DAS Authorized by MU

Date\_

# Division of Public Works

## **ABC Bid Data**

CONCORD 81196RB NON-FEDERAL

				PSAE		D. L. KING & ABBOCIATES INC. AS BATES ROAD MERRIMACK, IN1 83084			
Item No.	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
Items									
901	SPAULDING: REMOVE AND REPLACE COOLING TOWER, HEAT PUMPS AND MINI SPLITS AND UPDATE CONTROLS.	Ü	1.00	\$1,550,000.00	\$1,550,000.00	\$1,795,000.00	\$1,795,000.00		
902	SUPREME COURT: REMOVE AND REPLACE MECHANICAL EQUIPMEN AND UPDATE CONTROLS.	U	1,00	\$1,100,000,00	\$1,100,000.00	\$2,100,000,00	\$2,100,000.00		
903	ALOWANCE #1 FOR OWNERS CHANGES OR UNKNOWN, LATENT OR DIFFERENING CONDITIONS.	S	200,000.00	\$1.00	\$200,000.00	\$1.00	\$200,000,00		
	Totals:				\$2,850,000.00		\$4,095,000,00		
	Alt. Totals:								
			Totals:		\$2,850,000.00		\$4,095,000.00		

# Division of Public Works

## **PS&E Comparison**

CONCORD 81196RB NON-FEDERAL

,				A-Bidder		PS8		
Item No.	Description	Unit	Quantity	Unit Price	Total	Unit Price	Total	A-PS&E Difference
Items						-		
	SPAULDING: REMOVE AND REPLACE COOLING TOWER.	U	1.00	\$1,795,000.00	\$1,795,000.00	\$1,550,000.00	\$1,550,000.00	\$245,000.00
1	HEAT PUMPS AND MINI SPLITS AND UPDATE CONTROLS.							
<sup>502</sup> ]1	SUPREME COURT: REMOVE AND REPLACE MECHANICAL EQUIPMEN AND UPDATE CONTROLS.	U	1.00	\$2,100,000.00	\$2,100,000.00	\$1,100,000.00	\$1,100,000.00	\$1,000,000.00
903  u	ALOWANCE #1 FOR OWNERS CHANGES OR UNKNOWN, LATENT OR DIFFERENING CONDITIONS.	\$	200,000.00	\$1.00	\$200,000.00	\$1.00	\$200,000.00	\$0.00

## 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 D.L. KING & ASSOCIATES, INC. is a Illinois Profit Corporation registered to transact business in New Hampshire on December 29, 1999. 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: 332476

Certificate Number: 0005768163



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 28th day of April A.D. 2022.

David M. Scanlan Secretary of State

### **Corporate Resolution**

I, Lisa'M. King	_, hereby certify that I am duly elected Clerk/Secretary/Officer of
(Name) D.L. King & Associates, Inc. 11 (Name of Corporation)	nereby certify the following is a true copy of a vote taken at
a meeting of the Board of Directo	rs/shareholders, duly called and held on June 17th, 20 22

VOTED: That A. Dean King, CEO (may list more than one person) is (Name and Title)

duly authorized to enter into contracts or agreements on behalf of

at which a quorum of the Directors/shareholders were present and voting.

D.L. King & Associates, Inc. with the State of New Hampshire and any of (Name of Corporation)

its agencies or departments and further is authorized to execute any documents which may in his/her judgment be desirable or necessary to effect the purpose of this vote.

I hereby certify that said vote has not been amended or repealed and remains in full force and effect as of the date of the contract to which this certificate is attached. This authority remains valid for thirty (30) days from the date of this Corporate Resolution. I further certify that it is understood that the State of New Hampshire will rely on this certificate as evidence that the person(s) listed above currently occupy the position(s) indicated and that they have full authority to bind the corporation. To the extent that there are any limits on the authority of any listed individual to bind the corporation in contracts with the State of New Hampshire, all such limitations are expressly stated herein.

DATED: 6/17/2022

(Name & Title)

Lisa M. King, President D.L. King & Associates, Inc.



### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/22/2022

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(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 nolder in lieu of suc	n en	dorsement(s).								
PRODUCER			CONTACT NAME: Renee Skillings							
THE ROWLEY AGENCY INC.			PHONE (A/C, No. Ext): (603) 224-2562 FAX (A/C, No): (603) 224-8012							
45 Constitution Avenue		·	E-MAU ADDRESS: rskillings@rowleyagency.com							
P.O. Box 511			INSURER(S) AFFORDING COVERAGE		NAIC #					
Concord	NH	03302-0511	INSURER A: Arbella Insurance Group							
INSURED			INSURER B: Arbella Protection Ins Co		41360					
D.L. King & Associates,	Inc	•	INSURER C:							
45 Bates Rd			INSURER D:		Į					
			INSURER E :		1					
Merrimack	ИН	03054	INSURER F:		<u> </u>					
COVERAGES		CERTIFICATE NUMBER: 22-23 State	NH 1M UMB REVISION NUM	IBER:						
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EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS INSR LTR ADDL SUBR POLICY EFF POLICY EXP TYPE OF INSURANCE **POLICY NUMBER** COMMERCIAL GENERAL LIABILITY 1,000,000 EACH OCCURRENCE DAMAGE TO RENTED 100,000 CLAIMS-MADE ( X OCCUR λ PREMISES (Ea occurrence) 8500062916 9/3/2022 9/3/2023 5,000 MED EXP (Any one person) \$ 1.000.000 PERSONAL & ADV INJURY GEN'L AGGREGATE LIMIT APPLIES PER: **GENERAL AGGREGATE** 2,000,000 POLICY X PRO-2,000,000 PRODUCTS - COMP/OP AGG OTHER: COMBINED SINGLE LIMIT AUTOMOBILE LIABILITY 1,000,000 BODILY INJURY (Per person) ANY ALITO В SCHEDULED ALL OWNED AUTOS **BODILY INJURY (Per accident)** 1020032951 9/3/2022 9/3/2023 AUTOS NON-OWNED AUTOS PROPERTY DAMAGE \$ HIRED AUTOS (Per accident UMBRELLA LIAB x X OCCUR EACH OCCURRENCE 1,000,000 EXCESS LIAB 4620086375 9/3/2022 9/3/2023 CLAIMS-MADE AGGREGATE 1,000,000 λ 1.000.000 DED RETENTION \$ 10,000 WORKERS COMPENSATION X PER STATUTE

9/3/2022

9/3/2022

9/3/2023

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E.L. EACH ACCIDENT

UMIT

E.L. DISEASE - EA EMPLOYEE

E.L. DISEASE - POLICY LIMIT

1,000,000

1,000,000

1.000.000

35.000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

4220057417

4620086375

3A States: NE/NA

Excluded Officers:

Dean & Liga King

Re: 81196RB - ARPA Spaulding Building & Supreme Court HVAC Upgrades

Y

The State of New Hampshire, its agencies, and its agents and employees are additional insureds for ongoing operations performed by or on behalf of D.L. King & Associates, Inc., per written contract.

CERTIFICATE HOLDER	CANCELLATION
State of New Hampshire Department of Administrative Services 7 Hazen Drive	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
Room 250	AUTHORIZED REPRESENTATIVE
Concord, NH 03301	Renee Skillings/LPH

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AND EMPLOYERS' LIABILITY

ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)

If yes, describe under DESCRIPTION OF OPERATIONS below

LEASED/RENTED EQUIPMENT



## **CERTIFICATE OF PROPERTY INSURANCE**

6/17/2022

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 DEPORTS OF PRODUCED AND THE CERTIFICATE HOLDER.

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### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 08/17/2022

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(les) 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 this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). CONTACT Renee Skillings THE ROWLEY AGENCY INC. PHONE (A/C, No. Ext); E-MAIL (803) 224-2582 (AJC, No): (603) 224-8012 45 Constitution Avenue rskillings@rowleyagency.com ADDRESS: P.O. Box 511 INSURER(S) AFFORDING COVERAGE NAIC # Concord NH 03302-0511 Mid Continent Casualty Co INSURER A: INSURED INSURER B : State of New Hampshire Dept of Administrative Services INSURER C : c/o D.L. King & Associates, Inc. INSURER D : 45 Bates Rd INSURER E : Merrimack NH 03054 INSURER F : OCP 81196RB **COVERAGES CERTIFICATE NUMBER: 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. INSD WVD POLICY EFF POLICY EXP TYPE OF INSURANCE POLICY NUMBER COMMERCIAL GENERAL LIABILITY 2,000,000 EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) CLAIMS-MADE X OCCUR Owners & Contractors Protective MED EXP (Any one person) 04OCP002003239 Α 08/17/2022 12/17/2023 PERSONAL & ADV INJURY 4,000,000 GENTLAGGREGATE LIMIT APPLIES PER: GENERAL AGGREGATE PRO-JECT POLICY PRODUCTS - COMP/OP AGG OTHER COMBINED SINGLE LIMIT (Ea accident) AUTOMOBILE LIABILITY ANY AUTO SOCILY INJURY (Per person) OWNED AUTOS ONLY HIRED CHEDULED **BODILY INJURY (Per accident)** AUTOS NON-OWNED AUTOS ONLY PROPERTY DAMAGE (Per accident) AUTOS ONLY \$ UMBRELLA LIAB OCCUR EACH OCCURRENCE **EXCESS LIAB** AGGREGATE CLAIMS-MADE RETENTION \$ DED WORKERS COMPENSATION STATUTE AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? E.L. EACH ACCIDENT (Mandatory in NH) E.L. DISEASE - EA EMPLOYEE if yes, describe under DESCRIPTION OF OPERATIONS below E.L. DISEASE - POLICY LIMIT DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) **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. State of New Hampshire Department of Administrative Services 7 Hazen Drive AUTHORIZED REPRESENTATIVE Room 250

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Concord

NH 03301