



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

77 - 8/19/26



July 28, 2026

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Contingent upon approval of the corresponding request on the consent agenda to amend an agreement with Kingsbury Companies, LLC, authorize the Department of Environmental Services (NHDES) to **RETROACTIVELY** amend an agreement (POs #7003660 & 1097388) with Michels Construction, Inc., Brownsville, WI (VC# 479659-B001) by extending the end date to July 1, 2027 from June 30, 2026, to address unforeseen issues related to defective discharge gates at the Goose Pond Dam Rehabilitation Project in Canaan and to adjust the funding between accounting units, effective as of July 1, 2026 through July 1, 2027, upon Governor and Council approval. The original agreement was approved by Governor & Council on January 10, 2024, Item #56, and amended on December 17, 2025, Item #52. This is a no cost time extension with funding adjustments. Funding is 89.1% American Rescue Plan Act (ARPA) Funds and 10.9% Capital (General) Funds. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(D) to make necessary investments in general government services.

Funding is available in the following accounts:

Fiscal Year	Account 03-44-44	Title	Current Budget	Increase (Decrease) Amount	Revised Budget
2027	440010-2657-102-500731	ARPA DES Loans, Contracts for Program Services	\$5,993,190	(\$209,705.96)	\$5,783,484.04
2027	440030-9309-034-500161	L21- IV2, Dam Repairs & Reconst, Capital Projects	\$500,000	\$209,705.96	\$709,705.96
		Totals	\$6,493,190	\$0	\$6,493,190

EXPLANATION

This request is **RETROACTIVE** due to unforeseen complications encountered during final testing of the newly installed gates in June 2026 at the state-owned high-hazard Goose Pond Dam in Canaan. Preliminary testing in 2025 required adjustments to the gates but final testing was postponed until June 2026 when water levels were such that full pressure testing could occur. During full pressure tests in June 2026 the seals on both discharge gates became dislodged and further investigations indicated that the gates were improperly manufactured and will need to be repaired or replaced in order to meet project specifications.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 • TDD Access: Relay NH 1-800-735-2964

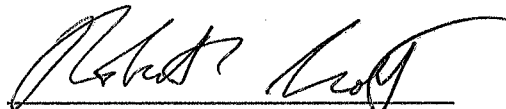
Repairs or replacement of the gates cannot occur for several months and an extension of the end date of the contract is needed. This time extension is necessary to ensure the gate system functions reliably and safely, and to allow for proper testing and commissioning under appropriate conditions.

In addition, because final payment of certain bid items and project retainage cannot be released until the satisfactory installation and testing of the replacement gates is complete, final payments cannot be made until after the deadline for paying invoices using ARPA funds. As a result, NHDES seeks to adjust funding for the contract to release the remaining ARPA funds and provide additional Capital Funds to cover the balance.

Michels Construction has agreed to continue work under the original contract terms. To date, \$6,083,506.26 has been expended from the original \$6,493,190.00 contract.

This amendment has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval.


Robert R. Scott, Commissioner

**AMENDMENT #2
TO
AGREEMENT
BETWEEN THE
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
MICHELS CONSTRUCTION, INC.**

CONSTRUCTION SERVICES - GOOSE POND DAM, CANAAN, NH

WHEREAS the State of New Hampshire Department of Environmental Services ("NHDES") has entered into an Agreement with Michels Construction, Inc. in the amount of \$6,493,190 for construction services for the rehabilitation of Goose Pond Dam in Canaan, NH, through October 31, 2025, which was approved by Governor and Council on January 10, 2024, as Item #56.

WHEREAS NHDES and Michels Construction, Inc., executed an Amendment 1 to the Agreement to extend the end date to June 30, 2026 from October 31, 2025, which was approved by Governor and Council on December 17, 2025, as Item #52.

WHEREAS repair and testing of both the low-level gates installed at the base of Goose Pond Dam, although completed on schedule, did not result in passing the final pressure test conducted in June 2026, and repairs or replacement of the gates will not be available prior to the end date of the current contract.

WHEREAS the project is near completion and, as such, the construction can be most efficiently and cost-effectively completed by Michels Construction, Inc., under the Agreement.

WHEREAS NHDES wishes to execute an Amendment to the Agreement to provide a no-cost extension of the completion date of the Agreement to July 1, 2027, from June 30, 2026, and adjust the funding between accounting units for this contract with Michels Construction, Inc., to replace \$209,705.96 of the ARPA Funds with Capital funds, upon Governor & Council approval.

WHEREAS Michels Construction, Inc., has agreed to extend the current Agreement.

NOW THEREFORE, amend the original Agreement as amended between NHDES and Michels Construction, Inc. as approved by Governor and Council on January 10, 2024, as Item #56, and amended as approved by Governor and Council on December 17, 2025, as Item #52, in the following manner:

Change section 1.7 (Completion Date) in the General Provisions of the Agreement to read:
July 1, 2027.

