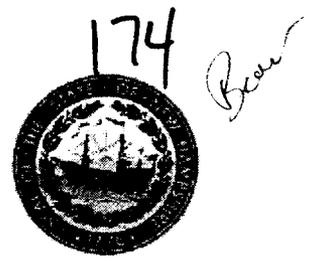




THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



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

*Sole Source*

**REQUESTED ACTION**

Authorize the Department of Transportation to enter into a **sole source** contract amendment with Upper Valley Lake Sunapee Regional Planning Commission (Vendor 154385), Lebanon, New Hampshire, to increase the contract amount by \$55,899 from \$58,332 to \$114,231 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 #95. 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	\$55,899

**EXPLANATION**

The Department has approved a request for additional Federal Transit Administration (FTA) Section 5310 Purchase of Service funding from Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) for expanded transportation services in the Sullivan County 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 UVLSRPC has been designated by the Region 4 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. UVLSRPC will continue to act as the lead agency to purchase accessible volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Sullivan County Regional Coordinating Council.

The Department entered into a two-year contract with UVLSRPC 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 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 UVLSRPC represents and provides \$55,899 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", written in a cursive style.

Christopher D. Clement, Sr.  
Commissioner

Attachments

## AMENDMENT TO AGREEMENT

### UPPER VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and Upper Valley Lake Sunapee Regional Planning Commission on May 15, 2013, (Item #95) effective July 1, 2013 through June 30, 2015;

WHEREAS, the Price Limitation in Section 1.8, is \$58,332, 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 \$114,231 (increase of \$55,899);

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$53,104 for service delivery and \$2,795 for Mobility Management activities, for a total increase of \$55,899 and a revised contract total of \$114,231.

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.

**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:

<b><u>Region 4 Sullivan County</u></b>	<b><u>SFY 2014</u></b>	<b><u>SFY 2015</u></b>
Purchase of Service	\$55,416	\$53,104
Mobility Management	<u>\$ 2,916</u>	<u>\$ 2,795</u>
<b>Total Federal Funds</b>	<b>\$58,332</b>	<b>\$55,899</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 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 of June 30, 2015.

**Upper Valley Lake Sunapee Regional Planning Commission**

By: NATHAN MILLER Date: 5/6/14

Title: EXECUTIVE DIRECTOR

Signature: Nathan Miller

County of Grafton

On this the 6 day of May, 2014, before me, Donna Stender, the undersigned officer, personally appeared Nathan Miller, 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.

Donna Stender  
Notary Public/Justice of the Peace  
DONNA STENDER, Notary Public  
My Commission Expires January 13, 2015

**NH Department of Transportation**

By: Passive C. Herlihy Date: 5/7/14

Title: Director

Signature: Passive C. Herlihy

**Approved by Attorney General**

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

Title: AA G

Signature: Brian Buonarino

**Approved by Governor and Council**

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

**EXHIBIT C**

**SPECIAL PROVISIONS**

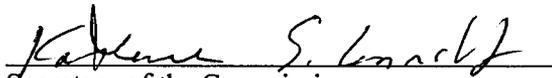
Upper Valley Lake Sunapee Planning Commission does not need a Certificate of Good Standing because they are a “political subdivision” of the State per RSA Chapter 36:49-a.

## Certificate of Authorization

I, **Katherine Connolly**, Secretary/Assistant Treasurer for the Upper Valley Lake Sunapee Regional Planning Commission, Lebanon, New Hampshire do hereby certify that:

1. Under the provisions of Article VI, Section 1(M) of the Upper Valley Lake Sunapee Regional Planning Commission bylaws, **Nathan Miller, Executive Director** is duly authorized to enter into a contract with the New Hampshire Department of Transportation.
2. At the May 5, 2014 Upper Valley Lake Sunapee Regional Planning Commission meeting, the Commission voted to accept Section 5310 Purchase of Service funding for Sullivan County and to enter into a grant contract with the New Hampshire Department of Transportation for FY 2015. The Commission further authorized **Nathan Miller, Executive Director** to execute any documents which may be necessary for this grant contract.
3. This authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof.
4. The following person has been appointed to and now remains in the office indicated in 2 above:  
**Nathan Miller, Executive Director.**

IN WITNESS THEREOF, I have hereunto set my hand as the Secretary of the Upper Valley Lake Sunapee Regional Planning Commission in Lebanon, New Hampshire, on this 6<sup>th</sup> day of May 2014.

