



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
July 3, 2014

Sole Source

REQUESTED ACTION

Authorize the Department of Transportation to enter into a **sole source** contract amendment with Nashua Regional Planning Commission, (Vendor 154661), Merrimack, New Hampshire, to increase the contract amount by \$159,686 from \$168,105 to \$327,791 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 5, 2013, Item #234. 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	\$159,686

EXPLANATION

The Department has approved a request for additional Federal Transit Administration (FTA) funds from Nashua Regional Planning Commission for expanded transportation services to include Section 5310 Purchase of Service and Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds for the Region 7 Southern NH 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 Nashua Regional Planning Commission has been designated by the Region 7 Coordinating Council as the lead agency for SFY 2014-2015 FTA Section 5310 Purchase of Service and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula activities in their region, this contract is proposed to be amended to include these additional funds. Nashua Regional Planning Commission will continue to act as the lead agency to purchase demand responsive accessible transportation service for elderly individuals and individuals with disabilities and will support mobility management and strategic planning activities in cooperation with the Nashua Regional Coordination Council.

FTA Federal Fiscal Year 2013 Section 5310 Purchase of Service and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula 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 and Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula 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 Nashua Regional Planning Commission represents and provides \$159,686 for the second year (SFY 2015) of the two-year agreement. Both FTA programs require a twenty percent (20%) non-Federal match, which will be provided by cash match through the lead agency and regional transportation providers.

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.", followed by a horizontal line.

Christopher D. Clement, Sr.
Commissioner

Attachments

AMENDMENT TO AGREEMENT

NASHUA REGIONAL PLANNING COMMISSION

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and Nashua Regional Planning Commission on June 5, 2013, (Item #234) effective July 1, 2013 through June 30, 2015;

WHEREAS, the Price Limitation in Section 1.8, is \$168,105, and Exhibit A describes the Scope of Services and Exhibit B describes the budget;

WHEREAS, Exhibit A, Scope of Services, A.1 reads, "The Contractor will act as the lead agency for Region 7 for 5310 purchase of service transportation to provide transportation services to elderly individuals and individuals with disabilities in the towns of Amherst, Brookline, Hollis, Milford and Nashua in cooperation with the Region 7 Nashua Regional Coordinating Council. Transportation services provided through the lead agency include the following:

- Demand responsive, curb-to-curb accessible transportation services that operates Monday – Friday, 8:00 am - 6:00 pm, in the towns of Amherst, Brookline, Hollis, Milford and Nashua. Rides are provided all five days for non-emergency transportation (healthcare-related appointments) and trips to social service agencies, senior activity centers, town facilities and local libraries and two days per week for shopping at major shopping destinations in Amherst, Milford, and Nashua.”;

WHEREAS, Exhibit B, Budget, B.2 reads, "The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses less a 20% agency 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.”;

WHEREAS, the Department of Transportation has available Federal funds for the Federal Transit Administration Section 5310 Purchase of Service program and Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula program;

RESOLVED, that the agreement be amended to include new language for the following Sections and Exhibits:

Section 1.8, "Price Limitation" of the P-37 form to read \$327,791 (increase of \$159,686);

Exhibit A, Scope of Services, A.1 be amended to read, "The Contractor will act as the lead agency for Region 7 for 5310 purchase of service transportation to provide transportation services to elderly individuals and individuals with disabilities in the towns of Amherst, Brookline, Hollis, Milford, Mount Vernon, Wilton and Nashua in cooperation with the Region 7 Nashua Regional Coordinating Council. Transportation services provided through the lead agency include the following:

- Demand responsive, curb-to-curb accessible transportation services that operates Monday – Friday, 8:00 am - 6:00 pm, in the towns of Amherst, Brookline, Hollis, Milford, Mount Vernon, Wilton and Nashua. Rides are provided all five days for non-emergency transportation (healthcare-related appointments) and trips to social service agencies, senior activity centers, town facilities and local libraries and two days per week for shopping at major shopping destinations in Amherst, Milford, and Nashua.”;

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$137,031 for service delivery and \$7,212 for Mobility Management activities. Also included is \$15,443 of Enhanced Mobility of Seniors and Individuals with Disabilities formula funds for a total increase of \$159,686 and a revised contract total of \$327,791.

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.

Amended Exhibits appear below.

EXHIBIT A

SCOPE OF SERVICES (REVISED)

The Contractor, Nashua Regional Planning Commission, will provide transportation service as described in its Section 5310 Purchase of Service Grant Application to NHDOT for Region 7 Nashua RCC and utilize Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds to fund mobility management activities as described in its Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grant Application to NHDOT for Region 7 Nashua RCC.

