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State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

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

Charles M. Arlinghaus
Commissioner

Catherine A. Keane
Deputy Commissioner

Sheri L. Rockburn
Assistant Commissioner

August 6, 2024

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 Aberthaw Construction Company, Inc. (VC#161996), Lowell, Massachusetts, for a total price not to exceed \$782,938 for Project No. 81289 for South Beach Bathhouse Renovation located in Hampton, NH. The contract is effective upon Governor and Council approval through May 23, 2025, unless extended in accordance with the contract terms.
50% Capital Funds; 50% Federal Funds
- 2) Further authorize that a contingency in the amount of \$25,000 be approved for unanticipated site expenses.
50% Capital Funds; 50% Federal Funds
- 3) Further authorize the amount of \$35,000 be approved for payment to the Department of Administrative Services, Division of Public Works Design and Construction (VC#311152), for engineering and project management services provided. **50% Capital Funds; 50% Federal Funds**

Funding is available in the following accounts:

	<u>FY 2025</u>
030-035-93380000 L21:1 XI, 2-Toilet Bldg Upgrades	
034-50162 – Repair / Renovate Buildings	\$ 782,938
	Contract Total \$ 782,938
034-50162 – Repair / Renovate Buildings – Contingency	\$ 25,000
034-50162 – Repair / Renovate Buildings – DPW Fees	\$ 35,000
	Project Total \$ 842,938

EXPLANATION

Pursuant to Chapter 107:1, XI, 2, Laws of 2021, funds are available for the Renovation of the existing South Beach Bathhouse, and to add an outside shower area in Hampton, NH. The project includes demolition, exterior concrete, finishes, plumbing, mechanical and electrical improvements.

South Beach Bath House is an aging facility without accessible changing rooms. Interior renovations are needed to provide accessible changing rooms, new sanitary finishes, new wall mounted toilet fixtures, accessories and toilet partitions.

A public bid opening was held on June 05, 2024. Four (4) bid proposals were received and the contract was awarded to the lowest qualified bidder. The low bid is 2.3% under the Department estimate and is considered within industry standards.

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.

Respectfully submitted,



Charles M. Arlinghaus,
Commissioner

Department Estimate:	\$ 801,600
Low Base Bid (without Alternates):	<u>\$ 782,938</u>
Under Estimate:	\$ 18,662



ABC Bid Data

HAMPTON
81289B
81289B

PROJECT: HAMPTON
STATE PROJECT NUMBER: 81289B
FED. PROJECT NUMBER: 81289B
DATE BIDS OPEN: June 05, 2024, 2:00
SCOPE OF WORK: SOUTH BEACH BATHHOUSE RENOVATIONS
COMPLETION DATE: May 23, 2025
LOCATION: Rockingham

Awarded To:

Amount: \$0.00
Award Date:

Certified by: _____
Director of Project Development

Summary of Bidders

Contractor	Bid Amount	Rank
ABERTHAW CONSTRUCTION CO INC 672 SUFFOLK STREET, SUITE 200, LOWELL MA 01854-3608	\$782,938.00	A
CARENO CONSTRUCTION CO., LLC 270 WEST ROAD STE 4, PORTSMOUTH NH 03801-7611	\$929,000.00	B
D. L .KING & ASSOCIATES INC. 45 BATES ROAD, MERRIMACK NH 03054	\$964,000.00	C
BUCK, T. CONSTRUCTION, INC. 302B AUBURN ROAD, TURNER ME 04282	\$983,605.00	D

BID AWARD

Award To: Aberthaw Construction Co., Inc.
Contract Award: \$ 782,938.00
Negotiated: Yes/No?: NO
Alternates: Yes/No?: NO
Using Agency: DNCR
Authorized By: Theodore Kupper, PC
Date: 06132024

Item 901: \$ 732,938.00 Item 906: \$ _____
Item 902: \$ 50,000.00 Item 907: \$ _____
Item 903: \$ _____ Item 908: \$ _____
Item 904: \$ _____ Item 909: \$ _____
Item 905: \$ _____ Item 910: \$ _____

