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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

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William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner
Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

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

Bureau of Construction
October 5, 2023

REQUESTED ACTION

1. Authorize the Department of Transportation to enter into a contract with Busby Construction Co., Inc. (Vendor 155275) of Atkinson, NH, on the basis of a sole bid received of \$762,926 for culvert rehabilitation and replacement on NH 106 in Loudon (Project: Loudon #44011), from the date of Governor and Council approval through October 11, 2024, unless amended by the Department in accordance with the Standard Specifications. 100% Federal Funds.

Funding is available in State Fiscal Years 2024 and 2025 as follows, with the ability to adjust encumbrances through the Budget Office between State Fiscal Years if needed and justified:

Funding is available as follows:	<u>FY 2024</u>	<u>FY 2025</u>
04-96-96-963515-3054		
Consolidated Federal Aid		
400-500870 Highway Contract Payments	\$551,654.15	\$211,271.85

2. Further authorize that a contingency in the amount of \$76,292.60 be approved for payment of latent conditions, which may appear during the construction of the project. The contingency requested is 10% of the contract amount.

Funding is available as follows:	<u>FY 2025</u>
04-96-96-963515-3054	
Consolidated Federal Aid	
400-500870 Highway Contract Payments	\$76,292.60

EXPLANATION

This project is part of the State's Ten-Year Transportation Improvement Plan, under the Culvert Replacement/Rehabilitation and Drainage Repair (CRDR) Program. The project will replace/rehabilitate 3 pipes in the Town of Loudon along NH 106 in the vicinity of the NH 129 intersection as follows:

- Location 1 - (2,070' south of NH 129) – Rehabilitate a 30" x 165' long corrugated metal pipe by slip lining, repair headwall at inlet, construct stone apron at outlet.
- Location 2 – (1,070' south of NH 129) – Fill and abandon existing 18" x 165' long corrugated metal pipe, construct new 24" x 133' long plastic pipe, same location, higher elevation.
- Location 3 – (2,880' north of NH 129) – Replace 43" x 27" x 91.5' long corrugated metal arch pipe with 36" x 92' long reinforced concrete pipe, same location, similar elevation.

This project originally advertised on May 23, 2023. Only 1 bid was received at 76.1% over the PS&E Estimate. The Contract was not awarded. For Re-Advertising, no changes to the design are proposed. Construction has been re-scheduled for the 2024 season. The culverts were constructed in 1977. There are no known modifications since

original construction. There is no history of flooding associated with these culverts. The 30" cmp and 43" x 27" cmp have varying amounts of corrosion and perforations. The 18" cmp is buried on both ends and is below the average ponded wetland elevation. Delaying the work risks failure and resulting roadway impacts at the 43" x 27" arch culvert, upstream flooding at the 18" cmp crossing, and further deterioration of the 30" cmp which might make rehabilitation impractical.

The proposed contingency amount is 10% of the contract amount. This is to account for the risks associated with the unknown extent of voids around the 30" and 18" pipes, unanticipated traffic control needs, and potential risk of over-runs in minor Items such as pavement repair and erosion control.

Although the bid costs exceeded the Department's estimate by 53.71%, the sole bid received is felt to be reasonable for the work involved. The major items that contributed to the higher-than-expected bid are Item 692 Mobilization \$50,000, Item 503.201 Cofferdam \$45,000, Item 619.1 Maintenance of Traffic \$38,000 and Item 603.82224 24" Pipe \$28,000. Re-advertising this project would result, in our opinion, in higher prices and prevent the completion of the work in a timely manner. The Department considers it to be in the best interest of the State to accept this bid to accomplish these needed repairs.

The Contractor has been prequalified by this Department. The Contract has been approved by the Attorney General as to form and execution, and the Department has certified that the necessary funds are available and the bid reasonably conforms to the engineer's estimate in accordance with State procedure. Copies of the fully executed contract are on file at the Secretary of State's Office and the Department of Administrative Service's Office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

This project funding is: 80% Federal funds (Culvert Replacement/Rehabilitation and Drainage Repair (CRDR) Program)), with anticipated utilization of Turnpike Toll Credits for the State's 20% match, effectively using 100% Federal Funds.

