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Newsletter for the Commercial Construction Industry

AGC of NH Promotes Existing Methods for Achieving Best Value in Construction

AGC of NH’s Board of Directors recently approved a position paper drafted by the Association on construction procurement policies. The paper focused on New Hampshire’s current method for contract awards that includes a pre-qualification process, delivery methods, and post-project evaluation procedure. To accompany the paper, the Association also developed a chart of delivery methods to better illustrate what type of projects each method fits best. AGC of NH believes that using these existing tools results in a high quality finished product. AGC of NH sent the position paper to Speaker of the House Representative William O’Brien, Department of Transportation Commissioner George Campbell, and Bureau of Public Works Director Michael Connor on January 21 to clarify the Association’s position on construction procurement policies.



The paper was also in response to legislation that was filed in the 2010 legislative session, which promoted best value contracting. Best value contracting, as described in the bill uses subjective measures such as whether a contractor provides health insurance, has an apprenticeship program, etc. to award a contract. AGC of NH worked extensively to oppose this bill. AGC of NH’s Gary Abbott testified during several hearings that using quantifiable measures such as past performance and skill is a better way to award a contract.

The bill resulted in a task force to study best value contracting. In response, AGC of NH formed its own association committee to develop a plan of action to illustrate to the task force that the best way to award construction-related contracts is through methods that look at past performance, skill, etc. and to use a delivery method that best fits the scope of the project. To read the position paper in its entirety, turn to [page 5](#).

AGC of NH Supports Transportation Reauthorization

AGC of NH recently drafted a position paper on how a Federal multi-year transportation authorization bill would support New Hampshire. The Association’s Board of Directors have approved the position paper, and AGC of NH will now use it as an educational tool for our Congressional and state leaders. The paper highlights that a transportation authorization bill will help New Hampshire’s Department of Transportation better program the ten-year transportation plan because the Department would have knowledge of consistent funding levels. The paper also touches on other important transportation issues such as funding levels, priorities, and rail.

AGC of NH has sent the position paper to Congressional leaders Senators Kelly Ayotte and Jeanne Shaheen, along with Representatives Frank Guinta and Charlie Bass. The Association hopes that the Senators and Representatives will take AGC of NH’s position into consideration as transportation authorization legislation is introduced. To read the position paper, turn to [page 7](#).

The Associated General Contractors of NH, Inc.
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U.S. House Votes to Repeal Health Care Reform Law

A mostly Republican U.S. House voted 245 to 189 to repeal the Health Care Reform Law, as was promised by many Republicans on the campaign trail. While the House successfully repealed it, it is unlikely that the repeal will follow through to the Senate. Even if it were, it would likely receive a Presidential Veto.

The House repeal does make way for legislators to begin crafting an alternative to the current law. AGC of America has said that Republicans will now focus on removing the law through a piecemeal process that includes hearings, funding cuts, and targeting specific portions of the law. In the coming weeks, House Republicans will focus on oversight investigations and hearings into the costs of the law, mandates on employers and the cost to states.

AGC of America further reports that while Republicans and Democrats have differing views on many parts of the law, there is some bipartisan support to repeal the 1099 reporting requirement. The current law requires that beginning in 2012, government, nonprofits, and businesses of all size must file Form 1099s with the IRS when goods and services are purchased without a credit card from another business in excess of \$600 in a year.

Save 20% on ConsensusDOCS Until March 1

ConsensusDocs is offering a 20% discount on all new ConsensusDOCS subscriptions from now until March 1. ConsensusDOCS is also introducing two new and ten revised contracts. New documents include: 703 Standard Purchase Agreement for a Contractor, and Exhibit E Insurance Requirements to 725 Standard Subcontract Agreement. To receive the 20% discount, visit <http://consensusdocs.org> and use Partner Code DOCS and Promotion Code 200.

ConsensusDOCS is construction contract service that was developed by a coalition of 28 industry associations including AGC of America. Their unique development ensures that contractors, owners, subcontractors, designers, and more are recognized equally in the contracting procedure. AGC of NH members receive 20% off all ConsensusDOCS products purchased through the AGC Bookstore. Use the bookstore link at www.agcnh.org to get to the AGC Bookstore.

AGC of America's General Counsel Named a 2010 ENR Newsmaker

Engineering News Record (ENR) included AGC of America's general counsel Mike Kennedy as one of its top 25 Newsmakers for 2010. Kennedy has been working steadily with the construction industry to reach a compromise on California's emissions rule for over two years. The compromise with the California Air Resources Board (CARB) was reached on December 16, 2010.

