



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 7, 2016

Her Excellency, Governor Margaret Wood Hassan
and the Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (NHDES) to enter into a **sole source** Memorandum of Agreement (MOA) with the Environmental Council of the States (ECOS), Washington, DC, (VC# 168853) in the amount of \$350,000, to perform a nationwide inventory of state environmental agency efforts to modernize the business of environmental protection, effective upon Governor and Council approval through June 30, 2017. Funding is 100% Federal Funds.

Funding is available in the account as follows.

03-44-44-442010-76020000-072-500575 FY 2017
\$350,000
Dept. of Environmental Services, Surface Water Quality PPG, Grants-Federal

EXPLANATION

E-Enterprise for the Environment (E-Enterprise) is a new model for collaborative leadership among states and the U.S. Environmental Protection Agency (EPA), engaging with all interested and affected parties, to support the environment, public health and the economy by modernizing the business of environmental protection. In doing so, it enables more informed and timely decision making and better environmental results by improving the productivity of the environmental protection enterprise. E-Enterprise represents a commitment to a joint governance model that substantially expands the collaboration among EPA, State, Territorial and Tribal partners. NHDES is actively participating in and supporting the E-Enterprise initiative; the funding for this Agreement is federal E-Enterprise funds provided by EPA, and NHDES was awarded the funds to conduct the inventory on behalf of all states. This is a **sole source** agreement because ECOS is the only organization whose mission is to provide this kind of support and assistance to state environmental agencies, and because as mentioned above this project is being carried out on behalf of all states and not just for New Hampshire. ECOS is the national non-profit, non-partisan association of state and territorial environmental agency leaders, whose mission is to “improve the capability of state and territorial environmental agencies and their leaders to protect and improve human health and the environment of the United States of America.”

An inventory will be conducted to compile information regarding current and future state and territorial electronic reporting and permitting systems, business process improvement efforts, system

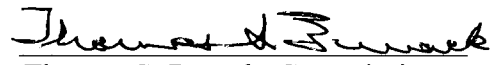
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modernization, environmental data access and exchange projects, and leveraging advanced monitoring technology used to implement federal and state environmental regulatory requirements authorized under the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act and other relevant federal and state environmental laws. The results of this work will help to identify projects that offer the greatest opportunity to advance the vision and mission of the E-Enterprise for the Environment Program and, therefore, to offer the greatest benefits to states and territories in terms of saving time and money and better serving the regulated community and the public. The survey will be designed to gather information not only on current and future information systems but also on any Lean and/or process improvement efforts undertaken by the States and Territories that have been conducted to improve the business processes supporting the implementation of federally delegated and state authorized environmental regulatory programs.

The attached agreement between NHDES and ECOS describes the work to be performed in order to complete the E-Enterprise Inventory. In the event that federal funds no longer become available, general funds will not be requested to support this program. This agreement has been approved by the Office of the Attorney General as to its form, substance, and execution.

We respectfully request your approval.


Thomas S. Burack, Commissioner

Enclosure

**MEMORANDUM OF AGREEMENT
BETWEEN
NH DEPARTMENT OF ENVIRONMENTAL SERVICES (NHDES)
AND
ENVIRONMENTAL COUNCIL OF THE STATES (ECOS)**

Subject: Support for NH Department of Environmental Services (NHDES) in carrying out an E-Enterprise for the Environment Inventory Project to compile information from States, Tribes and Territories regarding efforts that are consistent with E-Enterprise for the Environment and Exchange Network principles.¹ This includes, but is not limited to, programs, projects, and products – in place, completed, or actively in development – demonstrating principles such as business process improvement, environmental program modernization, joint governance, data exchange, information transparency and/or access, data sharing and leveraging advanced technology. NHDES has been awarded grant funds by the U.S. Environmental Protection Agency (USEPA) to carry out this E-Enterprise Inventory Project for the benefit of not only New Hampshire but other States, Territories, Tribes and USEPA; ECOS has agreed to provide assistance with and support to NHDES for this project because of their role as the national non-profit, non-partisan association of state and territorial environmental agency leaders with the purpose of improving the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States.

This Agreement outlines the general responsibilities of NHDES and ECOS relative to support for implementing the E-Enterprise Inventory Project, including the proposed schedule for the work and the funding provided by NHDES.

For the purposes of this Agreement, NHDES and ECOS agree to cooperate as follows:

NHDES agrees to:

- A. Provide ECOS with funding as described in the Project Costs section of the Work Program included in this Agreement, for the purposes of implementing and ensuring satisfactory completion of the elements in the Work Program;
- B. Assign responsible staff to oversee and work with ECOS in implementing the Work Program; and
- C. Meet with ECOS as needed to coordinate work activities.