A copy of the Tabulation of Bids received for this project is attached along with the Contract Supplemental Sheet and a map indicating the location of the project.

Your approval of this resolution is respectfully requested.

Sincerely,



William J. Cass, P.E.
Commissioner

WJC/pcj

Department Estimate:	\$496,340
Contract Amount:	<u>\$762,926</u>
Over Estimate:	\$266,586
Attachments	



ABC Bid Data

LOUDON

44011

X-A005(284)

PROJECT:	LOUDON	Awarded To:	BUSBY CONSTRUCTION CO., INC. 71 ROUTE 111 ATKINSON, NH 03811	Certified by:	<u>WILLIAM.J.OLDENBURG</u> <small>Director of Project Development</small>
STATE PROJECT NUMBER:	44011	Amount:	\$762,926.00	Award Date:	
FED. PROJECT NUMBER:	X-A005(284)				
DATE BIDS OPEN:	September 21, 2023,				
SCOPE OF WORK:	Culvert rehab/replcmt of several pipes under NH106 in Loudon 2,900 feet north and south of NH129.				
COMPLETION DATE:	October 11, 2024				
LOCATION:	Merrimack, District 3				

Summary of Bidders

Contractor	Bid Amount	Rank
BUSBY CONSTRUCTION CO., INC. 71 ROUTE 111, ATKINSON NH 03811	\$762,926.00	A.

Item No.	Description	Unit	Quantity	PS&E		BUSBY CONSTRUCTION CO., INC. 71 ROUTE 111 ATKINSON, NH 03811		Unit Price	Total
				Unit Price	Total	Unit Price	Total		

Items

202.31	FILL ABANDONED PIPE	CY	12.00	\$400.00	\$4,800.00	\$650.00	\$7,800.00		
203.601	EMBANKMENT-IN-PLACE	CY	25.00	\$75.00	\$1,875.00	\$50.00	\$1,250.00		
206.1	COMMON STRUCTURE EXCAVATION	CY	105.00	\$60.00	\$6,300.00	\$45.00	\$4,725.00		
206.19	COMMON STRUCTURE EXCAVATION EXPLORATORY	CY	10.00	\$120.00	\$1,200.00	\$210.00	\$2,100.00		
403.11023	HBP-3/4" BINDER MIX, MACHINE METHOD	TON	40.00	\$300.00	\$12,000.00	\$475.00	\$19,000.00		
403.11043	HBP-1/2" SURFACE MIX, MACHINE METHOD	TON	50.00	\$300.00	\$15,000.00	\$475.00	\$23,750.00		
403.16	PAVEMENT JOINT ADHESIVE	LF	370.00	\$8.00	\$2,960.00	\$12.00	\$4,440.00		
403.19	HBP-TEMPORARY	TON	30.00	\$300.00	\$9,000.00	\$615.00	\$18,450.00		
410.22	ASPHALT EMULSION FOR TACK COAT	GAL	25.00	\$25.00	\$625.00	\$50.00	\$1,250.00		
417.	COLD PLANING BITUMINOUS SURFACES	SY	610.00	\$15.00	\$9,150.00	\$15.00	\$9,150.00		
503.101	WATER DIVERSION STRUCTURE	U	1.00	\$10,000.00	\$10,000.00	\$22,000.00	\$22,000.00		
503.102	WATER DIVERSION STRUCTURE	U	1.00	\$10,000.00	\$10,000.00	\$19,000.00	\$19,000.00		
503.103	WATER DIVERSION STRUCTURE	U	1.00	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00		
503.201	COFFERDAMS	U	1.00	\$10,000.00	\$10,000.00	\$55,000.00	\$55,000.00		
503.202	COFFERDAMS	U	1.00	\$10,000.00	\$10,000.00	\$20,000.00	\$20,000.00		
571.1	REPAIRING AND POINTING STONE MASONRY	SY	1.00	\$500.00	\$500.00	\$1,600.00	\$1,600.00		
585.2	STONE FILL, CLASS B	CY	10.00	\$150.00	\$1,500.00	\$110.00	\$1,100.00		
593.421	GEOTEXTILE; PERM CONTROL CL.2, NON-WOVEN	SY	16.00	\$25.00	\$400.00	\$12.00	\$192.00		
602.011	FILL MATERIAL FOR ANNULAR SPACE	CY	16.00	\$700.00	\$11,200.00	\$625.00	\$10,000.00		
602.24530	POLYMER COATED CORR. GALV. STEEL LINER FOR 30" PIPE	LF	165.00	\$225.00	\$37,125.00	\$300.00	\$49,500.00		
603.0001	VIDEO INSPECTION	LF	232.00	\$10.00	\$2,320.00	\$12.00	\$2,784.00		
603.00236	36" R.C. PIPE, 2000D	LF	92.00	\$300.00	\$27,600.00	\$415.00	\$38,180.00		
603.33224	24" CORR. POLYETHYLENE END SECTION	EA	2.00	\$575.00	\$1,150.00	\$1,200.00	\$2,400.00		
603.82224	24" PE PIPE (TYPE S)	LF	140.00	\$150.00	\$21,000.00	\$350.00	\$49,000.00		

