



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

25 Capitol Street - Room 100
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

January 5, 2022

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 McFarland - Johnson, Inc. (Vendor Code 164736) 53 Regional Drive, Box 3, Concord, New Hampshire, 03301 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, 2025. The amount expended under this agreement shall not exceed \$500,000.

EXPLANATION

The Department proposes to retain the private consulting firm of McFarland - Johnson, Inc to expedite the current project workload and provide appropriate technical expertise as required for specific projects. This is one (1) of six (6) 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.

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 six (6) Mechanical Engineering firms through the contract period.

The consultant selection process employed by the Department for this project 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 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, 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 June 2021, 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 Civil Services. The following seventeen (17) consultant firms submitted letters of interest.

Barton & Loguidice, LLC	Engineering, P. C. (RFS Engineering)
CHA	SMRT, Inc.
CSI Engineering, LLC	Stantec Consulting Services, Inc.
Dubois & King, Inc.	STV
Fitzmeyer & Tocci Associates, Inc.	Turner Building Science & Design, LLC
Harriman Associates	Weston & Sampson
McFarland Johnson, Inc.	WV Engineering Associates
NV5	Yeaton Associates, Inc.
Oak Point Associates	

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 eight (8) rated firms listed below, were sent a Request for Technical Proposals:

Barton & Loguidice, LLC	McFarland Johnson
CSI Engineering, LLC	NV5
Dubois & King	SMRT, Inc.
Harriman Associates	Weston & Sampson

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.

It is now the Department's intent to enter into Statewide Consultant Service Agreements with the six (6) highest rated firms as their legal documentation and Certificate of Insurance become available.

Barton & Loguidice, LLC	McFarland Johnson
Dubois & King	NV5
Harriman Associates	SMRT, Inc.

A copy of McFarland - Johnson, 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. Arlinghaus,
Commissioner

CHM/mak

Attachments

cc: Theodore Kupper, P. E.,
Administrator

Interview/Selection date: 3-Sep-21

**COMMITTEE PROPOSAL RATING FOR
MECHANICAL STATEWIDE**

Consultant Name	Comprehension of Assignment	Clarity of Proposal	Capacity to Perform in a Timely Manner	Quality and Experience of PM/Team	Overall Suitability for the Assignment	Total Score	Cumulative Score	
Barton & Loguidice							64.0	<===== Highest Rating
Ted Kupper	4	4	4	4	4	20		
Michelle Juliano	4	4	4	4	4	20		
Dave Goulet	5	5	4	5	5	24		
						0		
CSI Engineering							42.0	
Ted Kupper	3	3	3	3	3	15		
Michelle Juliano	3	4	3	3	3	16		
Dave Goulet	2	3	2	2	2	11		
						0		
DuBois & King							70.0	<===== Highest Rating
Ted Kupper	5	4	4	5	5	23		
Michelle Juliano	5	5	5	5	5	25		
Dave Goulet	4	4	4	5	5	22		
						0		
Harriman							68.0	<===== Highest Rating
Ted Kupper	4	4	5	5	4	22		
Michelle Juliano	5	5	5	5	5	25		
Dave Goulet	4	4	5	4	4	21		
						0		
McFarland Johnson							74.0	<===== Highest Rating
Ted Kupper	5	4	5	5	5	24		
Michelle Juliano	5	5	5	5	5	25		
Dave Goulet	5	5	5	5	5	25		
						0		
NV5							61.0	<===== Highest Rating
Ted Kupper	4	4	5	4	4	21		
Michelle Juliano	4	4	4	4	4	20		
Dave Goulet	4	4	4	4	4	20		
						0		
SMRT							68.0	<===== Highest Rating
Ted Kupper	5	4	5	4	5	23		
Michelle Juliano	5	5	5	5	5	25		
Dave Goulet	4	4	4	4	4	20		
						0		
Weston & Sampson	DID NOT RESPOND TO REQUEST FOR PROPOSAL						0.0	
Ted Kupper						0		
Michelle Juliano						0		
Dave Goulet						0		
						0		

Explanation of Statewide Consultant Committee Selection

Members are selected using the approved guidelines for the Department of Public Works Design and Construction "Selection of Engineering, Architects, and Surveyor Services". Per these guidelines, the Committee should consist of the Department Administrator plus to 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 consultants. She brings the expertise of the day-to-day working with consultants. Her past and present experience involves request 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 need.

