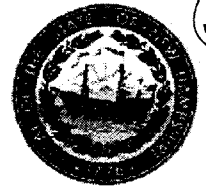




THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



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  
May 29, 2014

REQUESTED ACTION

*Sole Source*

Authorize the Department of Transportation to enter into a **sole source** contract amendment with County of Cheshire (Vendor 177372), Keene, New Hampshire, to increase the contract amount by \$114,849 from \$119,921 to \$234,770 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 May 15, 2013, Item #97 and amended January 15, 2014 (Item #66). 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	\$114,849

EXPLANATION

The Department has approved a request for additional Federal Transit Administration (FTA) Section 5310 Purchase of Service funding from County of Cheshire for expanded transportation services in the Monadnock 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 the County of Cheshire has been designated by the Region 5-6 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. County of Cheshire 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 Region 5-6, Monadnock Regional Coordinating Council.

The Department entered into a two-year contract with County of Cheshire 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 an amendment was approved to increase funding for State Fiscal Year 2014. 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 that the County of Cheshire represents and provides \$114,849 for the second year (SFY 2015) of the two-year agreement. This program requires a twenty percent (20%) match, which will be provided by eligible in-kind match through the lead agency and regional transportation providers. In consultation with FTA Region 1 staff and in accordance with Office of Management and Budget (OMB) guidelines, including OMB Circulars A-122 and A-110, the Department developed an "In-Kind Match Memo" in January of 2012 that subrecipients are required to follow. Additionally, the Department annually publishes a "5310 Q&A" document that provides supplemental information on in-kind match. Included within this Q&A document are limitations and maximum rates (for volunteer driver time, for instance) that the Department has placed on eligible in-kind match. Documentation of in-kind match is subject to review by the Department during a compliance review or audit.

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,

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

Christopher D. Clement, Sr.  
Commissioner

Attachments

## AMENDMENT TO AGREEMENT

### COUNTY OF CHESHIRE

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and the County of Cheshire on May 15, 2013, (Item #97), to be effective July 1, 2013 through June 30, 2015;

WHEREAS, the agreement was previously amended with the approval of Governor and Council on January 15, 2014, (Item #66), to increase the contract amount by \$20,000 from \$99,921 to \$119,921, and this agreement remains in effect;

WHEREAS, the Price Limitation in Section 1.8, as amended, is \$119,921, 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 be amended to read \$234,770, (increase of \$114,849);

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$109,107 for service delivery and \$5,742 for Mobility Management activities, for a total increase of \$114,849 and a revised contract total of \$234,770.

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 & 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 5/6 Monadnock</u>	<u>SFY 2014</u>	<u>SFY 2015</u>
Purchase of Service	\$113,925	\$109,107
Mobility Management	<u>\$ 5,996</u>	<u>\$ 5,742</u>
<b>Total Federal Funds</b>	<b>\$119,921</b>	<b>\$114,849</b>

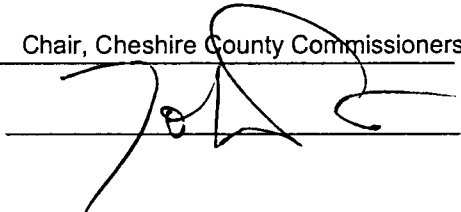
B.2 The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses less required local match to the Department's Bureau of Rail & Transit. The invoice will include verification of sources of amounts of matching funds and statements from 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 is June 30, 2015.

**County of Cheshire**

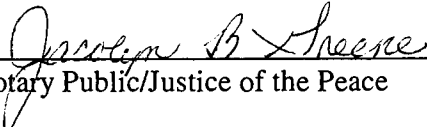
By: John M. Pratt Date: 4/30/14

Title: Chair, Cheshire County Commissioners

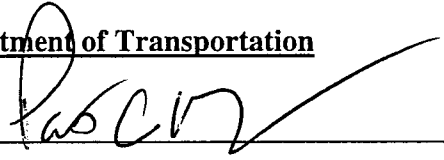
Signature: 

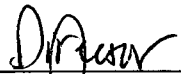
County of Cheshire

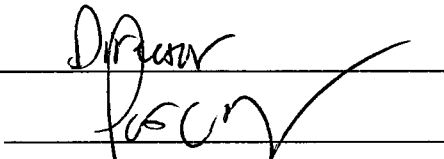
On this the 30th day of April, 2014, before me, Jacolyn B. Greene, the undersigned officer, personally appeared John M. Pratt, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that (s)he has executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my hand and official seal.