ABC Bid Data

LOUDON

44011

X-A005(284)

Item No.	Description	Unit	Quantity	PS&E		BUSBY CONSTRUCTION CO., INC. 71 ROUTE 111 ATKINSON, NH 03811		Unit Price	Total
				Unit Price	Total	Unit Price	Total		
606.91	RESETTING OR SETTING GUARDRAIL	LF	50.00	\$70.00	\$3,500.00	\$80.00	\$4,000.00		
618.61	UNIFORMED OFFICERS WITH VEHICLE	\$	18,500.00	\$1.00	\$18,500.00	\$1.00	\$18,500.00		
618.7	FLAGGERS	HR	425.00	\$58.00	\$24,650.00	\$58.00	\$24,650.00		
619.1	MAINTENANCE OF TRAFFIC	U	1.00	\$70,000.00	\$70,000.00	\$108,000.00	\$108,000.00		
619.25	PORTABLE CHANGEABLE MESSAGE SIGN	U	2.00	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00		
619.279	AUTOMATED TRAILER-MOUNTED SPEED LIMIT SIGN	U	2.00	\$3,000.00	\$6,000.00	\$6,500.00	\$13,000.00		
622.1	STEEL WITNESS MARKERS	EA	4.00	\$75.00	\$300.00	\$65.00	\$260.00		
628.2	SAWED BITUMINOUS PAVEMENT	LF	190.00	\$6.00	\$1,140.00	\$5.00	\$950.00		
632.0104	RETROREFLECTIVE PAINT PAVE. MARKING, 4" LINE	LF	600.00	\$2.00	\$1,200.00	\$5.00	\$3,000.00		
645.3	EROSION STONE	TON	100.00	\$40.00	\$4,000.00	\$42.00	\$4,200.00		
645.44	TEMPORARY SLOPE MATTING TYPE D (WILDLIFE FRIENDLY)	SY	280.00	\$4.00	\$1,120.00	\$4.00	\$1,120.00		
645.512	COMPOST SOCK FOR PERIMETER BERM	LF	1,460.00	\$7.00	\$10,220.00	\$6.00	\$8,760.00		
645.531	SILT FENCE	LF	1,835.00	\$5.00	\$9,175.00	\$4.00	\$7,340.00		
645.72	FINAL WETLAND IMPACT REPORT	U	1.00	\$4,500.00	\$4,500.00	\$5,500.00	\$5,500.00		
645.73	FINAL STREAM DIVERSION AND EROSION CONTROL PLAN	U	1.00	\$6,000.00	\$6,000.00	\$16,000.00	\$16,000.00		
645.731	MONITORING FSD&EC PLAN	HR	150.00	\$120.00	\$18,000.00	\$110.00	\$16,500.00		
646.31	TURF ESTABLISHMENT WITH MULCH AND TACKIFIERS	SY	925.00	\$3.60	\$3,330.00	\$3.00	\$2,775.00		
647.1	HUMUS	CY	30.00	\$50.00	\$1,500.00	\$40.00	\$1,200.00		
692.	MOBILIZATION	U	1.00	\$85,000.00	\$85,000.00	\$135,000.00	\$135,000.00		
699.	MISCELLANEOUS TEMPORARY EROSION AND SEDIMENT CONTROL	\$	4,500.00	\$1.00	\$4,500.00	\$1.00	\$4,500.00		
1010.15	FUEL ADJUSTMENT	\$	2,000.00	\$1.00	\$2,000.00	\$1.00	\$2,000.00		
Totals:					\$496,340.00		\$762,926.00		
Alt. Totals:									
Totals:					\$496,340.00		\$762,926.00		

