

(603) 271-3201

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

OFFICE OF THE COMMISSIONER 25 Capitol Street – Room 120 Concord, New Hampshire 03301 27B am

JOSEPH B. BOUCHARD Assistant Commissioner (603) 271-3204

August 27, 2013

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

REQUESTED ACTION

Authorize the Department of Administrative Services to amend the State's Contract with Enhanced Communications of Northern New England, Inc. d/b/a FairPoint Long Distance - NNE, (VC 174027), of Portland, ME, originally approved by Governor and Council on August 8, 2012, item #21 to extend the provision of interstate long distance telephone services by one year, and increasing the contract price limitation by \$50,000 from \$75,000 to \$125,000. This extension represents the exercise of the first of two options to extend the contract for a period of one year. Effective upon Governor and Council approval for the period of October 8, 2013 through October 7, 2014.

Funding shall be provided through individual agency expenditures, none of which shall be permitted unless there are sufficient appropriated funds in a specific PAU to cover the requested service.

EXPLANATION

On August 8, 2012 (Item #21) Governor and Executive Council approved a contract with Enhanced Communications of Northern New England d/b/a FairPoint Long Distance - NNE for interstate long distance telephone services to the State. The approved contract provided for two one year extensions for the provision of services. After consultation with the Department of Safety, a decision was made to extend the contract, subject to the requisite approval of Governor and Executive Council. As phone systems move over to VOIP the use of this contract shall decrease and services shall move over to contract 8000766 for Communications Network Services, currently held by FairPoint as well. A new bid shall be put together to combine both services into one contract in the future.

Based on the foregoing, I am respectfully recommending approval of the amendment to the contract with FairPoint Long Distance - NNE.

Respectfully submitted,

Linda M. Hodgdon

Commissioner

FIRST AMENDMENT

TO

Contract # 8001242 with Enhanced Communications of Northern New England, Inc.

It is hereby agreed that the Interstate Long Distance Telephone Services Contract approved by Governor & Executive Council on August 8, 2012 (Item #21), and herein referred to as the "Agreement" between Enhanced Communications of Northern New England, Inc. d/b/a FairPoint Long Distance - NNE as "Contractor" and the Department of Administrative Services as "State" is amended as follows:

Background

The State and the Contractor entered into an agreement for interstate long distance telephone services on October 8, 2012; the Agreement is set to expire October 7, 2013.

Amendment

WHEREAS, pursuant to Section 18 of the Agreement, the Agreement may be amended by an instrument in writing executed by both parties;

NOW, THEREFORE, for and in consideration of the mutual promises set forth in this Amendment and the underlying Agreement, the parties do mutually agree as follows:

- 1. Delete in its entirety Form Number P-37, item 1.8 Price Limitation and substitute the following:
 - 1.8 Price Limitation: \$125,000.00
- 2. Delete in its entirety Form Number P-37, item 1.7 Completion Date and substitute the following:
 - 1.7 October 7, 2014
- 3. All other provisions of the Agreement, approved by Governor and Council on August 8, 2012, shall remain in full force and effect.

Enhanced Communicatios of Northern New England, Inc. By: Shirley J. Linn (Print Name)

Title: Executive Vice President and General Counsel

Date: 82813

NOTARY PUBLIC/JUSTICE OF THE PEACE

On the R8 day of August, 2013,
There appeared before me, the state and county foresaid a person who satisfactorily

identified herself as

Shirley J. Linn

And acknowledge that she executed this document indicated above.

In witness thereof, I hereunto set my hand and official seal.

M. Le plumo (Notary Buble/Justice of the Peace)

My commission expires:

62/28/17 (Date)

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STATE OF NEW HAMPSHIRE

By: Julan Hoglor
Linda M. Hodgdon (Print Name)
Title: <u>Commissioner</u> <u>Department of Administrative Services</u>
Date:
OFFICE OF THE ATTORNEY GENERAL
By: Myk. Bru
Michael K. Brown (Print Name)
Title: Sr. Hoskit. AG
Date: 9 9 13
The foregoing contract was approved by the Governor and Council of New Hampshire on
Signed:
(Print Name)

Title:

State of New Hampshire Bepartment of State

CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that Enhanced Communications of Northern New England Inc. a(n) Delaware corporation, is authorized to transact business in New Hampshire and qualified on March 27, 2007. I further certify that all fees and annual reports required by the Secretary of State's office have been received.



In TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 21st day of August, A.D. 2013

William M. Gardner Secretary of State

ACTION BY UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF ENHANCED COMMUNICATIONS OF NORTHERN NEW ENGLAND INC.

The undersigned, being all of the directors of Enhanced Communications of Northern New England Inc. (the "Company"), a Delaware corporation, hereby adopt the following resolutions by their unanimous written consent and declare them to be in full force and effect as if they were adopted at a special meeting of the Board of Directors duly called, noticed and held:

AUTHORIZATION OF SIGNATORIES

WHEREAS, the Board of Directors has the discretion to manage, control and make decisions affecting the business and affairs of the Company and to take actions as it deems necessary or appropriate to accomplish the purposes of the Company; and

WHEREAS, it is desirable for the Company to authorize certain representatives of the Company to enter into and execute contracts on behalf of the Company with the State of New Hampshire including, without limitation, the Department of Administrative Services of the State of New Hampshire;

NOW THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, authorized to make, enter into, sign and deliver contracts on behalf of the Company with the State of New Hampshire:

Shirley J. Linn Anthony A. Tomae

RESOLVED FURTHER, that the department or agency of the State of New Hampshire to which a copy of these resolutions has been delivered by the Company be, and hereby is, authorized and entitled to rely upon such resolutions for all purposes until it shall have received written notice of the revocation or amendment of these resolutions by the Board of Directors.

FURTHER ACTIONS

RESOLVED FURTHER, that the officers of the Company, acting together or alone, be, and each of them hereby is, authorized and directed in the name and on behalf of the Company (a) to do and perform or cause to be done and performed all such acts and things as such officer or officers shall deem necessary. advisable or appropriate to give effect to the intent and purposes of the foregoing resolutions and (b) to execute and deliver all such agreements, amendments, certificates, directions, representations, transfers, assurances and other instruments and documents of every character and to do and perform or cause to be done and performed such other and further acts and things as such officer or officers shall deem necessary, advisable or appropriate to give effect to the intent and purposes of the foregoing resolutions;

RESOLVED FURTHER, that any actions previously taken by the directors and officers of the Company in connection with the transactions contemplated as described above are hereby approved, ratified and confirmed; and

RESOLVED FURTHER, that the undersigned hereby waive any and all irregularity of notice in the time and place of meeting and consent to the transaction of all business represented by this Action by Unanimous Written Consent.

IN WITNESS WHEREOF, this Action by Unanimous Written Consent shall be deemed effective as of the day of day

John T. Hogshire, Director

Shirley J. Linn, Director

Peter G. Nixon, Director

Ajay Sabherwal, Director

Susan L. Sowell, Director

Paul H. Samu, Director

John R. Whitener, Director



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY) 08/20/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AON Risk Services South, Inc. Charlotte NC Office 1111 Metropolitan Avenue, Suite 400 Charlotte NC 28204 USA	CONTACT NAME: PHONE (A/C. No. Ext): E-MAIL ADDRESS:	(866) 283-7122	FAX (A/C. No.): (800) 363-01	05
		INSURER(S) AFFORDING COVERAGE		NAIC#
INSURED	INSURER A:	Continental Casualty C	ompany	20443
FairPoint Communications, Inc. 521 E. Morehead Street	INSURER B:	ACE American Insurance	Company	22667
Suite 250	INSURER C:	AXIS Insurance Company		37273
Charlotte NC 28202-2695 USA	INSURER D:			
	INSURER E:			
	INSURER F:			

COVERAGES CERTIFICATE NUMBER: 570051031280 **REVISION NUMBER**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD 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 INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL S	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP	LIMITS	3
В	GENERAL LIABILITY			XSLG27017605		03/31/2014	EACH OCCURRENCE	\$1,750,000
	X COMMERCIAL GENERAL LIABILITY			SIR applies per policy ter	ms & condi	tions	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	
							PERSONAL & ADV INJURY	\$1,750,000
							GENERAL AGGREGATE	\$3,750,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	\$3,750,000
	X POLICY JECT LOC							
В	AUTOMOBILE LIABILITY			ISA H08718192	03/31/2013	03/31/2014	COMBINED SINGLE LIMIT (Ea accident)	\$2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	
	ALL OWNED SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	X HIRED AUTOS X AUTOS NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	
	X Hired Auto Physical							
Α	X UMBRELLA LIAB X OCCUR			L4031479547	03/31/2013	,,	EACH OCCURRENCE	\$5,000,000
	EXCESS LIAB CLAIMS-MADE			SIR applies per policy ter	ms & condii	tions	AGGREGATE	\$5,000,000
	DED X RETENTION							
В	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N			WLRC47316479	03/31/2013	03/31/2014	X WC STATU- TORY LIMITS OTH- ER	
	ANY PROPRIETOR / PARTNER / EXECUTIVE N	N/A					E.L. EACH ACCIDENT	\$1,000,000
	(Mandatory in NH)	""					E.L. DISEASE-EA EMPLOYEE	\$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE-POLICY LIMIT	\$1,000,000
С	E&O-PL-Primary			MNN761315012013 SIR applies per policy ter	07/01/2013 ns & condit		Each Wrongful Act	\$10,000,000
_	1							

