

ADDENDUM NO. 1

TO

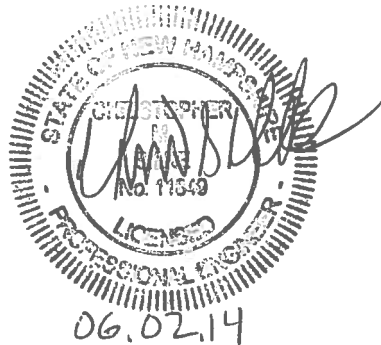
ROCHESTER, NEW HAMPSHIRE

CONTRACT DRAWINGS AND SPECIFICATIONS

FOR

WATER FILTRATION PLANT UPGRADES

MAY 2014



**PREPARED BY:
WRIGHT-PIERCE ENGINEERS
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ADDENDUM NO. 1

WATER FILTRATION PLANT UPGRADES ROCHESTER, NEW HAMPSHIRE

This addendum amends and/or supplements the bid documents as indicated below. Only these items alter the Bid Documents; any verbal discussions or responses are hereby declared null and void.

GENERAL

- 1) A mandatory Pre-Bid Conference was held on May 22, 2014. The Minutes, Davis-Bacon Wage Rates and Davis-Bacon Act Information Article from this meeting are attached to the Addendum.
- 2) The City of Rochester will have existing sand and carbon filter media analyzed for hazardous waste RCRA 8 contaminant metals under the Toxicity Characteristic Leachate Procedure. A laboratory report will be filed with Waste Management Turnkey Landfill upon receipt. Rochester Personnel or their Engineering Consultant will complete an EZ Profile Generator application for acceptance of the filter media by July 31, 2014. Contractor will be responsible for hauling removed filter media to the Turnkey Landfill disposal site.
- 3) Filter media gradation and acid solubility testing is called for in Section 11204 of the Contract Specifications. City of Rochester or their Engineering Consultant will select two super sacks of coarse sand, fine sand and anthracite for each load that arrives to the project site for analytical testing at one of the listed Soils Laboratories. Owner will pay for the laboratory costs. Contractor is encouraged to have filter media supplier provide them with laboratory results of processed filter media material before shipment.
- 4) Special General Conditions C.2-2, SGC-1 calls for a schedule and project approach. The intent is to provide documentation that the chemical storage and feed construction will be performed in the summer months and filters rehabilitated in the fall. Owner does not want heated enclosures to perform permanent chemical storage / feed work extended into the fall. Project approach shall provide a general understanding of how the Contractor will provide temporary chemical storage and protection from construction debris and particulates within the treatment plant.
- 5) Temporary bulk chemical storage volume to be within 10% of permanent bulk tank capacity. Intent is to store approximately a month supply of chemical per the delivery schedule and unit price stated in the chemical vendor bid award. Annual chemical bid awards will be announced late June 2014.
- 6) Section 01150 Measurement and Payment. Payment for the Fluoride Room demolition and installation of new vision panel paid for under Base Bid Item No. 4. Additional exterior and interior doors except Fluoride Room paid for under Bid Alternate A.

Implementing Davis-Bacon related acts

KATHLEEN A. BOURRET, New Hampshire Department of Environmental Services SRF Program

ABSTRACT | Monitoring and enforcing the provisions of Davis-Bacon Related Acts (DBRA) has been a challenge for many participating in federally funded programs. The American Recovery and Reinvestment Act (ARRA) brought a heightened requirement for transparency and accountability, forcing full compliance with DBRA. Part of the difficulty of persuading stakeholders to abide by DBRA provisions is the seemingly illogical differences in wage rates among the various jurisdictions as well as the reluctance of some to acknowledge the wage provisions since there is no perceived value added from DBRA, only costs. The law was enacted to protect local contractors from unfair competition. Today, the regulation tends to have the opposite effect. Small local contractors and disadvantaged enterprises are less likely to bid on a project fearing that inflated labor and added administrative costs will deplete the potential for reasonable profit. Prevailing wages are determined by the Department of Labor (DOL) from surveys of contractors that worked on both federally and non-federally funded projects as well as from interested third parties. The methodology to determine prevailing rates is patently flawed. Limited contractor participation in the survey results in prevailing wages skewed toward wages paid by those contractors that responded and not representative of wages in the survey's geographical area.

