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STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856  
PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: nhparks@dred.state.nh.us  
WEB: www.nhstateparks.org

October 26, 2012

His Excellency, Governor John H. Lynch  
and the Honorable Executive Council  
State House  
Concord, New Hampshire 03301

*Retroactive*

**REQUESTED ACTION**

Pursuant to RSA 21-1:80, (b), authorize the Department of Resources and Economic Development, Division of Parks and Recreation to make a **RETROACTIVE** payment to American Excavating Corp. (VC #156914) of Derry, NH, in the amount of \$6,794.69 for waterline repairs at Hampton Beach State Park on July 16 and 17, 2012. 100% Capital Fund

Funding is available in account titled, 09-145:1:X-D Hampton Seashell, as follows:

		<u>FY 2013</u>
03-35-35-350010-17350000-034-500152-35B035AI	Capital Projects	\$6,794.69

**EXPLANATION**

The municipal water company for the Town of Hampton, Aquarion Corp., detected an underground water leak in an area where work had recently been performed to provide water service to the new facilities under construction at Hampton Beach State Park (HBSP). Under the assumption that the leak was a result of a fault in the plumbing work performed as part of its contract for the Redevelopment of HBSP, the construction manager of Harvey Construction instructed their sub-contractor, American Excavating Corp., to dig up the piping and repair the leak as part of its warranty obligation. The work was done immediately on an emergency basis because a sink hole appeared to be developing in the travel lane of Route 1A and it was thought to be related to the leak.

Once the pipes were excavated it became apparent that the leak was coming from piping unrelated to the current contract work being performed at HBSP. The leaking pipe was a pipe that at one time had served DRED facilities at HBSP. Since the pipe was already excavated, American Excavating went ahead and completed the repairs including back filling and patching the street paving. All parties, including the Bureau of Public Works construction supervisor, agreed that the repair was not covered by American Excavating's warranty responsibility under the Redevelopment of HBSP project. Therefore, DRED is seeking retroactive approval to make payment to this contractor.

Respectfully submitted,

Concurred,

Philip A. Bryce  
Director

George M. Balch  
Commissioner





**AMERICAN  
EXCAVATING CORP.**

5 Madden Road  
P.O. Box 1220  
DERRY, NH 03038

**(603) 425-2256**

INVOICE NO.	INVOICE DATE
0007455-IN	7/24/2012

SOLD  
TO:

DEPT OF RESOURCES & ECONOMIC D  
172 PEMBROKE ROAD  
PO BOX 1856  
CONCORD, NH 03302-1856

SHIP  
TO:

HAMPTON WATERLINE REPAIRS

PURCHASE ORDER NUMBER	DATE ORDERED	DATE SHIPPED	SHIP VIA	F.O.B.
SALESPERSON	TERMS	PAYMENT DUE	NOTES	
	NET 14 DAYS	8/7/2012		

ITEM	ORDERED	SHIPPED	DESCRIPTION	PRICE	AMOUNT
RENTAL		1.000 LS	7/16 - 7/17/12 - HAMPTON WATERLINE REPAIRS (SEE ATT'D)	6,794.690	6,794.69

MESSAGE:

HAMPTON BEACH WATERLINE REPAIRS 7/16 TO 7/17/12  
(EXCLUDES SINKHOLE REPAIRS). SEE ATTACHED

SUBTOTAL	6,794.69
SALES TAX	0.00
SHIPPING	0.00
<b>TOTAL</b>	<b>6,794.69</b>