A.1 The Contractor will act as the lead agency for Region 7 for 5310 purchase of service transportation to provide transportation services to elderly individuals and individuals with disabilities in the towns of Amherst, Brookline, Hollis, Milford, Mount Vernon, Wilton and Nashua in cooperation with the Region 7 Nashua Regional Coordinating Council. Transportation services provided through the lead agency include the following:

- Demand responsive, curb-to-curb accessible transportation services that operates Monday – Friday, 8:00 am - 6:00 pm, in the towns of Amherst, Brookline, Hollis, Milford, Mount Vernon, Wilton and Nashua. Rides are provided all five days for non-emergency transportation (healthcare-related appointments) and trips to social service agencies, senior activity centers, town facilities and local libraries and two days per week for shopping at major shopping destinations in Amherst, Milford, and Nashua.
- Expansion of service to include other Souhegan Valley communities, limited Saturday service, or other service design options based on community needs.

A.1.1 5% of the total contract amount is for Mobility Management attributable to the management of this project. The Contractor may request reimbursement for Mobility Management expenses, provided expenses are substantiated with backup documentation and the total request does not exceed the maximum contract amount allowed. The Contractor must fulfill its contractual obligations and provide its scope of services throughout the contract period regardless of whether or not all Mobility Management funds have been requested.

A.2 The Contractor will act as the lead agency for Region 7 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds to support a part-time independent contractor to assist with mobility management activities for Souhegan Valley Transportation Collaborative (SVTC) and the Region 7 Nashua Regional Coordinating Council. The independent contractor will assist the SVTC Board of Directors with mobility management and strategic planning activities to include, but not limited to:

- Expansion of SVTC's core service area to include other SVTC communities
- Assist with public education and outreach
- Facilitate SVTC's efforts to coordinate with transportation programs provided by area human services and welfare providers

- Analyze SVTC's passenger utilization trends
- Research and planning related to SVTC's organizational structure, sustainability of the current transportation model and possible integration and coordination of other models (volunteer driver program and voucher program)
- Strengthen local and regional partnerships and participation in Region 7 Regional Coordinating Council

A.4 The Contractor shall use the NHDOT created 5310 Purchase of Service report and invoice for all reimbursement requests. Reporting forms must be submitted with invoices to receive reimbursement.

A.5 Transportation services will be provided at reimbursement rates and by subcontractors that are approved by the Regional Coordinating Council and the Department, as submitted in the applicant's 5310 Purchase of Service grant application or as amended through subsequent correspondence.

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 7 Nashua RCC</u>	<u>SFY 2014</u>	<u>SFY 2015</u>
5310 Purchase of Service (Service Delivery)	\$145,029	\$137,031
5310 Purchase of Service Mobility Mgt.	\$ 7,633	\$ 7,212
5310 Formula Funds	<u>\$ 15,443</u>	<u>\$ 15,443</u>
Total Federal Funds	\$168,105	\$159,686

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 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 is June 30, 2015.

Nashua Regional Planning Commission

By: Kerrie Diers

Date: June 30, 2014

Title: Executive Director

Signature: Kerrie Diers

County of Hillsborough

On this the 30 day of June, 2014, before me, Karen M. Baker, the undersigned officer, personally appeared Kerrie Diers, 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.

Karen M. Baker
Notary Public/Justice of the Peace
KAREN M. BAKER, Notary Public
My Commission Expires August 24, 2016

NH Department of Transportation

By: Patrick C. Herlihy

Date: 7/2/14

Title: Director

Signature: Patrick C. Herlihy

Approved by Attorney General

By: Brian V. Buonanno

Date: 7/18/14

Title: AAG

Signature: Brian V. Buonanno

Approved by Governor and Council

By: _____

Date: _____

EXHIBIT C

SPECIAL PROVISIONS

Nashua Regional Planning Commission 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, \$2,000,000 General Aggregate in fulfillment of the requirements of Section 14.1.1 General Liability Insurance of the P-37 form.

CERTIFICATE OF VOTE

I, Karin Elmer, Chair of the Nashua Regional Planning Commission do hereby certify that at a meeting held on June 18, 2014:

1. I am the duly elected and acting Chair of the Nashua Planning Commission, a regional planning agency established pursuant to the laws of the State of New Hampshire (RSA 36:45-53);
2. The Nashua Regional Planning Commission authorized the Executive Director, Kerrie Diers, to execute any documents which may be necessary to effectuate contracts;
3. This authorization has not been evoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and
4. The following person has been appointed to, and now occupies, the office indicated under item 2 above:

Kerrie Diers, Executive Director

IN WITNESS WHEREOF, I have hereunto set my hand as the Chair of the Nashua Regional Planning Commission on this 30 day of June 2014.