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

State of New Hampshire Department of Administrative Service Bureau of Purchasing & Property 25 Capitol Street, Room 102 Concord NH 03301 USA

AUTHORIZED REPRESENTATIVE

Aon Prisk Services South Inc



LINDA M. HODGDON Commissioner (603) 271-3201

State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

OFFICE OF THE COMMISSIONER 25 Capitol Street - Room 120

25 Capitol Street – Room 120 Concord, New Hampshire 03301

8/8/17

JOSEPH B. BOUCHARD Assistant Commissioner (603) 271-3204

July 18, 2012

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

REQUESTED ACTION

Authorize the Department of Administrative Services to enter into a contract with Enhanced Communications of Northern New England, Inc., d/b/a FairPoint Long Distance - NNE, (VC 174027), of Portland, ME for a total price not to exceed \$75,000.00, for Interstate Long Distance services. Effective upon Governor and Executive Council approval through October 7, 2013, unless extended in accordance with the contract documents.

The approximate annual value of this contract is \$75,000.00. Funding shall be provided through individual agency expenditures, none of which shall be permitted unless there are sufficient appropriated funds in a specific PAU to cover the requested service.

EXPLANATION

Approval of the attached service contract will authorize Enhanced Communications of Northern New England, Inc. to establish Interstate Long Distance services for the State. Said services are essential for the continued and efficient communication of the State in conducting its business.

On June 13, 2012 the Bureau of Purchase and Property released a solicitation for an Interstate Long Distance provider. Three vendors submitted bids with the lowest bid being from Enhanced Communications of Northern New England, Inc. The Telecommunications Section and the Bureau of Purchase and Property verified that the subject vendor met all of the requirements of the bid. This bid was advertised in a statewide newspaper and on the Purchase and Property website. Attached are the results of the bid.

Respectfully Submitted,

Linda M. Hodgdon

Commissioner

Interstate Long Distance

RFB 1435-12

Evaluatin Item Contract Item	Contract Item		Vendor	
No.				
		· 数据版 FalcBoint	64	Bay Ring
		The second secon		
1	Transmittal Letter (Reviewed by P&P)	F. The Passed the Fra	Passed	Passed
		THE RESERVE THE PARTY OF THE PA		
2	Addendum 1 (Reviewed by P&P)	State Bassed Four	Passed	Passed
3	Addendum 2 (Reviewed by P&P)	A Passed War	Passed	Passed
4	Pricing Results		\$ 60.797.09	\$ 4,421.25
2	Executive Summary (Pass/ Fail)	bessed	Passed	Passed
9	Company profile (Pass/Fail)	***** Passedie ***	Passed	Passed
7	Narrative (Pass/Fail)	一种的 Passed and the	Passed	Passed
		THE REPORT OF THE PARTY OF THE		
8	Glossary or Terms and Abbreviations (Pass	Passed *	Passed	Passed
6	References (Pass/Fail)	Passed 🗲	Passed	Passed

NOTE: Items 5 through 11 to be rated by agency technical evaluator.

ACTION BY UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF ENHANCED COMMUNICATIONS OF NORTHERN NEW ENGLAND INC.