ECOS agrees to:

- A. Work with NHDES, and other member States and Territories, as outlined in the Work Program, to implement and ensure satisfactory completion of the elements of the Work Program;

¹ For more information about E-Enterprise for the Environment and the Exchange Network see <http://www.exchangenetwork.net/e-enterprise/> and <http://www.exchangenetwork.net/about/who-we-are/>.

- B. Assign responsible ECOS staff to serve as a liaison with NHDES for the purpose of carrying out this Agreement; and
- C. Meet with NHDES as needed, to coordinate work activities.

Work Program for E-Enterprise for the Environment Inventory Project

Summary Purpose: The E-Enterprise Inventory Project will be carried out in phases in order to accomplish the following objectives: to contact users from States, Territories and Tribes (Partners) to learn and document what users want to know about work done and in development that reflects E-Enterprise for the Environment and Exchange Network principles² and how they want to use that information; to document requirements for and test a tool to collect and catalog this information; if appropriate and necessary, to propose and help implement any recommended changes to assure the tool meets user needs; and to work closely with Partners to populate the tool and provide training on use of the tool.

Expectations, Assumptions: It is expected that execution of the work will occur in three phases. Phase 1 will focus on collection of results of relevant and recent (within the last 3 years) past data collection efforts by ECOS and other Partners, identification of partner contacts, and through extensive outreach and testing, identification of user requirements for an information collection tool. Phase 2 will include documentation of technical requirements for the information collection tool and information repository and design and execution of a pilot to test the selected tool. Selection of the tool will be done with approval of the project leads as identified below under Project Management and Oversight. Phase 3 will entail training representatives from all states, participating territories, and participating tribes in using the tool and assisting all Partners with inputting information into the tool. This phase will involve intensive interviewing and outreach to partners to collect information and enter that information in the tool. The built in assumption is that if Phase 1 is done successfully, the selected tool piloted in Phase 2 will meet user requirements and will be adopted and implemented. If this assumption proves to be incorrect, then Phase 3 will include testing of an alternative tool.

Project Costs, Management and Oversight: Funding for this Project in the amount of \$350,000 is available via this Agreement with the NHDES, using federal E-Enterprise for the Environment funds awarded to NHDES as part of its Federal Fiscal Year 2013-2015 Performance Partnership Grant (CFDA# 66.605) with the U.S. Environmental Protection Agency. All applicable requirements, regulations, provisions, terms and conditions of the Performance Partnership Grant funds are hereby adopted in full force and effect to the relationship between NHDES and ECOS for the purpose of work performed under this Memorandum of Agreement. A representative to be identified from ECOS will serve as the Project Liaison for all matters related to carrying out this Agreement. A representative to be identified from NHDES will serve as the Project Manager, responsible for overseeing and working with the ECOS Project Liaison in implementing the Work Program and ensuring proper use of the grant funds. The Project Manager will work in partnership with a Project Steering Committee, to be established by ECOS, to provide oversight, direction and feedback to ECOS as they implement the

² For more information about E-Enterprise for the Environment and the Exchange Network see <http://www.exchangenetwork.net/e-enterprise/> and <http://www.exchangenetwork.net/about/who-we-are/>.

details of the Work Program. ECOS may sub-contract any of the elements of the Work Program with prior approval from the NHDES Project Manager.

Method of Payment: NHDES shall pay to ECOS the total reimbursable project costs in accordance with the requirements described in this section. Reimbursement requests shall be made no more frequently than monthly and no less frequently than quarterly. Such requests shall be made by ECOS using a payment request form provided by NHDES, and shall be accompanied by proper supporting documentation. Documentation of reimbursable costs may include invoices for supplies, equipment, services, contracted services, and a report of personnel, travel and indirect costs. Progress reports shall be submitted with each payment request to document the status of work program implementation. Total reimbursable costs shall not exceed \$350,000, the amount of the grant award from the U.S. Environmental Protection Agency to NHDES for the purpose of supporting this project.

Project Timeline: The project duration extends from the date of approval by Governor and Council through March 31, 2017, unless terminated by either party, or extended in writing by subsequent agreement of the parties and acceptance by Governor and Council. In any event, this Agreement cannot be extended beyond September 30, 2017 which is the termination date for the grant that is funding the work.