KEYWORDS | Davis-Bacon related acts, compliance, prevailing wage, contractors, federal and federally financed projects



BACKGROUND

Implementing DBRA successfully involves continuous interplay among the state, the consultant and the general contractor throughout a project. Typically, responsibility for DBRA compliance is passed from the project owner to its consulting engineer through a contract for services. Under this scenario, the consultant is responsible for ensuring that the proper general wage determination (GWD) is applied based on the nature of the project. The decision on which GWD applies is generally made during the design phase.

IMPLEMENTATION

Some projects require a second wage decision. Application of more than one GWD to a project must be supported by identifying and analyzing construction items that fall into other categories and compose a large part of the project (more than 20 percent of the total project costs and/or at least \$1 million). A \$13 million project to upgrade a wastewater treatment facility can easily warrant carrying both "building" and "heavy" GWDs. Once multiple classifications are justified and applied, the consultant must clarify the work that will fall under each wage schedule and include the instructions in the bid specifications along with the applicable GWD. The consultant's explanation of the segregation of work may state, for example,

"Work associated with the return activated sludge wet well, sludge storage tank No. 1, sludge storage tank No. 2, and sludge blend tank shall use building wage rates, as they are all attached to the administration and control building. All work associated with the primary clarifiers, secondary clarifiers, and gravity thickeners will use heavy wage rates." Contractors need this information to develop labor cost estimates.

Multiple wage determinations can be problematic if their application to the work is not clearly communicated from the beginning. Agency Memoranda 130 and 131 provide strong guidance to stakeholders in making these determinations, and the author stresses the importance of deciding the correct GWD(s) to apply early in the process. 29 CFR 1 provides that, "if a GWD is incorporated that does not apply to the project the funding agency is required to terminate and re-solicit the contract, or incorporate the valid GWD retroactive to the start of construction through a change order or supplemental agreement." If the GWD is replaced with the correct one, the contractor is to be compensated for increases in wages resulting from the error. Once the wage decision(s) is in place, the consultant must make sure that the bid documents have the most up-to-date version of the applicable general wage determination, and other stakeholders should monitor the DOL Web site, wdo.gov, for changes up until the time of award.

Good communication during solicitation and before construction is critical to averting issues of non-compliance later in the project. During solicitation, inter-actions with contractors enable the consultant to reiterate that the project is covered by DBRA provisions and specify which schedule(s) apply. The clock on possible rate changes continues to tick until the project is awarded.

Once the contract is awarded, the pre-construction meeting should include agenda items that expound on the administrative requirements and educate the contractor on the contracting agency/consultant's expectations. Stakeholders should discuss the provisions in detail, air potential administrative shortcomings, point out subcontractors new to rated projects, and inquire as to what classifications may be missing from the wage decision.

The contractor is obligated to determine if classifications are missing from the wage decision that will be needed to perform the work, initiate the requests for wage rates for those classifications, and propose rates based on the applicable GWD. These requests cannot be made until the contract is awarded; however, they should be turned around quickly to avoid delays that may lead to restitution. Under the provisions it is also the general contractor's responsibility to educate subcontractors and include the Federal Labor Standards in all subcontracts. Proposed rates must meet DOL guidelines for requesting conformances. Without accurate wage information, subcontractors are more likely to underestimate labor costs, which will ultimately reduce profits from the job.

CONSTRUCTION BEGINS

Once construction begins, the contractor maintains a record of laborers or mechanics on-site. This documentation ensures the collection of all certified payroll for submission to the contracting agency. If the contractor's superintendent does not track the classifications that each individual may work in throughout the day, the employer should instruct employees to track their own work and avoid making the project non-compliant due to misclassification and possible underpayments. Ideally, the consultant will have contracted for the services of a

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES
You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this contract for the work you perform. Your right to be paid not less than one and one-half times your basic wage rate for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT
Contract documents can be withheld to ensure workers receive wages and overtime pay due, and litigation damages may apply if employers violate wage and overtime laws. Davis-Bacon contract clauses allow workers to sue employers for violations. A contractor who violates contract provisions for up to three years. A contractor who violates contract provisions for up to three years. A contractor who violates contract provisions for up to three years. A contractor who violates contract provisions for up to three years.

