



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 North Country Council, Inc. (Vendor 177235), Bethlehem, New Hampshire, to increase the contract amount by \$206,065 from \$124,206 to \$330,271 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 #236. 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	\$206,065

EXPLANATION

The Department has approved a request for additional Federal Transit Administration (FTA) funds from North Country Council, Inc. for expanded transportation services to include Section 5310 Purchase of Service funding for Region 1, Grafton-Coos Regional Coordinating Council service area and Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds for Region 1, Grafton-Coos, and Region 2, Carroll County, Regional Coordinating Council service areas. 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 North Country Council has been designated by the Region 1 and Region 2 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 regions, this contract is proposed to be amended to include these additional funds. North Country Council, Inc. will continue to act as the lead agency to purchase accessible demand response, public transit and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Grafton-Coos and Carroll County Regional Coordinating Councils.

The Department entered into a two-year contract with the North Country Council, Inc. 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 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 regions North Country Council represents and provides \$206,065 for the second year (SFY 2015) of the two-year agreement. Both FTA programs require a twenty percent (20%) match, which will be provided by cash and 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.

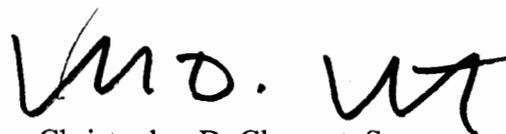
In the event that Federal funds become unavailable, general funds will not be requested to support this program.

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, Sr.", written in a cursive style.

Christopher D. Clement, Sr.
Commissioner

Attachments

AMENDMENT TO AGREEMENT

NORTH COUNTRY COUNCIL

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and North Country Council, Inc. on June 5, 2013, (Item #236) effective July 1, 2013 through June 30, 2015;

WHEREAS, the Price Limitation in Section 1.8 is \$124,206;

WHEREAS, Exhibit A, Scope of Services contains items A.1 through A.4 only and Exhibit B, Budget describes the budget for SFY 2014 only;

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 be amended to read \$330,271 (increase of \$206,065);

Exhibit A, Scope of Services be amended to revise the first paragraph, revise A.4 and add A.5 as outlined below:

The Contractor, North Country Council, will provide transportation service as described in its Section 5310 Purchase of Service grant application to NHDOT for Region 1 (Grafton-Coos) and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula grant applications to NHDOT for Region 1 Grafton-Coos and Region 2 Carroll County.

A.4 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 and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula grant application or as amended through subsequent correspondence.

A.5 The Contractor will act as the lead agency for Region 1 Grafton-Coos and Region 2 Carroll County for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds to provide accessible transportation services to elderly individuals and individuals with disabilities in cooperation with the Region 1 and Region 2 Regional Coordinating Council. Transportation services provided through the lead agency include the following:

- Mobility manager position for Region 1, Grafton County service area, to manage a volunteer driver program providing accessible transportation to elderly individuals and individuals with disabilities in Plymouth and 19 surrounding towns. Mobility management activities include volunteer driver recruitment, screening and training of volunteer drivers, managing and dispatching trip requests, driver assignments, and administrative responsibilities.
- Demand response accessible transportation services provided in Region 1, Coos County service area, for medical, nutrition, shopping and other activities.
- Expanded demand response accessible transportation services provided in the Region 2, Carroll County service area, for medical, nutrition, shopping and other activities.

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$111,713 for service delivery and \$5,880 for Mobility Management activities. Also included is \$88,472 of Enhanced Mobility of Seniors and Individuals with Disabilities formula funds for a total increase of \$206,065 and revised contract total of \$330,271.

Exhibit B, Budget, B.2 shall be revised 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 & 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.

AMENDED EXHIBIT A & B

EXHIBIT A SCOPE OF SERVICES REVISED

The Contractor, North Country Council, will provide transportation service as described in its Section 5310 Purchase of Service grant application to NHDOT for Region 1 (Grafton-Coos) and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula grant applications to NHDOT for Region 1 Grafton-Coos and Region 2 Carroll County.

A.1 The Contractor will act as the lead agency for Region 1 for 5310 purchase of service transportation to provide transportation services to elderly individuals and individuals with disabilities in the Grafton-Coos County region in cooperation with the Region 1 Grafton-Coos Regional Coordinating Council. Transportation services provided through the lead agency include the following:

- Accessible volunteer driver transportation for eligible residents of Coos County and northern Grafton County for non-emergency medical transportation to medical facilities located outside the regular transit service area.
- Expanded demand-response service hours in the northern most part of Coos County to include Pittsburg, Clarksville, Colebrook, Columbia, North Stratford, West Stewartstown and Stewartstown to provide accessible transportation services for medical appointments, shopping and pharmacy.
- Demand-response accessible vehicles to provide transportation services for adults with disabilities under the age of sixty (60) in Plainfield and all of Grafton County.
- Accessible volunteer driver transportation for elderly individuals and individuals with disabilities in the 19 town region of Central NH, centered around Plymouth to include Woodstock, Warren, Wentworth, Lincoln, Thornton, Campton, Ellsworth, Waterville Valley, Rumney, Plymouth, Holderness, Ashland, Dorchester, Groton, Hebron, Alexandria, Bristol, New Hampton and Bridgewater.