PS&E Comparison

LOUDON
 44011
 X-A005(284)

Item No.	Description	Unit	Quantity	A-Bidder		PS&E		A-PS&E Difference
				Unit Price	Total	Unit Price	Total	
Items								
202.31	FILL ABANDONED PIPE	CY	12.00	\$650.00	\$7,800.00	\$400.00	\$4,800.00	\$3,000.00
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206.1	COMMON STRUCTURE EXCAVATION	CY	105.00	\$45.00	\$4,725.00	\$60.00	\$6,300.00	(\$1,575.00)
206.19	COMMON STRUCTURE EXCAVATION EXPLORATORY	CY	10.00	\$210.00	\$2,100.00	\$120.00	\$1,200.00	\$900.00
403.11023	HBP-3/4" BINDER MIX, MACHINE METHOD	TON	40.00	\$475.00	\$19,000.00	\$300.00	\$12,000.00	\$7,000.00
403.11043	HBP-1/2" SURFACE MIX, MACHINE METHOD	TON	50.00	\$475.00	\$23,750.00	\$300.00	\$15,000.00	\$8,750.00
403.16	PAVEMENT JOINT ADHESIVE	LF	370.00	\$12.00	\$4,440.00	\$8.00	\$2,960.00	\$1,480.00
403.19	HBP-TEMPORARY	TON	30.00	\$615.00	\$18,450.00	\$300.00	\$9,000.00	\$9,450.00
410.22	ASPHALT EMULSION FOR TACK COAT	GAL	25.00	\$50.00	\$1,250.00	\$25.00	\$625.00	\$625.00
417.	COLD PLANING BITUMINOUS SURFACES	SY	610.00	\$15.00	\$9,150.00	\$15.00	\$9,150.00	\$0.00
503.101	WATER DIVERSION STRUCTURE	U	1.00	\$22,000.00	\$22,000.00	\$10,000.00	\$10,000.00	\$12,000.00
503.102	WATER DIVERSION STRUCTURE	U	1.00	\$19,000.00	\$19,000.00	\$10,000.00	\$10,000.00	\$9,000.00
503.103	WATER DIVERSION STRUCTURE	U	1.00	\$18,000.00	\$18,000.00	\$10,000.00	\$10,000.00	\$8,000.00
503.201	COFFERDAMS	U	1.00	\$55,000.00	\$55,000.00	\$10,000.00	\$10,000.00	\$45,000.00
503.202	COFFERDAMS	U	1.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$10,000.00

