



**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



37  
Hassan

*Victoria F. Sheehan*  
*Commissioner*

*William Cass, P.E.*  
*Assistant Commissioner*

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

Bureau of Rail & Transit  
May 5, 2016

**REQUESTED ACTION**

Authorize the Department of Transportation to enter into a contract amendment with Nashua Regional Planning Commission, (Vendor 154661), Merrimack, New Hampshire, to increase the contract amount by \$15,443 from \$254,795 to \$270,238 for coordinated transportation services for seniors and individuals with disabilities, effective upon Governor and Council approval or July 1, 2016, whichever is later, through June 30, 2017. The original agreement was approved by Governor and Council on May 27, 2015, Item #58. 100% Federal Funds.

Funding is available as follows:

	<u>FY 2017</u>
04-96-96-964010-2916	
Public Transportation	
072-500575 Grants to Non-Profit-Federal	\$15,443

**EXPLANATION**

In December 2015, the Department announced the availability of Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds (Section 5310 Formula) to support coordinated transportation services in the nine NH Regional Coordination Council (RCC) regions. This contract amendment is based on the availability of FTA Section 5310 Formula funds that the Department has sub allocated to each RCC through a formula apportionment for State Fiscal Year 2017. Since Nashua Regional Planning Commission (NRPC) has been designated by the Region 7, Nashua region RCC to continue as the lead agency for Section 5310 Formula funded projects, this contract is proposed to be amended to include additional funds for SFY 2017 activities in this region.

NRPC is a recipient of both Section 5310 Purchase of Service program funds as well as Section 5310 Formula Funds to provide expanded transportation services in the Nashua region RCC service area. The Department entered into a two-year contract with NRPC for the period July 1, 2015 to June 30, 2017 and included SFY 2016 and 2017 Section 5310 Purchase of Service funds and SFY 2016 Section 5310

Formula funds. SFY 2017 Section 5310 Formula funds were not originally included as the Department and the State Coordinating Council for Community Transportation in New Hampshire (SCC) were in the process of reevaluating the 2006 State Coordination Plan and developing a scope of work for a consultant to draft a revised plan that includes an assessment of the RCC's use of 5310 Formula funds and recommendations for their future use by the RCC's. There has been a delay in conducting the study so the Department is requesting funds for SFY 2017 to continue ongoing services for the remainder of the contract period. The Department has sub allocated available 5310 Formula funds to each RCC for SFY 2017 and separate contract amendments for each RCC will be submitted. This contract amendment is reflective of the allocation made available to the region NRPC represents and provides \$15,443 (80% Federal) for SFY 2017 activities included in the two-year agreement. The twenty percent (20%) required match required to leverage the Federal funds will be provided by cash match through NRPC.

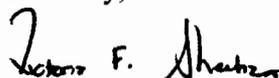
In the event that Federal funds become unavailable, general funds will not be requested to support this program.

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 that reads "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan  
Commissioner

Attachments

## AMENDMENT TO AGREEMENT

### NASHUA REGIONAL PLANNING COMMISSION

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation (NHDOT) and Nashua Regional Planning Commission (NRPC) on May 27, 2015, (Item #58) to be effective July 1, 2015 through June 30, 2017, and this agreement remains in effect;

WHEREAS, the Price Limitation in Section 1.8 of the P-37 form is \$254,795;

WHEREAS, Exhibit B, Budget provides funding for the Federal transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula program (Section 5310 Formula) for Region 7, Nashua region;

WHEREAS, the Department of Transportation has available Federal funds for the Section 5310 Formula program;

**RESOLVED, that the agreement be amended as follows:**

Section 1.8, "Price Limitation" of the P-37 form be amended to read \$270,238 (increase of \$15,443);

Exhibit B, Budget, shall be revised to include an additional \$15,443 of FTA 5310 Formula funds for State Fiscal Year 2017 for a revised contract total of \$270,238.

