



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



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**VICTORIA F. SHEEHAN**  
**COMMISSIONER**

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

Bureau of Highway Design  
October 27, 2017

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, NH 03301

**INFORMATIONAL ITEM**

In accordance with the requirements approved by Governor and Council March 9, 2016, Item #33, the Department of Transportation is to submit on an annual basis a summary of Special, Supplemental, and Account Agreements (and their amendments) with utilities, municipalities and railroad entities that result from impacts to their facilities because of Department administered construction projects.

Attached please find the summary report of agreements paid for the fiscal year ending June 30, 2017.

**EXPLANATION**

The Department historically, has contracted sole-source with utilities, municipalities, and railroad entities to provide proprietary services for equipment, material, and labor services. These services result from work required to relocate private and public infrastructure facilities from within the limits of construction projects which are either in the 10-Year Plan or street light removal program. Department administered construction projects routinely require utility work that only a utility, municipality, or railroad utility can both perform and provide necessary services. It is critical that these utility relocations be addressed prior to and during construction so that timely construction of the roadway and bridge projects can take place without halting construction that can add delay, increase costs, and have the potential to decrease public safety. In these examples, the utility, municipality, or railroad entity (vendor) is contracted and paid by the Department or the Department is contracted and paid by the vendor.

As a result of an audit finding, the Department of Transportation met with a representative of the Department of Administrative Services and specifically discussed the issue of Account Agreements. As part of this review, it was agreed by both Departments that the Department of Transportation request approval from the Governor and Executive Council for continued use of entering into these type agreements. As part of this process, an informational item will be presented to the Governor and Executive Council on an annual basis of the agreements which were entered into and used. The flexibility for these types of contracts is critical to the nature of the work performed and completed by the Department.

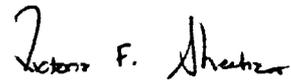
Below is a summary of actual payments made by the Department:

**FY 2017**

Total Actual Amount Paid      \$609,585.18

It is respectfully requested that this item be accepted.

Sincerely,



Victoria F. Sheehan  
Commissioner

Attachment:    Schedule of Paid Agreements through June 30, 2017

Project Number	Project Name	Phase	Workclass Code	Manifest Date	Total Amount Paid	DBF	Vendor Code	Vendor Name	Class	Object	Org	Fund
10044G	PLAISTOW	CON	0002260	21-Feb-2017	\$6,520.13	3411	177145	Unitil Energy Systems Inc	400	0870	3054	015
11238M	NEWINGTON - DOVER	CON	0002260	04-Apr-2017	\$45,078.50	3441	177463	Portsmouth Water Works	400	0870	7514	017
12958B	BERLIN	CON	0002260	12-Jul-2016	\$670.18	3441	177362	Berlin Water Works	400	0870	3054	015
13455	PORTSMOUTH	CON	0002260	07-Sep-2016	\$49,100.09	3441	177463	City Of Portsmouth	400	0870	3054	015
13455C	PORTSMOUTH	CON	0002260	07-Sep-2016	\$40,000.00	3441	177463	City Of Portsmouth	400	0870	3054	015
13742A	BOW - CONCORD	CON	0002260	06-Jan-2017	\$11,128.07	3441	177145	Unitil Energy Systems Inc	400	0870	7507	017
13928A	FRANKLIN	CON	0002260	13-Mar-2017	-\$38,500.00	0000	177622	AT&T	400	0870	3054	015
13928A	FRANKLIN	CON	0002260	21-Feb-2017	\$38,500.00	3441	177622	AT&T	400	0870	3054	015
13928A	FRANKLIN	CON	0002260	08-Jun-2017	\$1,638.00	5816	177150	EVERSOURCE ENERGY	400	0870	3054	015
13933I	SALEM TO MANCHESTER	CON	0002260	30-Jan-2017	\$27,570.82	3441	177150	EVERSOURCE ENERGY	400	0870	3054	015
13933I	SALEM TO MANCHESTER	CON	0002260	08-Jun-2017	\$16,986.26	5816	177150	EVERSOURCE ENERGY	400	0870	1843	015
14477A	PEMBROKE	CON	0002260	06-Jul-2016	\$302.10	3441	159933	Town Of Pembroke Water Works	400	0870	3054	015
14966	MANCHESTER	CON	0002260	01-May-2017	\$27,695.72	3441	177150	EVERSOURCE ENERGY	400	0870	7507	017
15731	PORTSMOUTH, NH - KITTERY, ME	CON	0002260	16-Sep-2016	\$17,126.00	2615	177150	EVERSOURCE ENERGY	400	0870	3054	015
16163D	DISTRICT 3 RESURFACING	CON	0002280	03-Feb-2017	\$3,561.10	3441	157711	Plymouth & Lincoln Rr Corp	400	0870	3039	015
26765	KEENE	CON	0002260	09-Feb-2017	\$4,988.54	6401	177150	EVERSOURCE ENERGY	400	0870	3054	015
28833	WALPOLE	CON	0002280	01-Nov-2016	\$331,397.17	3441	264581	Green Mountain Railroad Co	400	0870	3054	015
28833	WALPOLE	CON	0002280	30-Mar-2017	\$15,265.00	3441	264581	Green Mountain Railroad Co	400	0870	3054	015
28977	CONCORD	CON	0002260	30-Jan-2017	\$10,557.50	3441	177145	Unitil Energy Systems Inc	400	0870	3054	015
					<b>\$609,585.18</b>							