  
Notary Public/Justice of the Peace

**NH Department of Transportation**

By:  Date: 5/15/14

Title: 

Signature: 

**Approved by Attorney General**

By: Brian W. Buonamano Date: 5/19/14

Title: AAG

Signature: 

**Approved by Governor and Council**

By: \_\_\_\_\_ Date: \_\_\_\_\_



## **EXHIBIT C**

### **SPECIAL PROVISIONS**

The County of Cheshire does not need a Certificate of Good Standing because they are a "political subdivision" of the State per RSA Chapter 36:49-a.

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

**CERTIFICATE OF VOTE**

I, Roger Zerba, of the County of Cheshire, do hereby certify that:

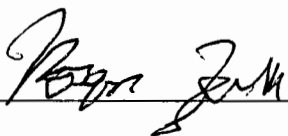
1. I am the duly elected Clerk of the Cheshire County Board of Commissioners;
2. The following are true copies of three resolutions duly adopted at a meeting of the Board of Directors of the corporation duly held on April 30, 2014;

RESOLVED: That this corporation enters into a contract with the State of New Hampshire, acting through its Department of Transportation.

RESOLVED: That the Chairman of the Board of Commissioners is hereby authorized on behalf of this corporation to enter into said contract with the State and to execute any and all documents, agreements, and other instruments; and any amendments, revisions, or modifications thereto, as he/she may deem necessary, desirable, or appropriate. John M. Pratt is the duly elected Chairman of the corporation.

3. The foregoing resolutions have not been amended or revoked and remain in full force and effect as of April 30, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand as the Clerk of the corporation this 30<sup>th</sup> of April.

  
\_\_\_\_\_

Roger Zerba, Clerk, Cheshire County Commissioners



## CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex<sup>3</sup>) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex<sup>3</sup> is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex<sup>3</sup> is entitled to the categories of coverage set forth below. In addition, Primex<sup>3</sup> may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex<sup>3</sup>, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex<sup>3</sup> Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex<sup>3</sup>. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

<b>Participating Member:</b> Cheshire County 33 West Street Keene, NH 03431		<b>Member Number:</b> 601	<b>Company Affording Coverage:</b> NH Public Risk Management Exchange - Primex <sup>3</sup> Bow Brook Place 46 Donovan Street Concord, NH 03301-2624		
Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply		
<input checked="" type="checkbox"/> <b>General Liability (Occurrence Form)</b> <input type="checkbox"/> <b>Professional Liability (describe)</b> <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	1/1/2014	1/1/2015	Each Occurrence	\$ 1,000,000	
			General Aggregate	\$ 2,000,000	
			Fire Damage (Any one fire)	\$	
			Med Exp (Any one person)		
<input type="checkbox"/> <b>Automobile Liability</b>  <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)		
			Aggregate		
<input type="checkbox"/> <b>Workers' Compensation &amp; Employers' Liability</b>			Statutory		
			Each Accident	\$	
			Disease - Each Employee	\$	
			Disease - Policy Limit	\$	
<input type="checkbox"/> <b>Property (Special Risk includes Fire and Theft)</b>			Blanket Limit, Replacement Cost (unless otherwise stated)		

**Description:** The certificate holder is named as Additional Covered Party, but only to the extent liability is based on the negligence or wrongful acts of the member, its employees, agents, officials or volunteers. This coverage does not extend to others. Any liability resulting from the negligence or wrongful acts of the Additional Covered Party, or their employees, agents, contractors, members, officers, directors or affiliates is not covered. The Participating Member will advise of cancellation no less than 10 days prior to cancellation.

<b>CERTIFICATE HOLDER:</b>	<input checked="" type="checkbox"/>	Additional Covered Party	<input type="checkbox"/>	Loss Payee	Primex <sup>3</sup> - NH Public Risk Management Exchange
					By: <i>Tammy Denver</i>
					Date: 4/23/2014 tdenver@nhprimex.org
					Please direct inquiries to: Primex <sup>3</sup> Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax
State of New Hampshire Department of Transportation 7 Hazen Drive PO Box 483 Concord, NH 03302					





## CERTIFICATE OF COVERAGE

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<i>Participating Member:</i> Cheshire County 33 West Street Keene, NH 03431		<i>Member Number:</i> 601	<i>Company Affording Coverage:</i> NH Public Risk Management Exchange - Primex <sup>3</sup> Bow Brook Place 46 Donovan Street Concord, NH 03301-2624	
Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, if Not:	
<input checked="" type="checkbox"/> <b>General Liability (Occurrence Form)</b> <b>Professional Liability (describe)</b> <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	1/1/2014	1/1/2015	Each Occurrence	\$ 5,000,000
			General Aggregate	\$ 5,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> <b>Automobile Liability</b> Deductible    Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
			Aggregate	
<input checked="" type="checkbox"/> <b>Workers' Compensation &amp; Employers' Liability</b>	1/1/2014	1/1/2015	<input checked="" type="checkbox"/> Statutory	
			Each Accident	\$2,000,000
			Disease – Each Employee	\$2,000,000
			Disease – Policy Limit	
<input type="checkbox"/> <b>Property (Special Risk includes Fire and Theft)</b>			Blanket Limit, Replacement Cost (unless otherwise stated)	
<b>Description:</b> Proof of Primex Member coverage.				