BASE BID TOTAL: \$ 782,938.00

Alternate #1: \$ _____ Alternate #6: \$ _____
Alternate #2: \$ _____ Alternate #7: \$ _____
Alternate #3: \$ _____ Alternate #8: \$ _____
Alternate #4: \$ _____ Alternate #9: \$ _____
Alternate #5: \$ _____ Alternate #10: \$ _____

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GRAND TOTAL: \$ 782,938.00



Division of Public Works

ABC Bid Data

HAMPTON

81289B

81289B

Item No.	Description	Unit	Quantity	PSSE		ABERTHAM CONSTRUCTION CO INC 672 SUFFOLK STREET LOWELL, MA 01854-3476		CARENO CONSTRUCTION CO, LLC 276 WEST ROAD STE 4 PORTSMOUTH, NH 02801-3611	
				Unit Price	Total	Unit Price	Total	Unit Price	Total

Items

901	RENOVATIONS OF SOUTH BEACH BATHHOUSE	U	1.00	\$751,600.00	\$751,600.00	\$732,938.00	\$732,938.00	\$879,000.00	\$879,000.00
902	ALLOWANCE FOR OWNER'S CHANGES AND UNFORESEEN CONDITIONS	S	\$0,000.00	\$1.00	\$50,000.00	\$1.00	\$50,000.00	\$1.00	\$50,000.00
Totals:					\$801,600.00		\$782,938.00		\$929,000.00
ALL Totals:									
Totals:					\$801,600.00		\$782,938.00		\$929,000.00



Division of Public Works

ABC Bid Data

HAMPTON

81289B

81289B

Item No.	Description	Unit	Quantity	BID		D. L. HOND & ASSOCIATES INC. 45 BATES ROAD MERRIMACK, NH 03054		BUCK, T. CONSTRUCTION, INC. 3078 AUBURN ROAD TURNER, ME 04783	
				Unit Price	Total	Unit Price	Total	Unit Price	Total

Items

801	RENOVATIONS OF SOUTH BEACH BATHHOUSE	U	1.00	\$751,600.00	\$751,600.00	\$914,000.00	\$914,000.00	\$933,605.00	\$933,605.00
802	ALLOWANCE FOR OWNER'S CHANGES AND UNFORESEEN CONDITIONS	\$	50,000.00	\$1.00	\$50,000.00	\$1.00	\$50,000.00	\$1.00	\$50,000.00
Totals:					\$801,600.00		\$964,000.00		\$983,605.00
Alt. Totals:									
Totals:					\$801,600.00		\$964,000.00		\$983,605.00



PS&E Comparison

HAMPTON
81289B
81289B

Item No.	Description	Unit	Quantity	A-Bidder		PS&E		A-PS&E Difference
				Unit Price	Total	Unit Price	Total	
Items								
901	RENOVATIONS OF SOUTH BEACH BATHHOUSE	U	1.00	\$732,938.00	\$732,938.00	\$751,600.00	\$751,600.00	(\$18,662.00)
902	ALLOWANCE FOR OWNER'S CHANGES AND UNFORESEEN CONDITIONS	\$	50,000.00	\$1.00	\$50,000.00	\$1.00	\$50,000.00	\$0.00
Total:					\$782,938.00		\$801,600.00	(\$18,662.00)



Division of Public Works

Bid Report

The undersigned, hereinafter referred to as principal or bidder, hereby proposes to furnish all materials and perform all labor necessary to complete the work described in the caption hereof, in accordance with the plans, current Standard Specifications, and special provisions, for the prices set for in the Total Bid. Failure to complete and submit this bid in its entirety or falsification of bid documents will result in the entire proposal being considered irregular and may be rejected by the Department of Administrative Services, Division of Public Works. Plans and specifications on this project cannot be transferred to any other firm or organization for the purpose of submitting a bid as a general contractor without the knowledge and authority of the department. Those who sign (manually and electronically) and the firm for which they are authorized to sign, do so under the penalty of perjury as specified by the laws of the United States and the State of New Hampshire.