Administrator PM7	Theodore Kupper – 7 years state service 35 year private sector
Assistant Administrator PM5	Michelle Juliano – 33 years state service
Civil Engineer PM4	Roger Dionne – 35 years state service
Architectural PM4	Gary Brown – 9 years state service 34 years private sector
Mechanical Engineer PM3	David Goulet – 36 years state service

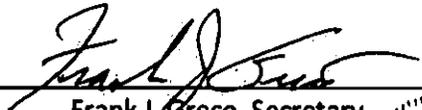
**CERTIFICATE OF SECRETARY
OF
McFARLAND-JOHNSON, INC.
ATTESTING TO THE ADOPTION OF BOARD RESOLUTION**

I, Frank J. Greco, Secretary of McFarland-Johnson, Inc., certify that on March 23, 2021, 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 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:

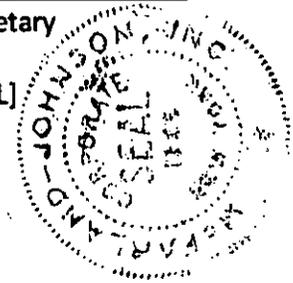
<u>Name</u>	<u>Office</u>
James M. Festa	- CEO – Engineering
Chad G. Nixon	- President
Frank J. Greco	- Sr. Vice President/CFO/Secretary/Treasurer
Thomas T. Kendrick	- Vice President
Jeffrey R. Wood	- Vice President

I certify that as a result of the action of the Board of Directors, James M. Festa, CEO-Engineering of McFarland-Johnson, Inc., is fully authorized to enter into any contracts, including Mechanical Engineering Statewide, in the name of and on behalf of the Corporation for the rendering of services by the Corporation.



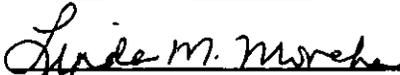
Frank J. Greco, Secretary

[CORPORATE SEAL]



SUBSCRIBED AND SWORN TO

this 26th day of October 2021



Notary Public

LINDA M. MONAHAN
Notary Public, State of New York
No. 4968747

Residing in Broome County
My commission expires 7/2/22

L:[LOO/MISC/FJG]003A

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. is a New York Profit Corporation registered to transact business in New Hampshire on February 14, 1969. 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: 2302

Certificate Number: 0005333935



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 1st day of April A.D. 2021.

A handwritten signature in black ink, appearing to read "William M. Gardner".

William M. Gardner
Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/12/2022

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(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 this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Office of America 31 Lewis Street Suite 201 Binghamton, NY 13901	CONTACT NAME: Michael Burns PHONE (A/C, No, Ext): (607) 754-0329 45230 FAX (A/C, No): (607) 754-9797 E-MAIL ADDRESS: Michael.Burns@loausa.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED McFarland Johnson, Inc. 49 Court Street Suite 240 Binghamton, NY 13901	INSURER A: National Fire Insurance Co of Hartford NAIC # 20478	
	INSURER B: Transportation Insurance Company 20494	
	INSURER C: Continental Insurance Company 35289	
	INSURER D:	
	INSURER E:	
	INSURER F:	

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	X		6056803227	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea. occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			6056803213	1/1/2022	1/1/2023	COMBINED SINGLE LIMIT (Ea. accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			6056803244	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC656803230	1/1/2022	1/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Val Pprs & Records			6056803227	1/1/2022	1/1/2023	Blanket Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: Mechanical Statewide Engineering Services.

The workers compensation insurance coverage applies to the State of New Hampshire.

State of New Hampshire Department of Administrative Services and all other parties as required by written contract are additional insured on a primary and noncontributory basis including completed operations in regard to general liability per endorsement number CNA74859NY.

CERTIFICATE HOLDER State of New Hampshire Department of Administrative Services P. O. Box 483 Concord, NH 03302	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.
	AUTHORIZED REPRESENTATIVE 



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/26/2021

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 this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Fenner & Esler Agency, Inc. PO Box 60 Oradell, NJ 07649 USA	1-201-262-1200	CONTACT NAME: Timothy P. Esler, CPCU PHONE (A/C No. Ext): 201-262-1200 E-MAIL ADDRESS: certs@fenner-esler.com	FAX (A/C No.): 201-262-7810
INSURED McFarland-Johnson, Inc. att: Frank J. Greco 49 Court Street Suite 240 Binghamton, NY 13901 USA		INSURER(S) AFFORDING COVERAGE INSURER A: Berkshire Hathaway Specialty Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 535125325

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	ADOL	SUBR	INSD	WVD	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	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 OTHER:							EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY							COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$							EACH OCCURRENCE \$ AGGREGATE \$ \$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N			N/A			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
A	Prof/Poll Liability					47-EPP-305431-04 FULL PRIOR ACTS	06/15/21 06/15/22	Per Claim 5,000,000 Annual Aggregate 5,000,000 Deductible per clm 50,000	

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

Mechanical Engineering Statewide

CERTIFICATE HOLDER

State of New Hampshire - Dept of Administrative Services

P. O. Box 483

Concord, NH 03302

USA

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.

AUTHORIZED REPRESENTATIVE

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