APPRENTICES
Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY
If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:
1-866-4-USWAGE
(1-866-487-6243) TTY: 1-877-680-5627
WWW.WAGEHOUR.DOL.GOV

United States Department of Labor
worksite informational poster

full-time resident; project representative (RPR) to perform on-site monitoring of construction. The RPR's daily records provide a snapshot of the work and identify all contractors working on site. This documentation should be referenced while reviewing the certified payrolls to confirm that the proper worker classifications are included for the work performed in the specific time and also that prevailing wages were paid. Postings, including all applicable GWDs, and DOL Form WH-1321, Notice to Employees Working on Federal and Federally Financed Construction Projects, must be located in an easily accessible area to be viewed by employees.
EPA State Revolving Fund grant conditions include a requirement to periodically interview covered employees to verify that contractors or subcontractors are paying the appropriate wage

rates. By interviewing employees immediately after observing them perform skilled or unskilled tasks, the consultant can reliably assess risk and discover discrepancies between the job classification and/or the actual wage paid for the work being performed and the classification/wage being reported on the certified payroll. Confidentiality must be maintained or the fear of reprisals will make it unlikely the employee will be forthcoming. The information gathered during the interview can then be compared to the certified payroll submitted for the same date to confirm accuracy.

Certified payrolls and related documentation must be kept on file by both the contracting agency and contractors for three years from project completion. During this time a number of interested parties may request this information including DOL Wage and Hour Division, EPA Office of Inspector General, labor unions and organizations.

Having a plan to incorporate DBRA compliance controls early in the project's life cycle will ease the administrative burden from the beginning. It is important to clearly define who will be responsible for each required task and, when questions arise, to reach out for assistance to the state agency funding the project or to DOL. Compliance activities should be a part of a weekly routine. If problems are resolved as they occur, the potential for delayed pay requests or disbursement requests can be minimized. **Q**

NOTES

- Whittaker (2007) In the construction field, it was alleged that migratory contractors from low-wage sections of the country would bid for federal work and, because they paid wage rates lower than those prevailing in the locality of the project (and employed nonresident workers), they enjoyed a competitive

advantage over "fair" local contractors. (p. CRS-2)
 • As reported in the April 6, 2011 Government Accounting Office publication, "Davis-Bacon Act: Methodological Changes Needed to Improve Wage Survey, Little Incentive to Participate in Labor's Davis-Bacon wage surveys and a lack of transparency in the survey process remain key issues for stakeholders."

- For contracts entered into pursuant to competitive bidding procedures, an exception provides that wage determination updates issued less than 10 days before the opening of bids shall be effective unless there is not a reasonable time before bid opening to notify bidders of the update, and a report of the finding to that effect is inserted in the contract file.
- If the contract is not awarded within 90 days after bid opening modifications to the wage determination(s) must be incorporated into the contract up to award, unless the contracting/assisting agency requests and obtains an extension of the 90-day period.

- All Agency Memorandum 213 Application of the Davis-Bacon and Related Acts requirement that wage rates for additional classification, when "conformed" to an existing wage determination, bear a "reasonable relationship" to the wage rates in that wage determination
- According to the 2013 Prevailing Wage Resources Book, Under DBA/DBRA/CWHSSA, Subcontracts, the labor standards provisions require the contractor to insert the labor standards clauses in any subcontract. This clause further stipulates that the prime contractor shall be responsible for compliance by any subcontractor with the labor standards requirements in the contract.

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standards provisions require the contractor to insert the labor standards clauses in any subcontract. This clause further stipulates that the prime contractor shall be responsible for compliance by any subcontractor with the labor standards requirements in the contract.

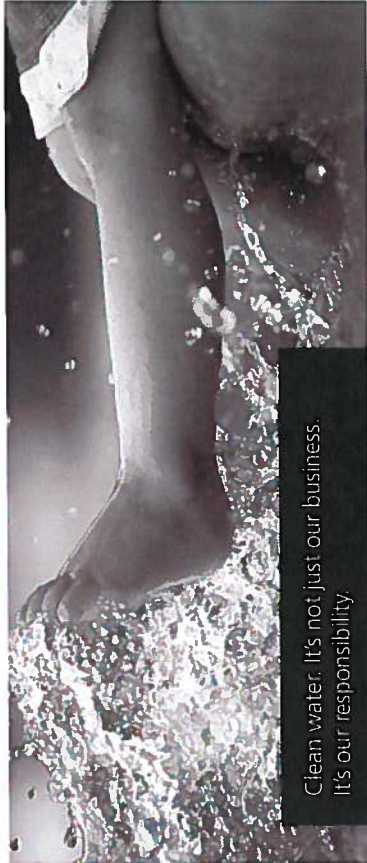
- The term laborer or mechanic includes at least: those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial.

