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The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

June 8, 2023

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His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the New Hampshire Department of Environmental Services (NHDES) to enter into a **SOLE SOURCE** agreement with the University of New Hampshire, Sponsored Program Administration (VC #315187-B083), Durham, NH, in the amount of $5,433 to perform laboratory analysis of shellfish samples for *Vibrio parahaemolyticus* presence and genetic characteristics, effective as of July 1, 2023 through December 31, 2023, upon Governor and Council approval. 100% General Funds.

Funds are available in the following account. Funding for FY 2024 is contingent upon continuing appropriation and availability of funds.

	FY 2024
03-44-44-442010-1523-102-500731	$5,433

Dept. Environmental Services, Shellfish Protection Program/Healthy Tidal Waters, Contracts for Program Services

EXPLANATION

NHDES requests approval to enter in a **SOLE SOURCE** Cooperative Project Agreement with the University of New Hampshire (UNH), Department of Natural Resources and Marine Sciences. UNH was selected because it operates the only local laboratory with the capacity to manage the sampling requirements and the ability to provide the genetic testing needed for the study. In recent years, the commercial oyster aquaculture industry in New Hampshire has grown significantly, from two licensed sites in 2010 to 32 licensed sites in 2023. *Vibrio parahaemolyticus* (Vp) is a naturally-occurring bacteria that is becoming an emerging public health issue for shellfish harvested in the northeastern United States. Some strains of Vp are pathogenic, and consumers of raw shellfish are at the greatest risk for becoming ill, especially in the warmer summer months when the bacteria seem to be more prevalent. In recent years, Vibrio-related illness outbreaks origins have been traced to shellfish harvest areas in Connecticut and Massachusetts, triggering summer harvest closures in those areas. An evaluation of current Vp levels in New Hampshire oysters is needed to develop baseline information, assess risk, and inform management strategies to help mitigate the risk to protect shellfish consumers as well as the shellfish industry.

This agreement provides funds for the University of New Hampshire, Department of Natural Resources and Marine Science (NRMS), to conduct laboratory analyses of oyster samples collected as part of an interagency Vp monitoring program in the summer and fall of 2023. NRMS will provide testing for up to

12 oyster samples collected by the NHDES. NRMS will analyze samples for Total Vp Most Probable Number (MPN) and for the presence of thermostable direct hemolysin gene (*tdh*) and/or the *tdh*-related hemolysin gene (*trh*), which are regarded as possible indicators of pathogenicity. Testing for *Vibrio vulnificus* will also be performed, as National Shellfish Sanitation Program requirements stipulate annual evaluation for this species of *Vibrio* as well.

Total project costs are budgeted at $5,433. While this agreement is under the $10,000 threshold, it requires G&C approval because UNH has received more than $10,000 total for other projects to date.

This agreement has been approved by the Office of the Attorney General as to form, execution, and content.

We respectfully request your approval.

Robert R. Scott, Commissioner

COOPERATIVE PROJECT AGREEMENT
between the
STATE OF NEW HAMPSHIRE, **Department of Environmental Services**
and the
University of New Hampshire of the UNIVERSITY SYSTEM OF NEW HAMPSHIRE

A. This Cooperative Project Agreement (hereinafter "Project Agreement") is entered into by the State of New Hampshire, **Department of Environmental Services**, (hereinafter "State"), and the University System of New Hampshire, acting through **University of New Hampshire**, (hereinafter "Campus"), for the purpose of undertaking a project of mutual interest. This Cooperative Project shall be carried out under the terms and conditions of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, except as may be modified herein.

B. This Project Agreement and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve this Project Agreement ("Effective date") and shall end on **12/31/23**. If the provision of services by Campus precedes the Effective date, all services performed by Campus shall be performed at the sole risk of Campus and in the event that this Project Agreement does not become effective, State shall be under no obligation to pay Campus for costs incurred or services performed; however, if this Project Agreement becomes effective, all costs incurred prior to the Effective date that would otherwise be allowable shall be paid under the terms of this Project Agreement.

C. The work to be performed under the terms of this Project Agreement is described in the proposal identified below and attached to this document as Exhibit A, the content of which is incorporated herein as a part of this Project Agreement.

Project Title: **2023 NHDES Shellfish Vibrio Analyses**

D. The Following Individuals are designated as Project Administrators. These Project Administrators shall be responsible for the business aspects of this Project Agreement and all invoices, payments, project amendments and related correspondence shall be directed to the individuals so designated.

State Project Administrator

Name: Chris Nash
Address: NHDES
222 International Drive, Suite 175
Portsmouth, NH 03801
Phone: 603-559-1509

Campus Project Administrator

Name: Dianne Hall
Address: University of New Hampshire
Sponsored Programs Administration
51 College Rd. Rm 116
Durham, NH 03824
Phone: 603-862-1942

E. The Following Individuals are designated as Project Directors. These Project Directors shall be responsible for the technical leadership and conduct of the project. All progress reports, completion reports and related correspondence shall be directed to the individuals so designated.