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VICTORIA F. SHEEHAN  
COMMISSIONER

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



WILLIAM CASS, P.E.  
ASSISTANT COMMISSIONER

Bureau of Highway Design  
February 3, 2016

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

REQUESTED ACTION

Authorize the Department of Transportation to enter into **retroactively** certain **sole-source** Special, Supplemental, and Account Agreements (and their amendments) with utilities, municipalities and railroad entities that result from impacts to their facilities because of Department administered construction projects. Further, any adjustments to original estimates that result in changes to encumbrances be authorized based on justification to the Department of Administrative Services. It is requested that these Account Agreements be approved and effective upon Governor and Executive Council approval through June 30, 2017.

Funding for this request is available based upon the source of funds for each particular project for FY 2016 and FY 2017, and is contingent upon the availability and continued appropriation of funds after June 30, 2017.

EXPLANATION

This request is **retroactive** as the previous request expired at the end of the fiscal year (6/30/15). This was not realized and was overlooked as part of the annual reporting for Fiscal Year 2016. This authorization is for the current biennium.

The Department historically, has contracted **sole-source** with utilities, municipalities, and railroad entities to provide proprietary services for equipment, material, and labor services. These services result from work required to relocate private and public infrastructure facilities from within the limits of construction projects which are either in the 10-Year Plan or street light removal program. Department administered construction projects routinely require utility work that only a utility, municipality, or railroad utility can both perform and provide necessary services. It is critical that these utility relocations be addressed prior to and during construction so that timely construction of the roadway and bridge projects can take place without halting construction that can add delay, increase costs, and have the potential to decrease public safety. In these examples, the utility, municipality, or railroad entity (vendor) is contracted and paid by the Department or the Department is contracted and paid by the vendor.

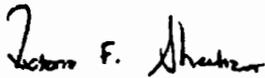
As a result of an audit finding, the Department of Transportation met with a representative of the Department of Administrative Services and specifically discussed the issue of Account Agreements. As part of this review, it was agreed by both Departments that the Department of Transportation request approval from the Governor and Executive Council for continued use of entering into these type agreements. As part of this process, an informational item will be presented to the Governor and Executive Council on an annual basis of the agreements which were entered into and used. The flexibility for these types of contracts is critical to the nature of the work performed and completed by the Department.

The Department's approach to using these agreements has worked well and the Account Agreements have been reviewed in substance and form by the Attorney General. The use of these agreements has allowed the Department to react quickly and in concert with the public utility, municipality, and railroad entity to decrease potential project delays and deliver construction improvements in a timely and efficient manner.

Approval of this method will ensure the timeliness of project work as a result of both anticipated and unanticipated utility work during the course of construction and improve efficiency of project completion allowing the Department to enter into agreements with a utility, municipality, and or railroad entity that are the only vendor(s) able to perform and complete the necessary work.

It is respectfully requested that this item be approved.

Sincerely,



Victoria F. Sheehan  
Commissioner

Attachments: Force Account Agreement Templates