All other provisions of the agreement shall remain in effect.

Amended Exhibit B, Budget appears below.

#### EXHIBIT B BUDGET - REVISED

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

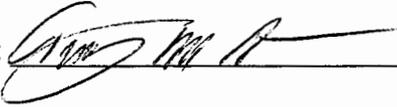
<u>Region 7 Nashua</u>	<u>SFY 2016</u>	<u>SFY 2017</u>
5310 Purchase of Service	\$119,676	\$119,676
5310 Formula Funds	\$ 15,443	<b>\$ 15,443</b>
Total Federal Funds	\$135,119	<b>\$135,119</b>

**Nashua Regional Planning Commission**

By: TIMOTHY M. ROACHE

Date: APRIL 6 2016

Title: EXECUTIVE DIRECTOR

Signature: 

County of HILLSBOROUGH

On this the 6 day of APRIL, 2016, before me, Karen M. Baker, the undersigned officer, personally appeared Timothy M. Roache, 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.

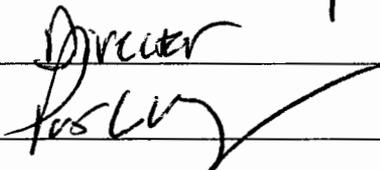
Karen M. Baker KAREN M. BAKER, Notary Public  
My Commission Expires August 24, 2018  
Notary Public/Justice of the Peace

**NH Department of Transportation**

By: PATRICK C. HERGENROTHER

Date: 4/21/16

Title: DIRECTOR

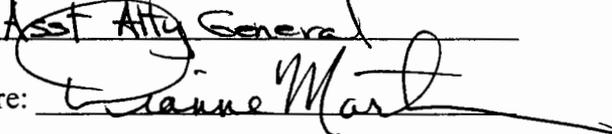
Signature: 

**Approved by Attorney General**

By: DANNE MARTIN

Date: 5/3/16

Title: ASST ATTY GENERAL

Signature: 

**Approved by Governor and Council**

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

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

**EXHIBITS TO AMENDMENT**

CERTIFICATE OF CORPORATE VOTE

CERTIFICATE OF INSURANCE

### CERTIFICATE OF VOTE

I, David Hennessey, Chair of the Nashua Regional Planning Commission do hereby certify that at a meeting held on June 17, 2015:

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, Tim Roache, 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:

Tim Roache, Executive Director

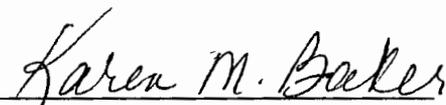
IN WITNESS WHEREOF, I have hereunto set my hand as the Chair of the Nashua Regional Planning Commission on this 6<sup>th</sup> day of April, 2016.

  
David Hennessey, Chair

STATE OF NEW HAMPSHIRE  
County of Hillsborough

On this 6<sup>th</sup> day of April, 2016, before me Karen M. Baker, the undersigned officer, personally appeared David Hennessey, who acknowledged himself to be the Chair of the Nashua Regional Planning Commission, and that he, 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 (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.

<i>Participating Member:</i> Nashua Regional Planning Commission 9 Executive Park Drive Suite 201 Merrimack, NH 03054	<i>Member Number:</i> 519	<i>Company Affording Coverage:</i> NH Public Risk Management Exchange - Primex <sup>3</sup> Bow Brook Place 46 Donovan Street Concord, NH 03301-2624
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	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	7/1/2015	7/1/2016	Each Occurrence	\$ 1,000,000
				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	7/1/2015	7/1/2016	Combined Single Limit (Each Accident)	\$500,000
				Aggregate	\$500,000
	Workers' Compensation & Employers' Liability			Statutory	
				Each Accident	\$
				Disease - Each Employee	\$
				Disease - Policy Limit	\$
	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.