Work Program Details:

- Phase 1: Collect Use Cases, Define Requirements (Estimated Level of Effort - 40%)
 - Collect and document results of data collection efforts in past 3 years related to information on Partner (i.e. States, Territories, Tribes) projects that are consistent with E-Enterprise for the Environment and Exchange Network principles.
 - With Project leads, identify contacts representing range of users of information described in the first bullet. The contact list may include all 50 states, participating territories and participating tribes. The goal is to get feedback from as many users as reasonable to fully test and learn what information users want and how they want to use it. The success of the tool depends on it containing information that users are looking for and at the same time making data entry easy enough so that it will be populated and maintained.
 - In an agile process, conduct extensive outreach with identified contacts testing hypotheses regarding use of information and how the information is made available, kept up to date and used. For each hypothesis, acquire sample data and share it with another user or group of users and get feedback. Use that feedback to test a subsequent hypothesis. The goal of this step is to learn what users want and how they want it. In conjunction with the Project leads continue this process of hypothesis testing until sufficient knowledge is gained to prompt transition to development or procurement and testing of a tool to collect and make information available.
- Phase 2: Design Pilot and Pilot Tool for Collection of Data on Existing Programs, Projects, Initiatives, and Systems (Estimated Level of Effort - 25%)

- Use knowledge gained from Phase 1 to identify the technical requirements for an information collection and information repository tool and recommend a tool; design and execute a pilot to test use of the tool as an information collection tool and information repository.
 - The pilot should evaluate the tool against the user needs determined in Phase 1.
 - Piloting of the tool should be done with a representative group of at least 5 diverse users.
 - Information collected should be limited to products, projects, and programs in place, completed, or actively in development and directly reflecting business process improvement efforts, environmental management modernization, joint governance, data exchange, data transparency, data access, and/or data sharing.
 - The pilot should be designed so as to allow users to give feedback that can be reacted to and used to make adjustments to the tool and pilot along the way; that is the pilot should be conducted in an agile manner.
 - The outcome of Phase 2 should be a recommendation regarding the viability of the tool as an information collection tool and information repository, a recommendation regarding whether the information collected should be made publicly available and a recommendation regarding hosting of the tool.
- Phase 3: Populate the Tool and Train Users (Estimated Level of Effort - 35%)
 - In coordination with Partners to verify accuracy of information, pre-populate the tool with the information collected in Phase 1.
 - Make training available to all states, participating territories, and participating tribes in the use of the tool, and train those that choose to participate in the training.
 - Conduct extensive outreach with all Partners to complete population of the tool with information on work completed and in development under state, tribal, and territory auspices that reflects E-Enterprise for the Environment and Exchange Network principles, focusing the outreach and information collection efforts on those States, Territories and Tribes that do not initially populate the tool directly themselves.

IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.

Alexandra Dapolito Dunn
Alexandra Dapolito Dunn, Executive Director
Environmental Council of the States

April 8, 2016
Date

Thomas S. Burack
Thomas S. Burack, Commissioner
NH Department of Environmental Services

June 13, 2016
Date

OFFICE OF THE ATTORNEY GENERAL *As to form substance & execution.*

By: [Signature]
Sr. Assistant Attorney General

Date: 6-15-2016, _____

I hereby certify that the foregoing agreement was approved by the Governor and Council of the State of New Hampshire at their meeting on _____, _____.

OFFICE OF THE SECRETARY OF STATE

By: _____

Title: _____

Certificate of Authority

I, Alexandra Dunn, Executive Director and General Counsel of Environmental Council of the States (ECOS)
Printed Name of Certifying Officer Title Name of Company

hereby certify that Alexandra Dunn is authorized to execute any documents
Printed Name of Person Authorized to sign
that may be necessary to enter into a contract with the State of New Hampshire.

In witness whereof, I have hereunto set my hand as the Executive Director and General Counsel
Office/Position of Certifying Officer
of the States, this 24 day of May, 2016
Name of Company

Alexandra Dunn
Signature of Certifying Officer

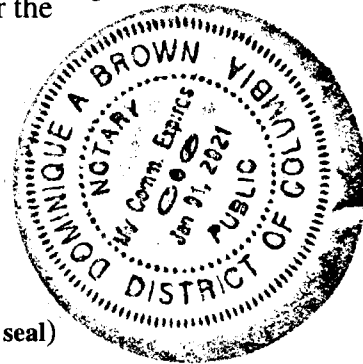
Notarization

State of DC
County of DC
On May 24th 2016, before me, Alexandra Dunn,
Date Name of Notary or Justice of the Peace

the undersigned officer, personally appeared Commiee Brown, who
Printed Name of Certifying Officer
acknowledged him/herself to be the Executive Director, of the Environmental Council of the States
Office/Position Name of Company
and that she/he, being authorized to do so, executed the foregoing instrument for the
purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Commiee Brown
Notary Public or Justice of the Peace



(affix seal)

Commission Expires: 1-1-2021