State Project Director

Name: Chris Nash
Address: NHDES
222 International Drive, Suite 175
Portsmouth, NH 03801
Phone: 603-559-1509

Campus Project Director

Name: Stephen H. Jones
Address: Nat. Resources & Marine Science
114 James Hall
Durham, NH 03824
Phone: 603-862-5124

Campus Authorized Official KJ
Date 5/25/23

F. Total State funds in the amount of **$5,433** have been allotted and are available for payment of allowable costs incurred under this Project Agreement. State will not reimburse Campus for costs exceeding the amount specified in this paragraph.

Check if applicable

☒ Campus will cost-share **0** % of total costs during the term of this Project Agreement.

☐ Federal funds paid to Campus under this Project Agreement are from Grant/Contract/Cooperative Agreement No. from under CFDA# . Federal regulations required to be passed through to Campus as part of this Project Agreement, and in accordance with the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, are attached to this document as Exhibit B, the content of which is incorporated herein as a part of this Project Agreement.

G. Check if applicable

☐ Article(s) of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002 is/are hereby amended to read:

H. ☒ State has chosen **not to take** possession of equipment purchased under this Project Agreement.

☐ State has chosen **to take** possession of equipment purchased under this Project Agreement and will issue instructions for the disposition of such equipment within 90 days of the Project Agreement's end-date. Any expenses incurred by Campus in carrying out State's requested disposition will be fully reimbursed by State.

This Project Agreement and the Master Agreement constitute the entire agreement between State and Campus regarding this Cooperative Project, and supersede and replace any previously existing arrangements, oral or written; all changes herein must be made by written amendment and executed for the parties by their authorized officials.

IN WITNESS WHEREOF, the University System of New Hampshire, acting through the **University of New Hampshire** and the State of New Hampshire, have executed this Project Agreement.

By An Authorized Official of:
University of New Hampshire
Name: Karen M. Jensen
Title:Director, Pre-Award Compliance
Signature and Date: Karen Jensen Digitally signed by Karen Jensen Date: 2023.05.25 11:29:11 -04'00'

By An Authorized Official of:
Department of Environmental Services
Name: Robert R. Scott
Title: Commissioner
Signature and Date: 6/8/23

By An Authorized Official of: the New Hampshire Office of the Attorney General
Name: K. Allen Brooks
Title: Senior Assistant Attorney General
Signature and Date: 6/9/23

By An Authorized Official of: the New Hampshire Governor & Executive Council
Name:
Title:
Signature and Date:

Campus Authorized Official KJ
Date 5/25/23

EXHIBIT A

A. **Project Title:** 2023 NHDES Shellfish Vibrio Analyses

B. **Project Period:** July 1, 2023 through December 31, 2023

C. **Objectives:** The objectives of this project are to analyze samples of oyster tissue collected from various sites in coastal New Hampshire for Vibrio parahaemolyticus (Vp) and Vibrio vulnificus (Vv) (total MPN) and for the presence of thermostable direct hemolysin gene (tdh) and/or the tdh-related hemolysin gene (trh), which are regarded as possible indicators of pathogenicity for Vp.

D. **Scope of Work:** NREN will provide testing for up to 12 oyster samples collected by the NH Department of Environmental Services in accordance with a sampling schedule consisting of preselected days/times and harvest conditions, during the period of July 2023 through September 2023. NREN will analyze up to 12 oyster samples for Total Vp and Vv Most Probable Number (MPN) and for the presence of thermostable direct hemolysin gene (tdh) and/or the tdh-related hemolysin gene (trh).

E. **Deliverables Schedule:** Reports. Campus Project Director shall provide electronic results (Microsoft Excel) on a monthly basis to the State Project Director. Test results should be reported at the end of each month, following a format to be provided by the NH Department of Environmental Services. Campus Project Director shall submit a Final Report due by December 31, 2023 (one print copy and an electronic version in PDF format) documenting the results of the project. The Final Report shall include a final budget summary.

F. **Budget and Invoicing Instructions:** Using standard Campus invoices Campus shall submit requests for payment/invoice by 9/30/23 and 12/31/23. Invoices will be based on actual project expenses incurred during the invoicing period, and shall show current and cumulative expenses by major cost categories. State shall issue payment to Campus within 30 days of receipt. The final billing must be received by the State no more than 30 days after the completion date.

Budget Items	State Funding	Cost Sharing	Total
1. Salaries & Wages	$ 2,050	$ 0	$ 2,050
2. Employee Fringe Benefits	$ 681	$ 0	$ 681
3. Travel	$ 0	$ 0	$ 0
4. Supplies and Services	$ 1,100	$ 0	$ 1,100
5. Equipment	$ 0	$ 0	$ 0
6. Facilities & Admin Costs	$ 1,602	$ 0	$ 1,602
Subtotals	$ 5,433	$ 0	$ 5,433
In Kind Contribution		$ 0	$ 0
Total Project Costs:			$ 5,433

Campus Authorized Official KJ
Date 5/25/23