The rules are now based on lower estimates of off-road diesel equipment emissions. Additionally, the start of the requirements will be delayed until January 1, 2014. Kennedy said the following about the outcome, "I think this California rule-making issue was always viewed as a national issue. Had the board allowed the rule to be enforced, any state would have been free to adopt the same rule, jeopardizing the viability of AGC member companies across the U.S."

ENR chooses its Newsmakers each year to honor individuals for significant achievements benefitting the construction industry. ENR is a construction-industry publication that features articles on construction economics, hot topics, and more. AGC of NH members are entitled to discounted subscriptions. More information on this emissions rule and the discount offer can be found at www.agc.org.

New AGC of America LEED Publication

AGC of America has just released *Guide to LEED 2009 Estimating and Preconstruction Strategies*. This book walks the reader through the LEED 2009 for New Construction process, offering advanced techniques for estimating the actual costs for building green. It serves as a primer to price-assessment strategies for high-performance commercial and institutional projects.

AGC of NH members receive discounted pricing on this item. Use the bookstore link from AGC of NH's website, www.agcnh.org, click on "Management & Operations" and then on "Environmental & Compliance." Once you have found the publication you can log in with your AGC of America username and password to receive member pricing.



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Bi-State Commission Finishes Study on Kittery, ME- Portsmouth, NH Bridges



The Maine- New Hampshire Bi-State Bridge Funding Task Force has recommended that the two states work cooperatively to maintain three interstate bridges: the Sarah Mildred Long bridge, the Memorial bridge, and the I-95 High Level bridge. This recommendation comes as the task force completes its funding study for the bridges. The task force recognized the need for these bridges to remain open as they provide a vital commerce link between the two states, the rest of the county, and internationally.

The task force also determined that three bridges should be maintained to serve the needs of the existing modes of transportation, which includes vehicles, railroad, bicycles, and pedestrian. The task force found towards the end of the study that extra-ordinary funding measures are needed to address the issues associated with the three bridges. Financially, the task force surmised that the capital, operation, and maintenance expenditures required by the bridges over the next 30 year would be approximately \$506.4 million.

Upon completion of the study, the task force has made the following recommendations:

Upon completion of the study, the task force has made the following recommendations:

- Construct the Memorial Bridge replacement beginning in 2011 using a combination of TIGER II Grant Funds, FHWA funds, and MaineDOT and NHDOT Bridge Funds.
- Construct the recommended Sarah Mildred Long Bridge option beginning in 2016 using a combination of FHWA funds, NH Bureau of Turnpike funds, Maine Turnpike Authority funds, MaineDOT and NHDOT funds, and Department of Defense funds.
- Create a sinking fund that would be contributed to equally by each state to be used for the continued Capital Repair and Rehabilitation of the Sarah Mildred Long and I-95 High Level Bridges, using state and federal funding when necessary to address short falls.
- No recommendation is being made by the Task Force on tolling, which if thought to be necessary would be considered by future Legislatures of the two States.
- Continue to share operation and maintenance costs for all three bridges equally between the two states. Combine bridge operator duties to significantly reduce operator costs.
- Revitalize the Interstate Bridge Authority (IBA) to oversee all three bridges and to serve as Funds' Administrator of the Sinking Fund. This includes a re-establishment of the IBA, extending its charter to include the High Level Bridge, use the IBA to oversee and manage the Sarah Mildred Long and High Level bridges, and to act as a fiduciary entity to oversee, manage and distribute monies from the sinking fund. IBA members will be selected from each state.

The complete report is available on New Hampshire's Department of Transportation website, www.nh.gov/dot, under the "What's New" section of the homepage.

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Defining Construction Value in New Hampshire

AGC of NH Position Paper

January 20, 2011

The Associated General Contractors of New Hampshire (AGC of NH) believes that New Hampshire already possesses a best value method of contractor selection. Best value in construction is achieved by choosing the contractor that has the experience and skills necessary to adequately complete the job. The contracting agencies (mainly Administrative Services and the Department of Transportation) have pre-qualification requirements that look at experience, skill, financial strength, etc. as a way of measuring their competence to complete a project. The pre-qualification process creates a list of capable construction firms for the state to choose from. This ensures that whichever contractor is awarded the contract; they are able to do the work.