In Exhibit C, replace the four lines under "Funding is provided as follows:" with the following:

03-44-44-440010-2657-102-500731 \$5,783,484.04

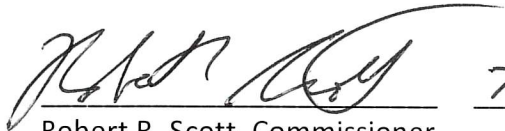
Dept. of Environmental Services, --GOOSE POND DAM IMPROVEMENTS--, ARPA Projects

03-44-44-440030-9309-034-500161 \$709,705.96

Dept. of Environmental Services, --GOOSE POND DAM IMPROVEMENTS--, Capital Projects

Insert in EXHIBIT C, a new paragraph, ARPA Costs and Payment to read, "Final request for reimbursement of American Rescue Plan Act (ARPA) funds included as part of this Agreement shall be submitted no later September 30, 2026."

All other conditions outlined in the contract shall remain in effect.

 7/29/26
Robert R. Scott, Commissioner Date
Department of Environmental Services

 7/28/26
Eric Justman, President Date
Michels Construction, Inc.

 7/30/26
Assistant Attorney General Date
Department of Justice
(as to form, substance, and execution)

CERTIFICATE OF AUTHORITY

The undersigned hereby certifies that he is the Secretary of MICHELS CONSTRUCTION, INC., a Delaware corporation (the "Company") and, as such, is duly authorized to execute and deliver this Certificate on behalf of the Company, and further certifies that:

1. He has access to the original books and records of the Company and is authorized to make and deliver this Certificate;

2. The individual named below has been duly appointed to, and currently holds the office of the Company set forth opposite his name:

OFFICER:

Eric Justman

COMPANY OFFICE:

President

3. That Article 4.09 of the Company's By-Laws provides, in relevant part, that the President of the Company holds the following powers with respect to the execution of contracts on behalf of the Company:

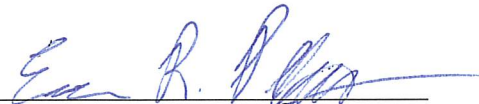
He shall have authority to sign, execute and acknowledge, on behalf of the Corporation, all deeds, mortgages, bonds, stock certificates, contracts, leases, reports and all other documents or instruments necessary or proper to be executed in the course of the Corporation's regular business

4. That, as President of the Company, and in accordance with the above-referenced Article of the Company's By-Laws, the President has full power and authority to execute, enter into, and bind the Company with respect to the contract for the completion of the Goose Pond Dam – NHDES #D036001 Improvements Project for the New Hampshire Department of Environmental Services - Dam Bureau;

5. The representations set forth herein are furnished to the New Hampshire Department of Environmental Services - Dam Bureau, as the owner of the subject project with the knowledge that the owner for the project will rely upon these representations.

IN WITNESS WHEREOF, I hereunder subscribe my name effective as of the 25th day of June, 2026.

MICHELS CONSTRUCTION, INC.,

By: 

Name: Eric Platt

Title: Secretary

State of New Hampshire

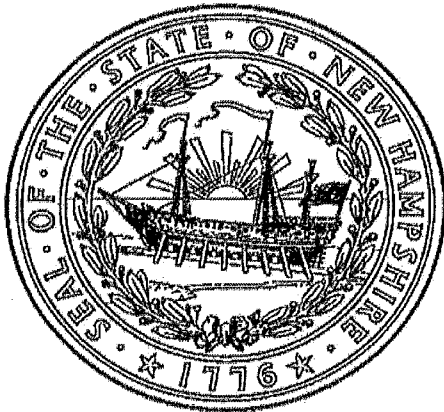
Department of State

CERTIFICATE

I, David M. Scanlan, Secretary of State of the State of New Hampshire, do hereby certify that MICHELS CONSTRUCTION, INC. is a Delaware Profit Corporation registered to transact business in New Hampshire on July 12, 2021. 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: **876027**

Certificate Number: **0007956238**



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 25th day of June A.D. 2026.

A handwritten signature in black ink, appearing to read "David M. Scanlan", is written over a circular stamp that partially overlaps the seal of the State of New Hampshire.

David M. Scanlan
Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 1

DATE (MM/DD/YYYY)
01/13/2026

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 Willis Towers Watson Midwest, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT WTW Certificate Center NAME: PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@wtwco.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED Michels Construction Inc. 817 Main Street P.O. Box 128 Brownsville, WI 53006	INSURER A: Greenwich Insurance Company	NAIC # 22322
	INSURER B: XL Insurance America Inc	24554
	INSURER C: XL Specialty Insurance Company	37885
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** W43653303**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 SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:		CGD740955309	02/01/2026	02/01/2027	EACH OCCURRENCE \$ 5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 3,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 10,000,000
	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED ☐ NON-OWNED ☐ AUTOS ONLY		CAD740955409	02/01/2026	02/01/2027	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	B ☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$		US00077661LI26A	02/01/2026	02/01/2027	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	C 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 No N/A		CWD740955109	02/01/2026	02/01/2027	☒ PER STATUTE ☐ 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
C	Workers Compensation - WI and Employers Liability Work Comp: Per Statute		CWR740955209	02/01/2026	02/01/2027	E.L. Each Accident \$1,000,000 E.L. Disease-Each Emp \$1,000,000 E.L. Disease-Pol Lmt \$1,000,000

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

Project: Goose Pond Dam Improvements, 538 Goose Pond Road, Canaan, NH.

CERTIFICATE HOLDER**CANCELLATION**NH Department of Environmental Services
29 Hazen Drive
PO Box 95
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

© 1988-2016 ACORD CORPORATION. All rights reserved.

ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

SR ID: 29233475

BATCH: 4277429