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Item No.	Description	Unit	Quantity	A-Bidder		PS&E		A-PS&E Difference
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571.1	REPAIRING AND POINTING STONE MASONRY	SY	1.00	\$1,600.00	\$1,600.00	\$500.00	\$500.00	\$1,100.00
585.2	STONE FILL, CLASS B	CY	10.00	\$110.00	\$1,100.00	\$150.00	\$1,500.00	(\$400.00)
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606.91	RESETTING OR SETTING GUARDRAIL	LF	50.00	\$80.00	\$4,000.00	\$70.00	\$3,500.00	\$500.00
618.61	UNIFORMED OFFICERS WITH VEHICLE	\$	18,500.00	\$1.00	\$18,500.00	\$1.00	\$18,500.00	\$0.00
618.7	FLAGGERS	HR	425.00	\$58.00	\$24,650.00	\$58.00	\$24,650.00	\$0.00
619.1	MAINTENANCE OF TRAFFIC	U	1.00	\$108,000.00	\$108,000.00	\$70,000.00	\$70,000.00	\$38,000.00
619.25	PORTABLE CHANGEABLE MESSAGE SIGN	U	2.00	\$2,500.00	\$5,000.00	\$3,000.00	\$6,000.00	(\$1,000.00)
619.279	AUTOMATED TRAILER-MOUNTED SPEED LIMIT SIGN	U	2.00	\$6,500.00	\$13,000.00	\$3,000.00	\$6,000.00	\$7,000.00
622.1	STEEL WITNESS MARKERS	EA	4.00	\$65.00	\$260.00	\$75.00	\$300.00	(\$40.00)
628.2	SAWED BITUMINOUS PAVEMENT	LF	190.00	\$5.00	\$950.00	\$6.00	\$1,140.00	(\$190.00)



PS&E Comparison

LOUDON
44011
X-A005(284)

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				Unit Price	Total	Unit Price	Total	
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645.72	FINAL WETLAND IMPACT REPORT	U	1.00	\$5,500.00	\$5,500.00	\$4,500.00	\$4,500.00	\$1,000.00
645.73	FINAL STREAM DIVERSION AND EROSION CONTROL PLAN	U	1.00	\$16,000.00	\$16,000.00	\$6,000.00	\$6,000.00	\$10,000.00
645.731	MONITORING FSD&EC PLAN	HR	150.00	\$110.00	\$16,500.00	\$120.00	\$18,000.00	(\$1,500.00)
646.31	TURF ESTABLISHMENT WITH MULCH AND TACKIFIERS	SY	925.00	\$3.00	\$2,775.00	\$3.60	\$3,330.00	(\$555.00)
647.1	HUMUS	CY	30.00	\$40.00	\$1,200.00	\$50.00	\$1,500.00	(\$300.00)
692.	MOBILIZATION	U	1.00	\$135,000.00	\$135,000.00	\$85,000.00	\$85,000.00	\$50,000.00
699.	MISCELLANEOUS TEMPORARY EROSION AND SEDIMENT CONTROL	\$	4,500.00	\$1.00	\$4,500.00	\$1.00	\$4,500.00	\$0.00
1010.15	FUEL ADJUSTMENT	\$	2,000.00	\$1.00	\$2,000.00	\$1.00	\$2,000.00	\$0.00
Total:					\$762,926.00		\$496,340.00	\$266,586.00

August 21, 2023

SUPPLEMENTAL PROJECT INFORMATION SHEET

DESCRIPTION: The project will replace/rehabilitate 3 pipes in the Town of Loudon along NH 106 in the vicinity of the NH 129 intersection as follows:

- Location 1 - (2,070' south of NH 129) – Rehabilitate a 30" x 165' long corrugated metal pipe by slip lining, repair headwall at inlet, construct stone apron at outlet.
- Location 2 – (1,070' south of NH 129) – Fill and abandon existing 18" x 165' long corrugated metal pipe, construct new 24" x 133' long plastic pipe, same location, higher elevation.
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FEDERAL FUNDING: 80% (Culvert Replacement/Rehabilitation and Drainage Repair (CRDR) Program) with anticipated utilization of Turnpike Toll Credits for the State's 20% match.