  
Secretary of the Commission

**State of New Hampshire / County of Grafton**

On this the 6<sup>th</sup> day of May, 2014, before me,

  
(Notary Public/Commissioner of Deeds)

**DONNA STENDER, Notary Public**  
My Commission Expires January 13, 2015

personally appeared **Katherine Connolly** who acknowledged herself to be the Secretary/Assistant Treasurer of the Commission, being authorized so to do, execute the foregoing instrument for the purpose therein contained.

IN WITNESS THEREOF, I hereunto set my hand and seal.

  
(Notary Public/Commissioner of Deeds)

# CERTIFICATE OF COVERAGE

This certificate evidences the limits of liability in effect at the inception of the Member Agreement(s) described below. This certificate is issued as a matter of information only and confers no rights on the certificate holder and does not amend, extend or alter the coverage afforded by the Member Agreement(s); except to the extent provided in the additional covered party box or loss payee box below, if checked.

THIS IS TO CERTIFY THAT THE MEMBER NAMED BELOW IS A PARTICIPATING MEMBER OF COMPANY A AND THAT A MEMBER AGREEMENT(S) HAS BEEN ISSUED TO THE MEMBER FOR THE AGREEMENT TERM(S) 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 COVERAGE AFFORDED BY THE MEMBER AGREEMENT(S) IS SUBJECT TO ALL THE EXCLUSIONS, EXTENSIONS, TERMS AND CONDITIONS OF SUCH MEMBER AGREEMENT(S). AGGREGATE LIMITS MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<b>Participating Member:</b> Upper Valley Lake Sunapee RPC <b>Member Number:</b> 399-070108 - 14		<b>Company Affording Coverage (the "Company"):</b> Local Government Center Property-Liability Trust, LLC PO Box 2008, Concord, NH 03302-2008													
Coverage (Occurrence basis only):	Effective Date (mm/dd/yy)	Expiration Date (mm/dd/yy)	Limits (subject to applicable NH statutory limits)												
<input checked="" type="checkbox"/> General Liability (Member Agreement Section III.A)	7/1/2013	6/30/2014	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Each Occurrence</td><td style="text-align: right;">\$ 5,000,000</td></tr> <tr><td>General Aggregate</td><td style="text-align: right;">\$</td></tr> <tr><td>Personal &amp; Adv Injury</td><td style="text-align: right;">\$</td></tr> <tr><td>Med Exp (any one person)</td><td style="text-align: right;">\$</td></tr> <tr><td>Products - Comp/Op Agg</td><td style="text-align: right;">\$</td></tr> <tr><td>Fire Damage (each fire)</td><td style="text-align: right;">\$</td></tr> </table>	Each Occurrence	\$ 5,000,000	General Aggregate	\$	Personal & Adv Injury	\$	Med Exp (any one person)	\$	Products - Comp/Op Agg	\$	Fire Damage (each fire)	\$
Each Occurrence	\$ 5,000,000														
General Aggregate	\$														
Personal & Adv Injury	\$														
Med Exp (any one person)	\$														
Products - Comp/Op Agg	\$														
Fire Damage (each fire)	\$														
<input checked="" type="checkbox"/> Automobile Liability (Member Agreement Section III.A) <input type="checkbox"/> Any Auto <input type="checkbox"/> All Owned Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Non-Owned Autos <input type="checkbox"/> Other _____	7/1/2013	6/30/2014	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Each Occurrence</td><td style="text-align: right;">\$ 5,000,000</td></tr> <tr><td>Bodily Injury (per person)</td><td style="text-align: right;">\$</td></tr> <tr><td>Bodily Injury (per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td>Property Damage (per accident)</td><td style="text-align: right;">\$</td></tr> </table>	Each Occurrence	\$ 5,000,000	Bodily Injury (per person)	\$	Bodily Injury (per accident)	\$	Property Damage (per accident)	\$				
Each Occurrence	\$ 5,000,000														
Bodily Injury (per person)	\$														
Bodily Injury (per accident)	\$														
Property Damage (per accident)	\$														
Excess Liability			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Each Occurrence</td><td style="text-align: right;">\$ N/A</td></tr> <tr><td>Aggregate</td><td style="text-align: right;">\$ N/A</td></tr> </table>	Each Occurrence	\$ N/A	Aggregate	\$ N/A								
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Aggregate	\$ N/A														
<input checked="" type="checkbox"/> Property (All Risk including Theft) (Member Agreement Section I) Deductible: \$1,000	7/1/2013	6/30/2014	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td></td><td style="text-align: right;">\$ Per scheduled limits and Member Agreement</td></tr> </table>		\$ Per scheduled limits and Member Agreement										
	\$ Per scheduled limits and Member Agreement														
<input checked="" type="checkbox"/> Workers' Compensation (Coverage A) Employers' Liability (Coverage B)	7/1/2013	6/30/2014	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Coverage A:</td><td style="text-align: right;">Statutory</td></tr> <tr><td>Cov. B: Each Accident</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td>Disease - Each Employee</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td>Disease - Policy Limit</td><td style="text-align: right;">\$ 2,000,000</td></tr> </table>	Coverage A:	Statutory	Cov. B: Each Accident	\$ 2,000,000	Disease - Each Employee	\$ 2,000,000	Disease - Policy Limit	\$ 2,000,000				
Coverage A:	Statutory														
Cov. B: Each Accident	\$ 2,000,000														
Disease - Each Employee	\$ 2,000,000														
Disease - Policy Limit	\$ 2,000,000														
<b>Description:</b> State of New Hampshire, Department of Transportation is named as Additional Covered Party relative to the FTA Section 5310 Purchase of Service Contract Grant :															