Following the pre-qualification process, the state has another safeguard towards best value in the form of delivery methods. Delivery methods such as competitive bid, construction management, and design-build have unique characteristics that lend themselves to particular projects (Please see the attached chart for an in-depth look at these delivery methods). AGC of NH believes that the long-standing method of competitive bid has achieved best value in the past and will continue to do so in the future. However, the Association also recognizes that in some instances the choice of delivery method is important, and that design-build or construction management may be better suited to a particular project than competitive bid would be. The state already has laws in place which grant the Department of Transportation and Administrative Services the authority to choose which delivery method is best suited for a project. It is this flexibility that will ensure the best possible outcome. Additionally, the post-construction evaluation process allows the state to rate the contractor and project outcome providing guidance for future projects.

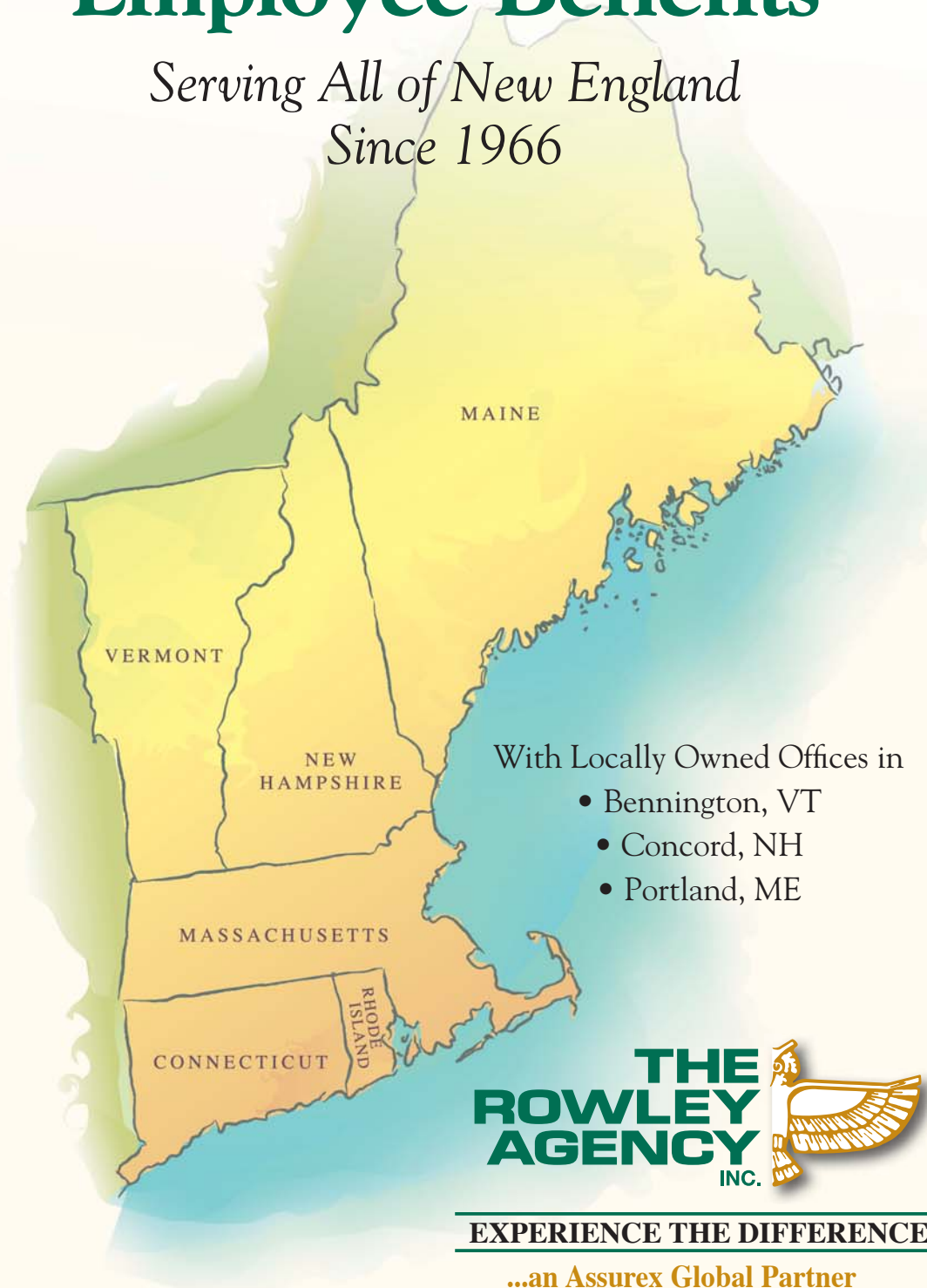
AGC of NH believes that New Hampshire's state agencies already have the necessary tools, pre-qualification, delivery methods, and the evaluation process to achieve best value in construction. AGC of NH recognizes that periodically these tools must be updated to better suit the changing needs of the state. The Association supports making necessary changes, and is willing to offer assistance to the agencies to work on these improvements.