REFERENCES

- 29 C.F.R. § 1.6(a)(2)(A) (7-1-11 Edition). Retrieved from: gpo.gov/fdsys/pkg/CFR-2011-title29-vol1/pdf/CFR-2011-title29-vol1-sec1-6.pdf
- US Department of Labor, elaws/firststep/poster_direct.htm?ip_sca=1 Retrieved from: dol.gov/elaws/firststep/poster_direct.htm?ip_sca=1
- 29 CFR § 5.2(m) (7-1-09 Edition). Retrieved from: gpo.gov/fdsys/pkg/CFR-2009-title29-vol1/pdf/CFR-2009-title29-vol1-part5-subpartA.pdf
- CRS Report 94-408, The Davis-Bacon Act: Institutional Evolution and Public Policy, by William C. Whittaker. Retrieved from: congressionalresearch.com/94-408/document.php
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- Conformance Retrieved from: dol.gov/whd/recovery/dbsurvey/conformance.htm

ABOUT THE AUTHOR

Ms. Bourret, a human resources professional, is a federal program compliance specialist for the New Hampshire Clean Water and Drinking Water State Revolving Fund (SRF). She also worked at the Governor's office overseeing Davis-Bacon compliance for the Office of Economic Stimulus



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NH14.BLDG. WTP.Rochester.txt
General Decision Number: NH140014 01/17/2014 NH14

Superseded General Decision Number: NH20130014

State: New Hampshire

Construction Type: Building

County: Strafford County in New Hampshire.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Modification Number	Publication Date
0	01/03/2014
1	01/17/2014

ASBE0006-004 09/01/2012

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR.....	\$ 24.85	15.40

CARP0118-006 10/01/2013

	Rates	Fringes
CARPENTER (Acoustical Ceiling Installation, Drywall Hanging, Form Work and Floor Layer Including Carpet, Hardwood and Resilient).....	\$ 25.71	17.95

ELEC0490-004 09/01/2013

	Rates	Fringes
ELECTRICIAN		
Electrician.....	\$ 27.75	18.03
Low Voltage Wiring Installer.....	\$ 20.06	15.40

* ELEV0004-002 01/01/2014

	Rates	Fringes
ELEVATOR MECHANIC.....	\$ 52.32	26.785+a+b

a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day and the Friday after Thanksgiving.

b. VACATION: Employer contributes 8% of basic hourly rate for 5 years or more of service; 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

* IRON0007-007 09/16/2013

Rates	Fringes
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IRONWORKER (Reinforcing and Structural).....\$ 22.57 19.75

LABO0976-002 06/01/2013

Rates Fringes

LABORER: Concrete Worker
(removing forms, demolition
and removal of concrete,
pouring and leveling of
concrete).....\$ 19.71 16.42

LABO0976-003 06/01/2013

Rates Fringes

LABORER: Common or General
(including Carpenter Tender).....\$ 19.71 16.42

SHEE0017-013 01/01/2013

Rates Fringes

SHEET METAL WORKER (HVAC Duct
Work Only).....\$ 28.35 23.52

SUNH2011-010 02/22/2011

Rates Fringes

BRICKLAYER.....\$ 29.00 2.81

CARPENTER (Drywall
Finishing/Taping Only).....\$ 27.02 11.69

CARPENTER, Excludes
Acoustical Ceiling
Installation, Drywall
Finishing/Taping, Drywall
Hanging, and Formwork.....\$ 25.61 10.23

CEMENT MASON/CONCRETE FINISHER...\$ 20.91 0.00

GLAZIER.....\$ 20.23 4.71

LABORER: Mason Tender - Brick...\$ 17.00 2.06

OPERATOR: Backhoe.....\$ 19.30 6.52

OPERATOR: Excavator.....\$ 21.27 7.63

OPERATOR: Loader.....\$ 22.03 0.95

PAINTER: Brush and Roller.....\$ 16.15 0.00

PLUMBER/PIPEFITTER, Includes
HVAC Pipe Work.....\$ 25.02 4.48

ROOFER.....\$ 17.55 3.25

SPRINKLER FITTER (Fire
Sprinklers).....\$ 24.91 5.74

TRUCK DRIVER.....\$ 20.47 6.70

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the state of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued

NH14.BLDG. WTP.Rochester.txt
as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

CITY OF ROCHESTER
WATER FILTRATION PLANT UPGRADES
DWSRF PROJECT

PRE-BID CONFERENCE MINUTES

CONFERENCE HELD AT 1:00 P.M.
MAY 22, 2014

I. Identifications

Owner: City of Rochester
45 Old Dover Road
Rochester, NH 03867
Telephone: (603) 332-4096
Contact: Peter Nourse, DPW Director
Michael Bezanson, City Engineer

Engineer: Wright-Pierce Engineers
230 Commerce Way, Suite 302
Portsmouth, New Hampshire 03801
Telephone: (603) 430-3728
Contact: Chris Silke, Senior Project Manager

1. Objectives:

The purpose of the Pre-Bid Meeting is to answer questions from potential bidders relating to the contract documents.

It is extremely important to note that bids must be based solely on information contained in the contract documents, including any addenda. Nothing stated in this meeting modifies the contract documents unless it is followed up in the context of an Addendum to the contract documents.

2. Bid opening is scheduled for 2:30 p.m., June 5, 2014 at City Hall. **Bids must be received by 2:15 pm.**
3. There will be one Bid Addendum issued about 1 week prior to the Bid opening.
 - Davis Bacon Wage Rates
 - *Latest Strafford County Wage Rates for Building Construction will be posted in the Addendum.*
4. The project is funded by NHDES DWSRF Program.

5. Owner will provide any materials and water quality testing as outlined in Section 01400 and other associated specification sections.
6. Coordination Requirements:
 - Instrumentation/SCADA modifications – CDM Smith, Inc. will perform the SCADA System "operations related" programming.
 - Temporary chemical storage and transfer to day tanks.
 - Construction staging and storage of materials / equipment.
 - Construction particulates and debris containment.
 - Storage of Hazardous Substances.
 - Bulk chemical storage switchover to temporary tanks / totes. Scheduling of deliveries.
7. Project Schedule:
 - Substantial Completion Date
 - Final Completion Date.
8. Construction Sequencing:
 - Summer Months: Temporary Chemical Storage, Demolition of Bulk Chemical Tanks, Fluoride Room Demolition, Chemical Berm Walls, Liner System, New Bulk and Day Tank Chemical Storage, Feed / Transfer Pumps, Electrical & Instrumentation.
 - Fall Months: ABW Filter Demolition and Overhaul. Start with Deep Bed Carbon Filter. *Question from a Contractor in Pre-Bid Conference on retired media hauling and disposal. To be addressed in the Addendum.*
 - Filter Media Testing, Placement, Cleansing Fines via Backwash after Placement. *Question from a Contractor in Pre-Bid Conference regarding the number of media tests and whether there should be a requirement that media gradation is performed of the load before shipment. To be addressed in the Addendum.*
9. DWSRF Sign.
10. Owner Pre-Selected Equipment – None.
11. Owner Provided Materials – None.
12. Tour of Site - Work Areas.
13. Basis of Award – Low Base Bid Amount.
14. Final Questions

NAME	ORGANIZATION	PHONE #	E-MAIL
Gene Connor	Kinsman Corporation	603 625 9199	erconnore@kinsmancorp.net
Heath Todd	Apex	603 330 3600	heath@apex-constructioninc.com
Wes Wixson	Infrastructure Const. Corp.	603-224-1004	WWIXSON_ICC@Comcast.net
MARK McPHEETERS	T. BUCK CONST	207-783-6223	MARK@TBUCKCON.NET
TRACEY BLANDFORD	PRB CONSTRUCTION INC	603-528-7703	prb@metrocast.net
Michael Sullivan	David F. Sullivan & Assoc.	603-474-2484	mikesullivan@davidfsullivan.com
Tom Rousses	Petra Corp	603-476-5525	petracorp@ROADMAN.com
Chris Loutao	Melhuem Construction	603-328-2222	cloutao@melhuemconstruction.com
PRET TUTTILL	KEYMONT	603 524 3103	pret.keymont@gmail

MANDATORY PRE-BID CONFERENCE - BID # 14-41

THURSDAY, MAY 22, 2014 @ 1:00 PM