**CANCELLATION:** If any of the above coverages under the Member Agreement are cancelled before the expiration date, the Company will endeavor to mail 30 days written notice to the Certificate Holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company.

<input checked="" type="checkbox"/> <b>Additional Covered Party</b>	<input type="checkbox"/> <b>Loss Payee, as his, her or its interests appear</b>	
<i>Coverage for the Additional Covered Party is limited to "bodily injury" or "property damage" caused by, and only to the extent of, the sole negligence of the "Member," and no protection is available for the negligence of others, including the Additional Covered Party and its directors, officers, employees or agents. Available limits of coverage are shared between the "Member" and the Additional Covered Party.*</i>		
<b>Certificate Holder:</b> State of New Hampshire Department of Transportation PO Box 483 - Bureau of Planning  Concord NH 03302-0483	<b>Companies</b>  <b>By:</b> <u>Debra A. Lewis</u> Authorized Representative  <b>Date Issued:</b> <u>6/19/2013</u>	<b>Please direct inquiries to:</b>  Debra A. Lewis 603.230.3332

*Terms in quotes are defined in the Member Agreement.*



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



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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 95

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with Upper Valley Lake Sunapee Regional Planning Commission (Vendor 154385), Lebanon, New Hampshire, for an amount not to exceed \$58,332 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 \$58,332

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding to Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) for expanded transportation services in the Region 4 Coordinating Council service area of Sullivan County. UVLSRPC will act as the Lead Agency to purchase accessible volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Region 4 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 Region 4 Regional Coordinating Council designated UVLSRPC 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 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