Respectfully Submitted,

Gary A. Abbott
Executive Vice President

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AGC of NH Supports Transportation Reauthorization

The Associated General Contractors of NH (AGC of NH) was founded in 1949 and has long been a proponent of adequately and sustainably funding New Hampshire's transportation system. AGC of NH recognizes the link between a sound transportation system and a healthy economy. Transportation funding provides the means for job creation, improvements to our state, and a connection to the rest of the country. The following points highlight AGC of NH's position on transportation funding.

- A multi-year, sustainable transportation authorization is needed.
 - The multi-year authorization will allow New Hampshire to better program its ten-year transportation plan.
- The funding allocation formula should ensure that New Hampshire is getting its fair share. New Hampshire should continue to get more than it sends to the federal government.
- Regulations attached to the allocation should be minimal. New Hampshire should have the ability to match the federal allocation with the state's needs.
- "Special projects" or other similar transportation priorities should coincide with the New Hampshire's ten-year transportation plan.
- The Highway Trust Fund should remain a separate account from the general fund, and should not be included as part of the entire deficit.
 - AGC of NH supports the overall recommendations of the recent Deficit Commission's report. The Commission recognized the unique characteristics of the Highway Trust Fund and the need for increased revenue.
- A method should be developed that ensures alternative vehicles are paying their fair share of road usage.
- Rail in New Hampshire has seen minimal support to provide the state matching fund that would be necessary to provide ongoing service. Additionally, the majority of the rail lines in NH are privately owned, and historically those private owners have not been cooperative with the state. Also, any rail improvement funds would have to be raised outside of the state Highway Fund based on the Article 6-A of the State of NH Constitution.
 - The Association believes that rail should be extended to Nashua first, and proved successful, before it is extended throughout the state.

AGC of NH will continue to advocate for transportation funding, both on a national and state level. The Association looks forward to working with our leaders in both these areas. Please feel free to contact the Association at (603) 225-2701 with any questions or comments you may have.



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Infrastructure Improvement On the Agenda in State of the Union Address



President Obama delivered his State of the Union Address on January 25, and included among his priorities investment in the infrastructure. Infrastructure investment will help create jobs, and keep the United States as the world leader. President Obama outlined a six-year plan to repair roads, bridges and transit

system along with the creation of a national infrastructure bank. The national infrastructure bank will be used to leverage private funds. Included in the improvement of the infrastructure is rail and wireless Internet connection across the country.

What was missing from the speech was a plan to pay for the infrastructure improvements. An article in the *Wall Street Journal* hinted that it won't be through raising the federal gas tax. Additionally, Republican leaders have said that they will oppose other funding measures that include additional borrowing or raising other taxes. Following the Address, AGC of America issued a statement that called for a distinction between wasteful government spending and necessary infrastructure investments that are crucial to economic growth.

AGC of America's Chief Executive Officer, Stephen Sandherr has said the following on behalf of AGC of America, "In an era of fly specking the federal budget, the President was right to distinguish between wasteful government spending and necessary infrastructure investments. As do leading Republican officials... the President appears to understand the vital role efficient and well-maintained infrastructure plays in supporting broader economic growth.

"Investing in infrastructure now doesn't just boost the private sector, it protects the taxpayers. That is because maintaining roads, bridges, and water systems now, especially in today's extremely competitive construction market, is a lot less expensive than repairing broken infrastructure later."

"Congressional leaders can further protect taxpayers by enacting needed reforms that ensure public funds are invested in a manner that is accountable and effective."

Safer Roads Releases 2011 Transportation Booklet

The A Safer Road to Tomorrow coalition has released its latest booklet on transportation and funding in New Hampshire. *Transportation: Funding New Hampshire's Needs* continues the coalition's mission to educate the driving public about the importance of adequate roads and bridges.

