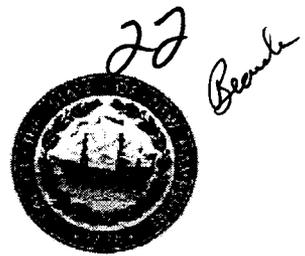




THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, NH 03301

Bureau of Rail & Transit
June 27, 2014

Sole Source

REQUESTED ACTION

Authorize the Department of Transportation to enter into a **sole source** contract amendment with Central NH Regional Planning Commission (Vendor 154613), Concord, New Hampshire, to increase the contract amount by \$164,463 from \$134,725 to \$299,188 for coordinated transportation services for elderly persons and persons with disabilities, effective upon Governor and Council approval through June 30, 2015. The original agreement was approved by Governor and Council on June 19, 2013, Item #231. 100% Federal Funds.

Funding is available as follows:

| | |
|---|----------------|
| | <u>FY 2015</u> |
| 04-96-96-964010-2916 | |
| Public Transportation | |
| 072-500575 Grants to Non-Profit-Federal | \$164,463 |

EXPLANATION

The Department has approved a request for additional Federal Transit Administration (FTA) Section 5310 Purchase of Service funding from Central NH Regional Planning Commission for expanded transportation services in the Mid-State Regional Coordinating Council service area. This **sole source** contract amendment is based on the availability of additional funds that the Department has sub allocated to each Regional Coordinating Council through a formula apportionment. Since Central NH Regional Planning Commission has been designated by the Region 3 Coordinating Council as the lead agency for SFY 2014-2015 FTA Section 5310 purchase of service activities in their region, this contract is proposed to be amended to include these additional funds. Central NH Planning Commission will continue to act as the lead agency to purchase accessible demand response, public transit and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Mid-State Regional Coordinating Council.

The Department entered into a two-year contract with Central NH Regional Planning Commission for the period July 1, 2013 to June 30, 2015. FTA Federal Fiscal Year 2013 Section 5310 Purchase of Service funds were committed for State Fiscal Year 2014 and no funds were included for the second year of the contract at that time. Budgeted Federal funds are available to provide Section 5310 Purchase

of Service funds that the Department has sub allocated by regions for State Fiscal Year 2015. This contract amendment is reflective of the allocation made available to the region Central NH Planning Commission represents and provides \$164,463 for the second year (SFY 2015) of the two-year agreement. The program requires a twenty percent (20%) match, which will be provided by the regional transportation providers through cash match.

In the event that Federal funds become unavailable, general funds will not be requested to support this program.

All other provisions of the agreement shall remain in effect.

The amendment has been approved by the Attorney General as to form and execution and the Department has verified that the necessary funds are available. Copies of the fully executed amendment are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to the Governor and Council approval will be on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,


for Christopher D. Clement, Sr.
Commissioner

Attachments

AMENDMENT TO AGREEMENT

CENTRAL NH REGIONAL PLANNING COMMISSION

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and Central NH Regional Planning Commission on June 19, 2013, (Item #231) effective July 1, 2013 through June 30, 2015;

WHEREAS, the Price Limitation in Section 1.8, is \$134,725, and Exhibit A describes the Scope of Work and Exhibit B describes the budget;

WHEREAS, the Department of Transportation has available Federal funds for the Federal Transit Administration Section 5310 Purchase of Service program;

RESOLVED, that the agreement be amended as follows:

Section 1.8, "Price Limitation" of the P-37 form to read \$299,188 (increase of \$164,463);

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$158,463 for service delivery and \$6,000 for Mobility Management activities, for a total increase of \$164,463 and revised contract total of \$299,188.

Exhibit B, Budget, B.2 be amended to read "The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses less required local match to the Department's Bureau of Rail and Transit. The invoice will include verification of sources of amounts of matching funds and statements from service providers to support the request. Administration costs shall be itemized and include such information as required to support the request."

All other provisions of the agreement shall remain in effect.

EXHIBIT B

BUDGET (REVISED)

- B.1 The Contract price, as defined in Section 1.8 of the General Provisions, is the Federal Transit Administration Section 5310 portion of the eligible project. Federal funds are granted as follows:

| <u>Region 3, Mid-State</u> | <u>SFY 2014</u> | <u>SFY 2015</u> |
|-----------------------------------|------------------------|------------------------|
| Purchase of Service | \$128,725 | \$158,463 |
| Mobility Management | <u>\$ 6,000</u> | <u>\$ 6,000</u> |
| Total Federal Funds | \$134,725 | \$164,463 |

- B.2 The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses total eligible expenses less required local match to the Department's Bureau of Rail and Transit. The invoice will include verification of sources of amounts of matching funds and statements from service providers to support the request. Administration costs shall be itemized and include such information as required to support the request.
- B.3 Contract completion date of June 30, 2015.

