

Roof replacement for Legislative Office Building stalled

◆ **Looking for new contractor:** State pulled contract with roofer after discovering they would hire subcontractor to do job.

By TOM FAHEY
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CONCORD — The state's historic Legislative Office Building has been wrapped in scaffolding for nearly two months now, a construction trailer sits on the lawn and pallets of new slate roofing slabs sit ready.

But that's all the state has to show on a stalled \$500,000 roof replacement project.

The state pulled its contract with the roofer that won the contract after it learned the firm planned to hire a subcontractor to handle the job.

Michael Connor, the state's director of plant and property management, said he hopes to have a new company on the job as early as next week. Connor said he ordered an immediate stoppage on the project after he learned Engelwood Construction Co. of Manchester planned to hire an outside firm to handle the job.

He said an Engelwood official misled his staff on its qualifications, and regarding references it included in its contract bid materials.

Connor said wording in the state contract is specific that work has to be performed by the company that gets the contract.

With winter approaching fast, Connor has to find a new contractor so the job can be finished before weather makes work impossible. Otherwise, the scaffolding will have to come down. In the spring, it will go back up again. A portable toilet that was on site has already been removed.

Nazar Lopushansky, president of Engelwood, said he was never told he could not use subcontractors on the site. He described the practice as commonplace in the industry, and denied Connor's accusation that he misled the state.

Lopushansky described the

contract wording on subcontracting as "a blurb, but they are sticking to that blurb like a dog on steak." He said his lawyer is working with the state on a resolution that Lopushansky said will have to involve satisfaction on what he estimates is \$100,000 he has sunk into the project through a scaffolding subcontractor.

The state has been in talks with the company that holds the performance bond on the project to try to move forward.

The next highest bidder, Major L. Rodd Inc., said it could do the work for \$573,000, compared to the \$492,000 Engelwood quoted.

Lopushansky said his subcontractors are well qualified for the copper and slate roofing work involved in the job but he's been told that's not good enough.

"It's really come down to a battle over what the state wants and what the bonding company can do," he said.

Sensitivities are high over the use of sub-contractors on the building, known around the

capital as the LOB. A fire that started during a roofing project in 1983 closed the building and

required major repairs. Built in 1888 to house a post office and federal court, the LOB is on the National Register of Historic Places. It now houses hearing rooms in which the House and Senate conduct most of their committee business.

Rep. Daniel Eaton, D-Stordard, said when the Legislature undertook interior upgrades two years ago a sub-contractor handled wallpapering. It had to be redone, he said. "Nobody wanted to revisit that issue," he said. "Under our contracts, it is not allowable to

sub work out." Connor says something needs to happen fast. "If we don't start next week it will just be too late to start," he said. "We'll need to take that scaffolding down because we'll run into snow, falling ice and other safety issues," he said.

Lopushansky said he's willing to walk away from the project, but feels the state didn't follow proper procedures in pulling the contract. "I'm looking at big picture, so I'd rather just move on if can make this whole thing right," he said.