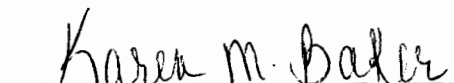


Karin Elmer, Chair

STATE OF NEW HAMPSHIRE
County of Hillsborough

On this 30 day of June 2014, before me Karen M. Baker, the undersigned officer, personally appeared Karin Elmer, who acknowledged herself to be the Chair of the Nashua Regional Planning Commission, and that she, as such Chair, being so authorized to do so, executed the foregoing instrument for the purpose therein contained.

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



Karen M. Baker, Notary Public

KAREN M. BAKER, Notary Public
My Commission Expires August 24, 2016

(Official Seal)



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) 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, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ 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 Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ 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 Primex³. 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.

<i>Participating Member:</i>	<i>Member Number:</i>	<i>Company Affording Coverage:</i>
Nashua Regional Planning Commission 9 Executive Park Drive Suite 201 Merrimack, NH 03054	519	NH Public Risk Management Exchange - Primex ³ 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"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	7/1/2013	7/1/2014	Each Occurrence	\$ 1,000,000
	7/1/2014	7/1/2015	General Aggregate	\$ 2,000,000
			Fire Damage (Any one fire)	\$
			Med Exp (Any one person)	
<input checked="" type="checkbox"/> Automobile Liability <input type="checkbox"/> Any auto	7/1/2013 7/1/2014	7/1/2014 7/1/2015	Combined Single Limit (Each Accident) Aggregate	Included in the above
<input type="checkbox"/> Workers' Compensation & Employers' Liability			Statutory	
			Each Accident	\$
			Disease - Each Employee	\$
			Disease - Policy Limit	\$
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			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 15 days prior to cancellation.

CERTIFICATE HOLDER:	<input checked="" type="checkbox"/>	Additional Covered Party	<input type="checkbox"/>	Loss Payee	Primex ³ - NH Public Risk Management Exchange
State of New Hampshire Department of Transportation 7 Hazen Drive Concord, NH 03302					By: <i>Tammy Denver</i>
					Date: 6/26/2014 tdenver@nhprimex.org
					Please direct inquires to: Primex ³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) 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, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

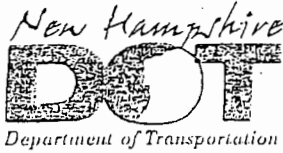
Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ 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 Primex³. 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.

Participating Member: Nashua Regional Planning Commission 9 Executive Park Drive Suite 201 Merrimack, NH 03054		Member Number: 519	Company Affording Coverage: NH Public Risk Management Exchange - Primex ³ 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 type="checkbox"/> General Liability (Occurrence Form) <input type="checkbox"/> Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence			Each Occurrence	\$
			General Aggregate	\$
			Fire Damage (Any one fire)	\$
			Med Exp (Any one person)	\$
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
			Aggregate	
<input checked="" type="checkbox"/> Workers' Compensation & Employers' Liability	7/1/2013 7/1/2014	7/1/2014 7/1/2015	<input checked="" type="checkbox"/> Statutory	
			Each Accident	\$2,000,000
			Disease - Each Employee	\$2,000,000
			Disease - Policy Limit	\$
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)	
Description: Proof of Primex Member coverage only.				

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ - NH Public Risk Management Exchange
			By: <i>Tammy Denver</i>
			Date: 6/26/2014 tdenver@nhprimex.org
State of New Hampshire Department of Transportation 7 Hazen Drive Concord, NH 03302			Please direct inquires to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax



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 24, 2013

*Approved 6/5/13
Item 134*

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with Nashua Regional Planning Commission (Vendor #154661), Merrimack, New Hampshire, for an amount not to exceed \$168,105 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	\$168,105

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding and Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds to the Nashua Regional Planning Commission for expanded transportation services in the Nashua Regional Coordinating Council service area. The Nashua Regional Planning Commission will act as the Lead Agency to purchase demand responsive accessible transportation service for elderly individuals and individuals with disabilities and will support mobility management and strategic planning activities within the Nashua 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 and Enhanced Mobility of Seniors and Individuals with Disabilities formula fund 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 Nashua Regional Coordinating Council designated Nashua Regional Planning Commission as the Lead Agency to apply for 5310 Purchase of Service funds and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula 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 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