The book uses four foundations to make a case for increased and sustainable investment. The first foundation is improving the user funding model. Drivers who use the road should be fairly charged for the amount they use the system. New Hampshire already has a user-funding model in place, but there is room for improvement. The next foundation addresses the transportation deficit. In ten years, the state will face a \$1.2 billion cumulative deficit in the Highway Fund. The third foundation emphasizes using strategic transportation investments to improve the economy. Investing in projects that will improve the overall mobility of the state will propel NH forward. Lastly, the booklet calls for highlighting the importance of the infrastructure to Congress. Federal funding is a great aid to NH and its transportation projects. Greater communication can help the DOT better form its plan of action.

The coalition hopes the booklet will help lawmakers, state agencies, and the driving public understand the crucial link between a strong economy and a strong infrastructure. Commuting to work, taking vacations, or running simple errands would not be as easy today if this system did not exist. The economy depends on new businesses coming to the state, accessible delivery routes, and tourism; all of which depend on a reliable transportation system.

The booklet was sent to NH's House of Representatives, Senate, Governor, Congressional Delegates, along with the Commissioners of the Department of Safety and the Department of Transportation. To read this booklet, go to www.saferoadsnh.com, and under "Publications" click "Other Media."



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DOT Announces Blue Book Revision Date Codes

The New Hampshire Department of Transportation (DOT) has issued Blue Book revision date codes and regional adjustment factor for 2011. The current revision date code for each section of the Blue Book for use in 2011, as specified in 109.04.4.4(c) of Standard Specifications, is as follows:

Section	Code	Section	Code	Section	Code
1	1st Half 2010	9	2nd Half 2010	17	2nd Half 2010
2	1st Half 2010	10	2nd Half 2010	18	1st Half 2010
3	1st Half 2010	11	1st Half 2010	19	2nd Half 2010
4	1st Half 2010	12	1st Half 2010	20	2nd Half 2010
5	1st Half 2010	13	1st Half 2010	21	1st Half 2010
6	1st Half 2010	14	2nd Half 2010	22	2nd Half 2010
7	2nd Half 2010	15	2nd Half 2010	23	1st Half 2010
8	1st Half 2010	16	1st Half 2010		

The sections listed above shall apply for any extra work performed during the calendar year January 1, 2011 through December 31, 2011. Other points to make note of are:

- The Regional Adjustment Factor, as specified in 109.04.4.4(d) of the Standard Specifications, for all extra work performed in 2011 under sections 3-23 will be **0.95**.
- Sections 3-23 of the *Blue Book* contain a Rate Adjustment Table for the equipment year of manufacture.
 - These tables must be utilized as specified in 109.04.4.4(a) of the Standard Specifications
- All hourly rental rates used for extra work will be based upon the monthly rental rate divided by 176.
- The estimated hourly operating costs used for extra work will be as shown in the *Blue Book*.

Prime Wetlands Bill Passes Senate Committee

AGC of NH requested prime wetlands bill has passed the Senate Energy & Natural Resources Committee with an amendment. Senate Bill 19, is an important environmental bill that AGC of NH worked to introduce in this legislative session to return prime wetlands back to their original intentions. AGC of NH had proposed the following in the original bill: prime wetlands would be defined as those 5 acres or more in size and having very poorly drained soils. The amended version of the bill removes the 5 acres or more size restriction, but keeps the very poorly drained soils.

The amendment was introduced following the January 13 hearing of the bill. AGC of NH's Gary Abbott and AGC of NH member Jim Gove of Gove Environmental Services testified in support of the bill, along with other organizations such as utility companies and the home builders association. Those who testified in opposition were mainly concerned with the 5 acre size restriction. The amendment now alleviates those concerns. The Municipal Association was also concerned with how the bill would affect those towns that have already designated prime wetlands. Therefore, the amendment adds, "The designation of any prime wetland by the department prior to the effective date of this paragraph shall remain in effect." This clarifies that this bill will not affect towns that already have designated prime wetlands.



The Association is in full support of this amendment, as it will still help promote consistency among the designation of prime wetlands. Now that the bill has passed the committee, it will move to the Senate Floor to be voted on by the entire Senate. If it passes the entire Senate, it will move the House for their vote. AGC of NH will continue to update members about this legislation.



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