Federal Contract Number: **81289B HAMPTON**

Contractor Profile

Firm **ABERTHAW CONSTRUCTION CO INC**
Contractor ID **161996**
Address **672 SUFFOLK STREET, SUITE 200
LOWELL MA 01854-3608**

Phone **(978)654-4500**
FAX
E-Mail **allistair.former@aberthawcc.com**

Authorized Signature: 1s/ Sean Cashman

Bid Bond

Verified

Auth Code/Check# **snh0604740073**

Receipt of Addenda

Sequence	Date	
1	05/16/2024	Yes
2	06/03/2024	Yes

**Department of Administrative Services, Division
of Public Works**

Total Bid for Award Consideration

Proposal

\$782,938.00

Contract Number: 81289B

Bid Opening Date: 05-Jun-2024

Contract Name: HAMPTON

Project Funding: Federal

Proposal For: 161996 - ABERTHAW CONSTRUCTION CO
INC

Items

Seq#	Item #	Description	Unit	Quantity	Unit Price	Extended Price
1	901	RENOVATIONS OF SOUTH BEACH BATHHOUSE	U	1.000	\$732,938.00	\$732,938.00
2	902	ALLOWANCE FOR OWNER'S CHANGES AND UNFORESEEN CONDITIONS	\$	50,000.000	\$1.00	\$50,000.00

Total for Category Items \$782,938.00

**Total Bid for Award
Consideration**

\$782,938.00

Proposal

Proposal Of

ABERTHAW CONSTRUCTION CO INC
672 SUFFOLK STREET, LOWELL MA, 01854-3608

to furnish and deliver all materials and to perform all work in accordance with the Contract of the State of New Hampshire, Department of Administrative Services, Division of Public Works for which proposals will be received until 2:00:00 PM, Prevailing Time on Wednesday, June 5, 2024. Said project being situated as follows:

SOUTH BEACH BATHHOUSE RENOVATIONS

Department of Administrative Services, Division of Public Works
John O. Morton Building
P. O. Box 483
Concord, NH 03302-0483

Commissioner:

In accordance with the advertisement of the Department of Administrative Services, Division of Public Works inviting proposals for the project hereinbefore named and in conformity with the Plans and Specifications on file in the office of the Department of Administrative Services, Division of Public Works, I/WE hereby certify that I AM/WE ARE the only person, or persons, interested in this proposal as principals; that this proposal is made without collusion with any person, firm or corporation; that an examination has been made of the Plans, of the Standard Specifications, of the Standard Plans Book, of the Proposal, and applicable addendums, including but not restricted to the Special Attentions, Supplemental Specifications, and Special Provisions attached thereto, and also that an examination has been made of the site of the work; and I, or we, propose to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials specified in the manner and at the time prescribed; and understand that the quantities of work as shown herein are approximate only and are subject to increase or decrease, and further understand that all quantities of work whether increased or decreased are to be performed at the following prices:

I acknowledge, understand, and accept these terms and conditions.

Yes No

Signature /s/ Sean Cashman

SIGN-FED

It is further proposed:

To execute the Contract and begin work within 10 days from the date specified in the "Notice to Proceed" and to prosecute said work so as to complete the Project and its appurtenances on or before May 23, 2025.

To furnish a Contract Bond in the amount of 100 per cent of the Contract award, as security for the construction and completion of the Project and its appurtenances in accordance with the Plans, Specifications and Contract. The Contractor's attention is called to section 103.05 of the Standard Specifications which reads, in part, as follows: "Unless specifically waived in the Proposal, upon execution of the Contract, the successful Bidder shall furnish the Department a surety bond or bonds equal to the sum of the Contract amount. The form of the bonds(s) shall be acceptable to the Department and the bonding Company issuing the bond(s) shall be licensed to transact business in the State of New Hampshire, and ..."

