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June 3, 2022

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and

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

REQUESTED ACTION

Pursuant to RSA 14:30-a VI, authorize the Pease Development Authority, Division of Ports and Harbors (Port Authority) to accept and expend \$ 2,820,310, in American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF) to assist in funding the following projects, effective upon Fiscal Committee and Governor and Council approval through June 30, 2023. **100% Federal Funds.**

- MAIN WHARF REHABILITATION AND MODIFICATION PROJECT (BUILD PROJECT)
- HAMPTON HARBOR MARINE FACILITY FLOATING DOCK REPLACEMENT
- PORTSMOUTH COMMERCIAL FISH PIER BRACING AND DECKING PROJECT

If future federal legislation authorizes funding to the State for which this would be an eligible use, such as funding for infrastructure projects listed above, the requested SFRF funds will be replaced by those newly available funds.

This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(C) for provision of government services to the extent of the reduction in revenue.

Funds are to be budgeted in FY2022 as follows:

<u>03-13-013-130510-26XX0000¹ ARPA PEASE</u>		<u>FY2022</u>	<u>FY2022</u>	<u>FY2022</u>
<u>PROJECTS FUNDS</u>				
<u>CLASS</u>	<u>ACCOUNT</u>	<u>CURRENT MODIFIED BUDGET</u>	<u>BUDGET REQUEST</u>	<u>REVISED BUDGET</u>
<u>EXPENDITURES</u>				
040 – Indirect Costs	500800	\$0	\$7,500	\$7,500
041 – Audit Fund Set Aside	500801	\$0	\$2,810	\$2,810
103 – Contracts for Op Svcs	502664	\$0	\$2,810,000	\$2,810,000
TOTAL EXPENSES:		\$0	\$2,820,310	\$2,820,310
<u>SOURCE OF FUNDS</u>				

¹ All direct program costs will be accounted for using activity 00FRF602GS1301B, 00FRF602GS1301C, and 00FRF602GS1301D and all administrative and indirect costs will be accounted for using activity 00FRF602GS1301Z. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

000 – Federal Funds	400338	\$0	\$2,820,310	\$2,820,310
TOTAL REVENUE:		\$0	\$2,820,310	\$2,820,310

EXPLANATION

MAIN WHARF REHABILITATION AND MODIFICATION PROJECT (BUILD PROJECT)

The Main Wharf at the Market Street Marine Terminal is the only State-Owned, public access, deep water, general cargo ship dock in the State. The facility receives large ocean going ships and supports multiple marine activities in the tidal water including marine construction projects at the Portsmouth Naval Shipyard and a location for emergency responders to access the river.

The wharf was constructed in two (2) phases, Phase 1, completed in 1964 and phase 2 in 1977. The only other major maintenance project was conducted in 1999 when the 300 foot long surface of the 1964 wharf deck was resurfaced. The Main Wharf was inspected in 2017 by the Division's on call marine engineer, Appledore Marine Engineering Inc. (AME) and received an overall rating of "In Poor Condition".

On December 06, 2018, the U.S. Department of Transportation awarded a Better Utilizing Investments to Leverage Development (BUILD) Grant, in the amount of \$12,508,089 (\$7,504,854 federal/\$5,003,235 state) to the Division. The total grant included funds for design, engineering, permitting, construction management, and construction. The project is designed to bring the wharf back to a state of good repair and make modifications to improve efficiency of handling cargo.

The final BUILD grant agreement was executed on March 17, 2020 and preliminary design began on June 19, 2020. Final design was approved and the project was advertised for bids on September 10, 2021. A public bid opening was held on October 14, 2021, with an apparent low bid of \$11,726,450. However, only \$10,782,835.00 was available for construction, leaving a short fall of \$943,615. The construction short fall was approved and appropriated by the Fiscal Committee and the Governor and Council and the Notice of Award was given on **December 8, 2021**.

On **November 22, 2021** a Letter of Approval for a Wetlands Permit, was issued for the project by New Hampshire Department of Environmental Services (NHDES). In that letter in-water restrictions on driving piles, that were not known at the time of the bid, were outlined. Specifically, from April 1 through June 30, no pile driving operations are to be conducted in the tidal zone. This three month delay caused the project to shut down during the winter months due to the inability to place concrete during freezing temperatures.

The estimated cost of the construction delay and additional associated engineering is \$1,000,000.00.

HAMPTON HARBOR MARINE FACILITY FLOATING DOCK REPLACEMENT

The Hampton Harbor Marine Facility is a mixed use facility with commercial fishing, for-hire passenger vessels, and recreational boating. The perimeter of the facility is primarily a steel sheet pile wall and area of rock revetment. To provide safe access to vessels at the facility there are a series of floating docks. Approximately three hundred (300) feet of floating dock along the bulkhead and approximately one hundred thirty four (134) of floating dock off the rock revetment with eight (8) steel guide piles.

The age of the floating docks, combined with the heavy use and the severe weather conditions in Hampton Harbor have deteriorated the floating docks beyond the point of regular maintenance and they now require replacement. Their current condition is a public safety concern especially for the passengers boarding the for-hire and recreational boats.

AME designed the replacement project and estimated the construction cost at \$560,000.00.

PORTSMOUTH COMMERCIAL FISH PIER BRACING AND DECKING PROJECT

In 2017 a routine inspection of the Portsmouth Commercial Fish Pier was conducted by AME. The inspection report indicated that components of the facility were in poor condition. In 2021-2022 the steel sheet pile bulkhead was replaced along with floating docks, fuel dispensing system, and jib cranes (for offloading harvested seafood and fishing equipment). During the bulkhead construction, it was determined that the pilings, pile caps and the deck stringers were still serviceable, however as discussed in the inspection report, the bracing and the timber deck were in poor condition and failing. Although complete replacement of the pile and timber pier is not required, the bracing and the deck are.

This facility is vitally important to the area commercial fishermen as the facility has cold storage for lobster bait and for fresh caught fish, bulk ice, and diesel fuel. Gasoline and diesel fuel for purchase by the public is also available. The facility offers overnight berthing for twenty (20) commercial vessels with an additional thirty-nine (39) vessels with pier-use permits.

The estimated project cost, including design and permitting, is \$1,250,000.00.

Funds are being budgeted in the classes listed below as follows:

Class 040 – Indirect Costs to recover, per by RSA 21-I:75, a proportional share of the outside funding source to alleviate agency indirect costs.

Class 041 – Audit Fund Set Aside to comply with RSA 124:16 that requires all agencies that receive federal funds to set aside a percentage (0.1%) of the federal revenue amount received to pay for financial and compliance audits.

Class 103 – Contracts for Operation Services to pay vendors for their work on the Main Wharf BUILD project and Wetlands Mitigation efforts.

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court

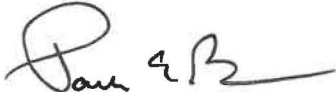
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This is an allowable use of ARP FRF funds under Section 602 (c)(1)(C) for provision of government services to the extent of the reduction in revenue. In accepting ARP FRF funds, the Department agrees to work collaboratively with the Governor's Office for Emergency Relief and Recovery to ensure accurate and timely reporting to U.S. Department of Treasury on the use of the funds.

In the event that Federal Funds become no longer available, General Funds will not be requested to support these programs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul E. Brean", with a stylized flourish at the end.

Paul E. Brean
Executive Director, Pease Development Authority