<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: 3/26/2015    tdenver@nhprimex.org
					Please direct inquires 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 Concord, NH 03302					



## CERTIFICATE OF COVERAGE

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Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, If Not	
<input 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			Each Occurrence	\$
			General Aggregate	\$
			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>	7/1/2015	7/1/2016	<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 only.				

<b>CERTIFICATE HOLDER:</b>	<b>Additional Covered Party</b>	<b>Loss Payee</b>	Primex <sup>3</sup> – NH Public Risk Management Exchange
State of New Hampshire Department of Transportation 7 Hazen Drive Concord, NH 03302			By: <i>Tammy Denver</i>
			Date: 3/26/2015    tdenver@nhprimex.org
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Nashua Regional Planning Commission 9 Executive Park Drive Suite 201 Merrimack, NH 03054	519	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	
<b>General Liability (Occurrence Form)</b> <b>Professional Liability (describe)</b> <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence			Each Occurrence	
			General Aggregate	
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<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>	7/1/2016	7/1/2017	<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)	

**Description:** Proof of Primex Member coverage only.

<b>CERTIFICATE HOLDER:</b>	<b>Additional Covered Party</b>	<b>Loss Payee</b>	<b>Primex<sup>3</sup> - NH Public Risk Management Exchange</b>
			<b>By:</b> <i>Tammy Denver</i>
State of New Hampshire Department of Transportation 7 Hazen Drive Concord, NH 03302			<b>Date:</b> 4/6/2016 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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				General Aggregate	\$ 2,000,000
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
<input checked="" type="checkbox"/>	<b>Automobile Liability</b> <input type="checkbox"/> Any auto	7/1/2016	7/1/2017	Combined Single Limit (Each Accident)	\$500,000
				Aggregate	\$500,000
	<b>Workers' Compensation &amp; Employers' Liability</b>			Statutory	
				Each Accident	
				Disease - Each Employee	
				Disease - Policy Limit	
	<b>Property (Special Risk includes Fire and Theft)</b>			Blanket Limit, Replacement Cost (unless otherwise stated)	

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			<b>By:</b> <i>Tammy Denver</i>
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**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



58  
 Approved 5/27/15  
 Item 58

**WILLIAM CASS, P.E.**  
**ASSISTANT COMMISSIONER**

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

Bureau of Rail & Transit  
 April 17, 2015

**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 \$254,795 for coordinated transportation services for seniors and individuals with disabilities, for the period July 1, 2015 through June 30, 2017, effective upon approval by Governor and Council. 100% Federal Funds.

Funding for this agreement is available in the fiscal year 2016 and 2017 budget, contingent upon the availability and continued appropriation of funds, with the authority to adjust encumbrances in each of the state fiscal years through the Budget Office if needed and justified.

	<u>FY 2016</u>	<u>FY 2017</u>
04-96-96-964010-2916		
Public Transportation		
072-500575 Grants to Non-Profits-Federal	\$135,119	\$119,676

**EXPLANATION**

Nashua Regional Planning Commission (NRPC) has been awarded funding from the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) program. NRPC is a recipient of both Section 5310 Purchase of Service program funds and Section 5310 Formula Funds to provide expanded transportation services in the Nashua Regional Coordinating Council service area. NRPC will act as the lead agency to purchase accessible demand response transportation services for seniors and individuals with disabilities and will support mobility management and strategic planning activities in cooperation with the Region 7 Nashua 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 2015, the Department announced the availability of federal funds for a two year period for Section 5310 Purchase of Service funds and one year for Section 5310 Formula Funds to support coordinated transportation services for seniors and individuals 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 Section 5310 Purchase of Service and Section 5310 Formula Funds projects through an approved lead agency. As required by FTA, all projects are identified in a locally developed coordinated public transit-human services transportation plan.

The Nashua Regional Coordinating Council for Region 7 designated NRPC as the lead agency to apply for both Section 5310 Purchase of Service and Section 5310 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 2016 and 2017 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 cursive script that reads "William Cass".

William Cass, P.E.  
Assistant Commissioner

Attachments