To certify that the Bidder, in accordance with the requirements of 103.06 and 108.01, intends to sublet, assign, sell, transfer or otherwise dispose of one or more portions of the work and (1) has contacted the appropriate listed disadvantaged businesses and afforded such disadvantaged businesses equal consideration with non-disadvantaged business for all work the Bidder currently proposes to sublet, assign, sell, transfer or otherwise dispose of, (2) may contact additional appropriate disadvantage businesses and will afford such businesses equal consideration with non-disadvantaged businesses for all work the Bidder in the future proposes to sublet, assign, sell, transfer or otherwise dispose of, and (3) will complete enclosed "DISADVANTAGED BUSINESS ENTERPRISE COMMITMENT FORM" and Letters of Intent for each disadvantaged business. The name of the person in the Bidder's organization who has been designated as the liaison officer to administer the disadvantaged business enterprise program is:

ABERTHAW CONSTRUCTION CO INC

To guarantee all of the work performed under this Contract to be done in accordance with the Specifications and in good and workmanlike manner, and to renew or repair any work which may be rejected, due to defective materials or workmanship, prior to final completion and acceptance of the project.

Enclosed herewith find certified check or bid bond in the amount of 5% OF THE BID TOTAL made payable to the "Treasurer, State of New Hampshire," as a proposal guarantee which it is understood will be forfeited in the event the Contract is not executed, if awarded by the Department to the undersigned.

I acknowledge, understand, and accept these terms and conditions.

Yes No

Signature /s/ Sean Cashman

Debarment, Suspension, and Others

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions.

(1). The prospective primary participant certifies to the best of its knowledge and belief, that it and all its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification and (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. (2). Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

I acknowledge, understand, and accept these terms and conditions.

Yes No

Signature Isl Sean Cashman

Contract Affidavit

I/We declare under penalty of perjury under the laws of the United States and the State of New Hampshire that, in accordance with the provisions of Title 23 USC, Section 112(c), have not either directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this Proposal.

I acknowledge, understand, and accept these terms and conditions.

Yes No

Signature Isl Sean Cashman

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 ABERTHAW CONSTRUCTION COMPANY, INC. is a Massachusetts Profit Corporation registered to transact business in New Hampshire on March 17, 1992. 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: 168291

Certificate Number: 0006668479



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 15th day of April A.D. 2024.

A handwritten signature in black ink, appearing to read "D. Scanlan", is written over a faint circular stamp.

David M. Scanlan
Secretary of State

Corporate Resolution

I, Sean Cashman, hereby certify that I am duly elected Clerk/Secretary/Officer
(Name)
of Aberthaw Construction Company, Inc. I hereby certify the following is a true copy of a vote
taken at
(Name of Corporation)

a meeting of the Board of Directors/shareholders, duly called and held on June 25, 2024,
at which a quorum of the Directors/shareholders were present and voting.

VOTED: That Jeffrey Alley, President (may list more than one person) is
(Name and Title)

duly authorized to enter into contracts or agreements on behalf of

Aberthaw Construction Company, 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: June 25, 2024

ATTEST:  Secretary
(Name & Title)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/11/2024

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 DeSanctis Insurance Agency, Inc. 100 Unicorn Park Drive Woburn, MA 01801	CONTACT NAME: Paul Patalano	
	PHONE (A/C, No, Ext): (781) 569-0146	FAX (A/C, No):
E-MAIL ADDRESS: ppatalano@desanctisins.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Atlantic Specialty Insurance Company		27154
INSURED Aberthaw Construction Company, Inc., State of New Hampshire Dept of Administrative Services, any and all subs, and all others employed on the premises. c/o Aberthaw Construction Co, Inc. 672 Suffolk Street, Suite 200 Lowell, MA 01854	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

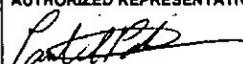
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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
	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 OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <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) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Builders Risk Reno			7900398130000	7/10/2024	7/10/2025	Renovation 782,938
A	Builders Risk			7900398130000	7/10/2024	7/10/2025	Deductible 5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: State of NH- South Beach Bathhouse Renovations - Project No. 81289B
Location: 8 State Park Road, Hampton, NH 03842
Special Cause of Loss Form / Waiver of Subrogation applies
Temp Storage limit: \$25,000
In Translt Limit: \$25,000

CERTIFICATE HOLDER

CANCELLATION

State of New Hampshire c/o Dept of Administrative Services 7 Hazen Drive, Room 250 Concord, NH 03302	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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