CONTINGENCY: The proposed contingency amount is 10% of the contract amount. This is to account for the risks associated with the unknown extent of voids around the 30" and 18" pipes, unanticipated traffic control needs, and potential risk of over-runs in minor items such as pavement repair and erosion control.

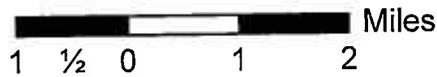
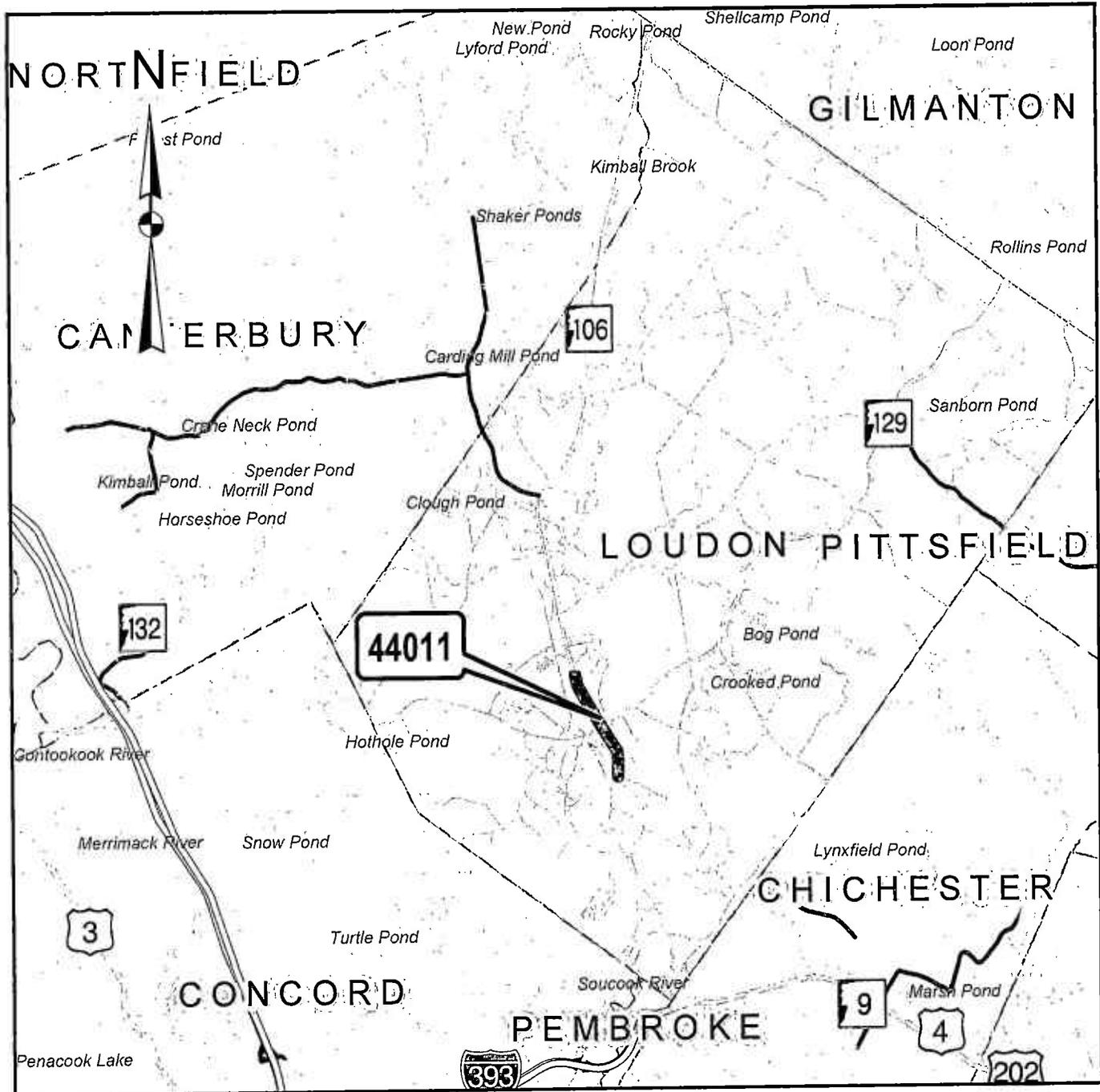
PROJECT INITIATED: State's 10 Year Plan, under the Culvert Replacement/Rehabilitation and Drainage Repair (CRDR) Program.