Central NH Regional Planning Commission

By: Michael Tardiff Date: 6/25/14

Title: Ex. Director

Signature: [Handwritten Signature]

County of Merrimack

On this the 25th day of June, 2014, before me, Matthew J. Monahan, the undersigned officer, personally appeared Michael Tardiff, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that (s)he has executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my hand and official seal.

Comm EX
April 3, 2018

[Handwritten Signature]
Notary Public/Justice of the Peace

NH Department of Transportation

By: Patrick C. Werling Date: 6/27/14

Title: Director

Signature: [Handwritten Signature]

Approved by Attorney General

By: Brian W. Buonamano Date: 7/11/14

Title: AAG

Signature: [Handwritten Signature]

Approved by Governor and Council

By: _____ Date: _____

EXHIBIT C

SPECIAL PROVISIONS

The State of New Hampshire, Department of Transportation has accepted the General Liability insurance of \$1,000,000 per occurrence, \$2,000,000 General Aggregate for Central NH Regional Planning Commission in fulfillment of the requirements of Section 14.1.1 General Liability Insurance of the P-37 form.

Regional Planning Commissions do not need a Certificate of Good Standing because they are "political subdivisions" under RSA 36:49-a.

CERTIFICATE

I, Keith Johnson, Secretary of the Central New Hampshire Regional Planning Commission (CNHRPC), do hereby certify that: (1) I am the duly elected and acting Secretary of the Commission, a regional planning agency established pursuant to the laws of the State of New Hampshire (RSA 36:45-53); (2) I review and maintain or cause to be maintained and am familiar with the minutes of the meetings of the Commission and its Executive Committee; (3) I am duly authorized to issue certificates with respect to the contents of such minutes; (4) at a regularly scheduled CNHRPC Executive Committee meeting held on May 8, 2014 the CNHRPC Executive Committee voted to enter into a contract with the New Hampshire Department of Transportation Bureau of Rail and Transit to act as the lead agency for the Mid-State RCC Coordinating Council to provide transportation services to elderly and disabled individuals under the FY 2015 Region 3 5310 Purchase of Service Agreement. The Commission further authorized the Executive Director to execute any documents which may be necessary to effectuate this contract; (5) this authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and (6) the following person has been appointed to and now occupies the office indicated under item (4) above:

Michael Tardiff, Executive Director
(Printed name of officer authorized to sign)

IN WITNESS WHEREOF, I have hereunto set my hand as the Secretary of the Commission, this 25 day of June 2014.



Keith Johnson, Secretary

STATE OF NEW HAMPSHIRE
County of Merrimack

On this the 25th day of June, 2014, before me, Matthew J. Monahan, (Notary Public/Justice of the Peace], the undersigned officer, personally appeared Keith Johnson who acknowledged himself to be the Secretary of the Commission, being authorized so to do, executed the foregoing instrument for the purpose therein contained.

In witness whereof, I have set my hand and official seal.



Notary Public/Justice of the Peace

COMMISSION EXPIRATION DATE: 3 April, 2018

SEAL

CERTIFICATE OF COVERAGE

This certificate evidences the limits of liability in effect at the inception of the Coverage Agreement(s) (also known as the Member Agreement(s)) described below. This certificate is issued as a matter of information only and confers no rights on the certificate holder and does not amend, extend, or alter the coverage afforded by the Member Agreement(s) except to the extent provided in the Additional Covered Party box or Loss Payee box below, if checked.

THIS IS TO CERTIFY THAT THE ENTITY NAMED BELOW HAS BEEN ISSUED THE MEMBER AGREEMENT(S) FOR THE AGREEMENT TERM(S) INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM, OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE COVERAGE AFFORDED BY THE MEMBER AGREEMENT(S) IS SUBJECT TO ALL THE EXCLUSIONS, EXTENSIONS, TERMS, AND CONDITIONS OF SUCH MEMBER AGREEMENT(S). AGGREGATE LIMITS MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| Participating Entity: Central NH Regional Planning Participant Number: - 15 | | Company Affording Coverage (the "Company"): HealthTrust, Inc. PO Box 617, Concord, NH 03302-0617 | |
|--|---------------------------|---|--|
| Coverage (Occurrence basis only): | Effective Date (mm/dd/yy) | Expiration Date (mm/dd/yy) | Limits (subject to applicable NH statutory limits) |
| <input type="checkbox"/> General Liability (Member Agreement Section III.A) | | | Each Occurrence \$ 5,000,000 |
| | | | General Aggregate \$ |
| | | | Personal & Adv Injury \$ |
| | | | Med Exp (any one person) \$ |
| | | | Products -Comp/Op Agg \$ |
| <input type="checkbox"/> Automobile Liability (Member Agreement Section III.A) <input type="checkbox"/> Any Auto <input type="checkbox"/> All Owned Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Non-Owned Autos <input type="checkbox"/> Other _____ | | | Each Occurrence \$ 5,000,000 |
| | | | Bodily Injury (per person) \$ |
| | | | Bodily Injury (per accident) \$ |
| | | | Property Damage (per accident) \$ |
| | | | |
| <input type="checkbox"/> Excess Liability | | | Each Occurrence \$ N/A |
| | | | Aggregate \$ N/A |
| <input type="checkbox"/> Property (All Risk including Theft) (Member Agreement Section I) Deductible: \$1,000 | | | \$Per scheduled limits and Member Agreement |
| <input checked="" type="checkbox"/> Workers' Compensation (Coverage A) Employers' Liability (Coverage B) | 7/1/2014 | 6/30/2015 | Coverage A: Statutory |
| | | | Cov. B: Each Accident \$ 2,000,000 |
| | | | Disease - Each Employee \$ 2,000,000 |
| | | | Disease - Policy Limit \$ 2,000,000 |
| Description: Proof of Coverage | | | |