The undersigned, being all of the directors of Enhanced Communications of Northern New England Inc. (the "Company") a corporation, hereby adopt the following resolution by their unanimous written consent and declare it to be in full force and effect as if it were adopted at a special meeting of the Board of Directors duly called, noticed and held:

AUTHORIZATION OF SIGNATORIES

WHEREAS, the Board of Directors has the discretion to manage, control and make decisions affecting the business and affairs of the Company and to take actions as it deems necessary or appropriate to accomplish the purposes of the Company; and

WHEREAS, it is desirable for the Company to authorize certain representatives of the Company to enter into and execute contracts on behalf of the Company with the State of New Hampshire including, without limitation, the Department of Administrative Services of the State of New Hampshire;

NOW THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, authorized to make, enter into, sign and deliver contracts on behalf of the Company with the State of New Hampshire:

Shirley J. Linn Anthony A. Tomae

RESOLVED FURTHER, that the department or agency of the State of New Hampshire to which a copy of these resolutions has been delivered by the Company be, and hereby is, authorized and entitled to rely upon such resolutions for all purposes until it shall have received written notice of the revocation or amendment of these resolutions by the Board of Directors.

FURTHER ACTIONS

RESOLVED FURTHER, that the officers of the Company, acting together or alone, be, and each of them hereby is, authorized and directed in the name and on behalf of the Company (a) to do and perform or cause to be done and performed all such acts and things as such officer or officers shall deem necessary, advisable or appropriate to give effect to the intent and purposes of the foregoing resolutions and (b) to execute and deliver all such agreements, amendments, certificates, directions. representations, transfers, assurances and other instruments and documents of every character and to do and perform or cause to be done and performed such other and further acts and things as such officer or officers shall deem necessary, advisable or appropriate to give effect to the intent and purposes of the foregoing resolutions;

RESOLVED FURTHER, that any actions previously taken by the directors and officers of the Company in connection with the transactions contemplated as described above are hereby approved, ratified and confirmed; and RESOLVED FURTHER, that the undersigned hereby waive any and all irregularity of notice in the time and place of meeting and consents to the transaction of all business represented by this Action by Unanimous Written Consent.

IN WITNESS WHEREOF, this Action by Unanimous Written Consent shall be deemed effective as of the day of July 2012.

D. Brett Ellis, Director

Shirley J. Linn, Director

Peter G. Nixon, Director

Ajay Sabherwal, Director

Susan L. Sowell, Director

Paul H Sunu Director

Subject:

Contract for Interstate Long Distance Telephone Services

AGREEMENT

The State of New Hampshire and the Contractor hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATION.							
1.1 State Agency Name		1.2 State Agency Address					
State of New Hampshire		25 Capitol Street, Room 102					
Administrative Services		Concord, NH 03301					
1.3 Contractor Name		1.4 Contractor Address					
Enhanced Communication Inc., d/b/a FairPoint Long D	ns of Northern New England,	900 Elm St., Floor 16, Manchester, NH 03101					
1.5 Contractor Phone	1.6 Account Number	1.7 Completion Date	1.8 Price Limitation				
Number	1.0 Account Northber	1.7 Completion Bale	1.5 Thee Emilianes				
603 656-8022		October 7, 2013	\$75,000.00				
803 838-8022		October 7, 2013	\$73,000.00				
1.9 Contracting Officer for	r State Agency	1.10 State Agency Telepho	ne Number				
Robert Lawson, Purchasing	Agent	603-271-3147					
1.11 Contractor Signature	₹ <u>`</u>	1.12 Name and Title of Co	"> Executive				
70.		Vice Presil	ent				
1.13 Acknowledgement:		nty of Mecklenburg					
On Ivily 17 2012 by	Carolina efore the undersigned officer	nerconally appeared the p	erson identified in block				
	n to be the person whose nai						
evention file services and the services and the services are services are services and the services are services are services and the services are ser	the capacity indicated in bl	ock 1 12	ia acknowledged indi syne				
executed in the capacity indicated in block 1.12. 1.3.1. Signature an open public or Justice of the Peace							
STAR,	oran vi m tulu le lung						
	Seal) Seal) Name and Title of Notary or Justice of the Peace						
M. Tyler Helms, Notary Public							
1.14 GURGETICY Signat	rure	1.15 Name and Title of Sto	ate Agency Signatory				
Donis dal							
Jusa W		Linda M. Hodgdon, Comm	issioner				
,	,	Administrative Services					
1.16 Approval by the N.H. Department of Administration, Division of Personnel (if applicable)							
By: Director, On:							
1.17 Approval by the Attorney General (Form, Substance and Execution)							
By: / Seman Wiat On: 7-25-12							
1 Kasemary/Wans							
1.18 Approval by the Governor and Executive Council							
By:		On:					

Contractor Initials: 53 3