PROJECT EXPLANATION: This project originally advertised on May 23, 2023. Only 1 bid was received at 76.1% over the PS&E Estimate. The Contract was not awarded. For Re-Advertising, no changes to the design are proposed. Construction has been re-scheduled for the 2024 season. The culverts were constructed in 1977. There are no known modifications since original construction. There is no history of flooding associated with these culverts. The 30" cmp and 43" x 27" cmp have varying amounts of corrosion and perforations. The 18" cmp is buried on both ends and is below the average ponded wetland elevation. Delaying the work risks failure and resulting roadway impacts at the 43" x 27" arch culvert, upstream flooding at the 18" cmp crossing, and further deterioration of the 30" cmp which might make rehabilitation impractical.

TRAFFIC IMPLICATION: Lane closures using one lane alternating two-way traffic under flagger control are anticipated for access to the 30" cmp outlet and for the pipe replacements. Lane closures will not be allowed during the hours of 6 am to 7 pm. Pipe trenches will be paved in prior to the Friday constructed. Occasional daytime shoulder closures are also anticipated at each location. Speed reduction, from 55 to 45 is proposed during work operations that require lane and/or shoulder closures. Roadway will be returned to normal operation during non-work hours.

FINAL COMPLETION DATE: October 11, 2024

LOUDON - NH ROUTE 106

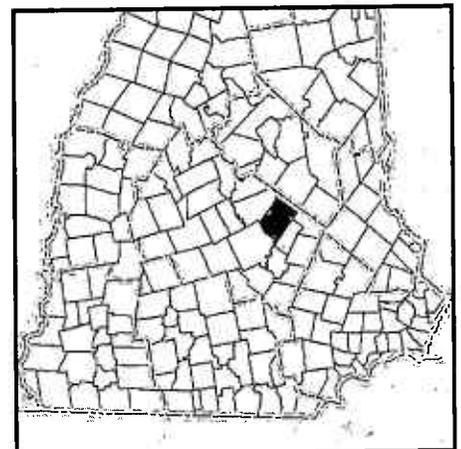


LEGEND

- Streams
- Water Bodies
- US Routes
- State Routes
- Interstates
- Local Roads
- Town Boundary



State #: 44011
 Federal #: X-A005 (284)
LOCATION MAP



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 BUSBY CONSTRUCTION CO., INC. is a New Hampshire Profit Corporation registered to transact business in New Hampshire on August 02, 1979. 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: 5783

Certificate Number: 0006193379



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 2nd day of April A.D. 2023.

A handwritten signature in black ink, appearing to read "David M. Scanlan".

David M. Scanlan
Secretary of State

CERTIFICATE OF VOTE

I, Virginia A. Busby Hereby certify that I am duly elected
Secretary/Treasurer of Busby Construction Co., 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 October 6, 2023, at which a quorum of the Board was present
and voting.

VOTED: That Paul D. Busby is duly authorized
to enter into a specific contract namely LOUDON X-A005(284) 44011
With State of New Hampshire, Dept. of Transportation, and further authorized to
execute any documents which may in his 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 October 6, 2023, and that
Paul D. Busby is duly elected President of this
Corporation.

DATED: October 6, 2023

ATTEST: Virginia A. Busby (Affix Corp. Seal)
Virginia A. Busby, Secretary/Treasurer