<b>CERTIFICATE HOLDER:</b>	<b>Additional Covered Party</b>	<b>Loss Payee</b>	<b>Primex<sup>3</sup> – NH Public Risk Management Exchange</b>
State of NH Department of Health and Human Services Division of Public Health Services 29 Hazen Dr Concord, NH 03301			<b>By:</b> <i>Tammy Denver</i>
			<b>Date:</b> 4/23/2014    tdenver@nhprimex.org
			Please direct inquires to: <b>Primex<sup>3</sup> Claims/Coverage Services</b> 603-225-2841 phone 603-228-3833 fax



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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  
April 19, 2013

Approved 5/15/13  
Item 97  
original contract

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with the County of Cheshire (Vendor 177372), Keene, New Hampshire, for an amount not to exceed \$99,921 for coordinated transportation services for elderly persons and persons with disabilities, effective July 1, 2013 through June 30, 2015. 100% Federal Funds.

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

FY 2014

04-96-96-964010-2916  
Public Transportation  
072-500570 Grants of Property-Federal \$99,921

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding to the County of Cheshire for expanded transportation services in the combined Region 5/6 Monadnock Regional Coordinating Council service area to include communities of Cheshire and Hillsborough Counties. The County of Cheshire will act as the Lead Agency to purchase accessible demand response and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Region 5/6 Monadnock Regional Coordinating Council.

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.

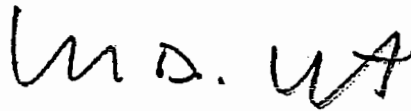
The Monadnock Regional Coordinating Council for Region 5/6 designated the County of Cheshire as the Lead Agency to apply for 5310 Purchase of Service funds and has submitted a regional list of eligible projects as detailed in the region's contract. The program requires a twenty percent (20%) match, which 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, Sr.", written in a cursive style.

Christopher D. Clement, Sr.  
Commissioner

Attachments



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



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Sent

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  
December 9, 2013  
Amendment-  
Approved 1/15/14  
Item 66

REQUESTED ACTION

Authorize the Department of Transportation to enter into a contract amendment with the County of Cheshire (Vendor 177372), Keene, New Hampshire, to increase the contract amount by \$20,000 from \$99,921 to \$119,921 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 May 15, 2013, Item #97. 100% Federal Funds.

Funding is available as follows:

	<u>FY 2014</u>	
04-96-96-964010-2916		
Public Transportation		
072-500570 Grants of Property-Federal	\$20,000	19000 to POS mob mgmt 1000 to Admin (lead agency)

EXPLANATION

The Department entered into a two-year contract with the County of Cheshire for the period July 1, 2013 to June 30, 2015 using committed FTA Section 5310 Purchase of Service funds. Region 5/6 was originally two separate regions (Region 5 Cheshire, Region 6 Hillsborough) and recently combined into a larger region referred to as Region 5/6. Statewide funding for State Fiscal Year 2014 5310 Purchase of Service was allocated by region and provided each region with a \$20,000 funding base and awarded additional funding, according to a formula based on regional populations of residents over 65 and those between the ages of 5-64 with disabilities. As a result of the regions merging, Region 5/6 was awarded one \$20,000 base and \$79,921 based on their eligible population. As this is a large geographic region and the Department has a balance of uncommitted funds, the Department was able to identify an additional \$20,000 of 5310 Purchase of Service funds in order to increase the allocated amount needed for combined Region 5/6 to provide expanded transportation services.

The Department has approved Federal Transit Administration (FTA) Section 5310 Purchase of Service funds to the County of Cheshire for transportation services in the combined Region 5/6 Monadnock Regional Coordinating Council service area to include communities of Cheshire and Hillsborough Counties. The County of Cheshire will act as the Lead Agency to purchase accessible demand response

and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Region 5/6 Monadnock Regional Coordinating Council.

The program requires a twenty percent (20%) match, which will be provided by cash and in-kind match.

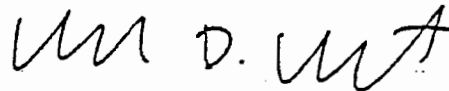
In the event that Federal funds become unavailable, general funds will not be requested to support this program.

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,

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Christopher D. Clement, Sr.  
Commissioner

Attachments