CANCELLATION: If any of the above coverages under the Member Agreement are cancelled before the expiration date, the Company will endeavor to mail 30 days written notice to the Certificate Holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company.

| | |
|--|--|
| <input type="checkbox"/> Additional Covered Party | <input type="checkbox"/> Loss Payee, as his, her or its interests appear |
| Coverage for the Additional Covered Party is limited to "bodily injury" or "property damage" caused by, and only to the extent of, the sole negligence of the Participating Entity, and no protection is available for the negligence of others, including the Additional Covered Party and its directors, officers, employees, or agents. Available limits of coverage are shared between the Participating Entity and the Additional Covered Party.* | |
| *Terms in quotes are defined in the Member Agreement. | |

| | | |
|--|--|---|
| Certificate Holder: State of New Hampshire Sharon Allaire DOT/Bureau of Planning PO Box 483, Hazen Drive Concord NH 03302-0483 | Company By: <u>Wendy W Parker</u> Authorized Representative Date Issued: <u>6/4/2014</u> | Please direct inquiries to: Debra A. Lewis 603.230.3332 |
|--|--|---|



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



231

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, NH 03301

Bureau of Rail & Transit
May 13, 2013

Approved 6/19/13

Item 231

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with Central NH Regional Planning Commission (Vendor # 154613), Concord, NH, for an amount not to exceed \$134,725 for coordinated transportation services for elderly persons and persons with disabilities, for the period July 1, 2013 through June 30, 2015, effective upon approval by Governor and Council. 100% Federal Funds.

Funding is contingent upon the availability and continued appropriation of funds.

| | |
|--|----------------|
| | <u>FY 2014</u> |
| 04-96-96-964010-2916 | |
| Public Transportation | |
| 072-500575 Grants to Non-Profits-Federal | \$134,725 |

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding to Central NH Regional Planning Commission for expanded transportation services in the Mid-State Regional Coordinating Council service area. Central NH Regional Planning Commission will act as the Lead Agency to purchase accessible transportation service for elderly individuals and individuals with disabilities within the Mid-State Regional Coordinating Council service area.

The Department has been working closely with the State Coordinating Council for Community Transportation to develop regional coordination of human services transportation, through nine designated regions. In January 2013, the Department announced the availability of Federal funds to support coordinated transportation services for elderly persons and persons with disabilities. The available funds were allocated by region, according to a formula based on regional populations of residents over 65 and those between the ages of 5-64 with disabilities. Each individual Regional Coordinating Council was responsible for conducting its own project solicitation, evaluation, and prioritization and then submitting one regional application for eligible 5310 Purchase of Service projects

through an approved Lead Agency. As is required by FTA, all projects are identified in a locally developed coordinated public transit – human services transportation plan.

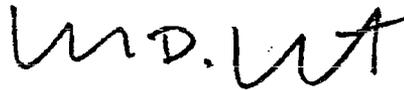
The Mid-State Regional Coordinating Council designated Central NH Regional Planning Commission as the Lead Agency to apply for 5310 Purchase of Service funds and has submitted a regional list of eligible projects as detailed in the region's contract. The program requires a twenty percent (20%) match, which will be provided by cash and in-kind match.

In the event that Federal funds become unavailable, general funds will not be requested to support this program.

The Agreement has been approved by the Attorney General as to form and execution and the Department will verify the necessary funds are available pending enactment of the Fiscal Year 2014 and 2015 budget. Copies of the fully executed agreement are on file at the Secretary of State's Office and the Department of Administrative Services' Office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "C.D. Clement", written in a cursive style.

Christopher D. Clement, Sr.
Commissioner

Attachments