A.2 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.3 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.4 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 and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula grant application or as amended through subsequent correspondence.
- A.5 The Contractor will act as the lead agency for Region 1 Grafton-Coos and Region 2 Carroll County for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula funds to provide accessible transportation services to elderly individuals and individuals with disabilities in cooperation with the Region 1 and Region 2 Regional Coordinating Council. Transportation services provided through the lead agency include the following:
- Mobility manager position for Region 1, Grafton County service area, to manage a volunteer driver program providing accessible transportation to elderly individuals and individuals with disabilities in Plymouth and 19 surrounding towns. Mobility management activities include volunteer driver recruitment, screening and training of volunteer drivers, managing and dispatching trip requests, driver assignments, and administrative responsibilities.
 - Demand response accessible transportation services provided in Region 1, Coos County service area, for medical, nutrition, shopping and other activities.
 - Expanded demand response accessible transportation services provided in the Region 2, Carroll County service area, for medical, nutrition, shopping and other activities.

**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 1 Grafton Coos</u>	<u>SFY 2014</u>	<u>SFY 2015</u>
Purchase of Service	\$117,996	\$111,713
Mobility Management	\$6,210	\$5,880
5310 Formula		\$63,366
Total Federal Funds	\$124,206	\$180,959

<u>Region 2 Carroll County</u>	<u>SFY 2015</u>
5310 Formula	\$25,106

- 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 & 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.

North Country Council, Inc.

By: Christie Frost Date: 4/30/14

Title: Exec Director

Signature: [Handwritten Signature]

County of Grafton

On this the 30 day of April, 2014, before me, JAMES STEELE, the undersigned officer, personally appeared CHRISTINE FROST, 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.

[Handwritten Signature]
Notary Public/Justice of the Peace


NH Department of Transportation

By: Ferrick C. Herlihy Date: 5/6/14

Title: Director

Signature: [Handwritten Signature]

Approved by Attorney General

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

Title: AAG

Signature: [Handwritten Signature]

Approved by Governor and Council

By: _____ Date: _____

EXHIBIT C

SPECIAL PROVISIONS

Regional Planning Commissions do not need a Certificate of Good Standing because they are “political subdivisions” under RSA 36:49-a.

Certificate of Vote

I **Vickie DeLalla, Treasurer** of North Country Council, Inc. (hereinafter the "Council") do hereby certify that: 1) I am the duly elected and acting Treasurer of the Council, a regional planning commission pursuant to the laws of the State of New Hampshire (RSA 36:45-53); 2) I sign and maintain and am familiar with documents of the Council; 3) I am duly authorized to issue certificates with respect to the contents of minutes of the Council; 4) at the Board of Directors meeting held on April 9, 2014, the Council voted to accept funds and enter into contracts with the Department of Transportation for 5310 Purchase of Service, Mobility Management and 5310 Formula funding for the purpose of accepting funds from NHDOT to provide services to our region.

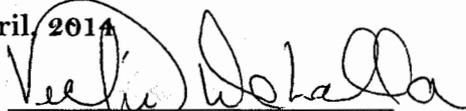
The Council further approved **Christine Frost, Executive Director** to authorize any documents which may be necessary to effectuate this contract; a) this authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and b) the following person has been appointed to and now occupies the title of Executive Director:

Christine Frost, Executive Director

Name and Title of person authorized to sign

In Witness whereof, I have hereunto set my hand as the **Treasurer** of the Council, this:

30th day of April, 2014


Vickie DeLalla, Treasurer

On this the **30th day of April, 2014**, before me JAMES STEELE the
Notary Public (print)

undersigned officer, personally appeared **Vickie DeLalla** who acknowledged herself to be the **Treasurer** of the Council, being authorized to do so, executed the foregoing instrument for the purpose therein contained.

In witness thereof, I set my hand and the official seal.


Notary Public (sign)



Commission Expiration Date:

6/19/18

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.

Participating Member: North Country Council Member Number: 317-110104 - 14		Company Affording Coverage (the "Company"): 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 & 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 - Compl/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 - Compl/Op Agg	\$	Fire Damage (each fire)	\$
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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)	\$				
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<input type="checkbox"/> 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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<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> <tr><td></td><td style="text-align: right;">Statutory</td></tr> </table>		\$ Per scheduled limits and Member Agreement		Statutory								
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<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></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:		Cov. B: Each Accident	\$ 2,000,000	Disease - Each Employee	\$ 2,000,000	Disease - Policy Limit	\$ 2,000,000				
Coverage A:															
Cov. B: Each Accident	\$ 2,000,000														
Disease - Each Employee	\$ 2,000,000														
Disease - Policy Limit	\$ 2,000,000														
Description: State of New Hampshire, Department of Transportation, Bureau of Rail & Transit is named as Additional Covered Party relative to FTA Section 5316 & 5317 Funded Projects.															

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"/> Additional Covered Party <input type="checkbox"/> Loss Payee, as his, her or its interests appear	
<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>	
Certificate Holder: State of New Hampshire Sharon Allaire Dept. of Transportation, Bureau of Rail & Transit PO Box 483 Concord NH 03302-0483	Companies By: <u>Debra A. Lewis</u> Authorized Representative Date Issued: <u>6/19/2013</u>
Please direct inquiries to: Debra A. Lewis 603.230.3332	

*Terms in quotes are defined in the Member Agreement.



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 236

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with North Country Council, Inc., (Vendor #177235), Bethlehem, New Hampshire, for an amount not to exceed \$124,206 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.

FY 2014

04-96-96-964010-2916
Public Transportation
072-500575 Grants to Non-Profits-Federal \$124,206

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding to North Country Council for expanded transportation services in the Grafton-Coos Regional Coordinating Council service area. North Country Council will act as the Lead Agency to purchase accessible demand response and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Grafton-Coos 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 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 Grafton-Coos Regional Coordinating Council designated North Country Council 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 cash and 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