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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



VICTORIA F. SHEEHAN
COMMISSIONER

WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER

Bureau of Highway Design
March 21, 2016

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

REQUESTED ACTION

1. Authorize the Department of Transportation to amend PO #4003583, with WEDU, Inc., Manchester, NH, Vendor #158621, for on-call consultant services for providing marketing and information management of the State's Strategic Highway Safety Program, to increase the not to exceed amount of this agreement by \$8,889.66, from \$400,00.00 to \$408,889.66, to briefly re-open the agreement to **retroactively** reimburse the consultant for services provided under the original Agreement which were not paid due to a contractual oversight, effective upon Governor and Council approval. The original Agreement was approved by Governor and Council on August 24, 2011, Item #74. 100% Highway Funds.

Funding is available as follows:

04-96-96-963015-3049	<u>FY 2016</u>
Non-Par Construction/Reconstruction	
046-500463 Eng Consultants Non-Benefits	\$8,889.66

2. Further, authorize to amend the contract's completion date by **retroactively** extending the completion date from August 31, 2014 to July 31, 2016, to allow sufficient time to resolve the contractual oversights, effective upon Governor and Council approval.

EXPLANATION

This item is **retroactive** because the work was completed prior to the contract's original completion date of August 31, 2014. The work was authorized by the Department, but the payment for the work exceeded the amount of the Agreement.

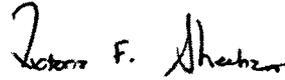
On August 24, 2011, the Governor and Council authorized the subject consultant services Agreement (Item No. 74) (copy attached) for a not to exceed amount of \$400,000.00 with WEDU, Inc. to provide marketing and information management of the State's Strategic Highway Safety Program (SHSP). The SHSP is a statewide coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. Strategically, the SHSP establishes statewide goals, objectives, and key emphasis areas for safety improvement, and integrates engineering, enforcement and emergency medical solutions. The plan is developed in consultation with Federal, State, local and private sector safety stakeholders.

The purpose of this amendment is to reimburse WEDU, Inc. for services provided, but not paid for, under the original agreement. While conducting a final payment review of the contract, an accounting oversight was discovered. WEDU, Inc. actually provided \$408,889.66 worth of services; \$8,889.66 beyond the limit of their agreement. Over the life of the contract 20 individual task assignments were given to WEDU to complete. One of the task assignments was actually paid for under another project, but affected the upset limit of this contract. This assignment was for approximately \$9,000 and was realized by the Department in the performance of its final audit review of the contract. The Department did authorize all the work completed by the consultant, including the task that inadvertently exceeded the contract limit.

This amended Agreement has been approved by the Attorney General as to form and execution. Copies of the fully-executed amended Agreement are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to amend this Agreement for consulting services as outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria F. Sheehan". The signature is written in a cursive style with a large initial 'V'.

Victoria F. Sheehan
Commissioner



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



VICTORIA F. SHEEHAN
COMMISSIONER

WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER

STATEWIDE
ON-CALL MARKETING SERVICES
16125

Bureau of Highway Design
Room 200 (CMF)
Tel. (603) 271-2171
Fax (603) 271-7025

March 15, 2016

Ms. Amy Welch
WEDU, Inc.
20 Market Street
Manchester, NH 03101

Dear Ms. Welch:

This letter amends Article I, Section J (Date of Completion) as well as Article II, Compensation of Consultant for On-Call Services; Section A (General Fee) in the above-referenced Agreement.

Article I, Section J (Date of Completion) is being amended to allow sufficient time to close out this Agreement. The original and amended dates are as follows:

Original Completion Date August 31, 2014
By this letter, amended to July 31, 2016

Article II, Section A (General Fee) is being amended to increase the not to exceed amount payable under this Agreement by \$8,889.66 as payment for services by WEDU, Inc. for work completed that exceeded the original contract amount of \$400,00.00. This amendment revises the amount not to exceed for this Agreement from \$400,000.00 to \$408,889.66.

This amendment becomes effective upon approval by the Governor and Council.

Sincerely,

[Handwritten signature of James A. Marshall]

James A. Marshall, P.E.
Administrator

[Handwritten signature of Christopher M. Waszczuk]

Approved: Christopher M. Waszczuk, P.E.
Director of Project Development

We concur in the above Amendment.

WEDU, INC.

By: [Handwritten signature]

Title: President

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AGREEMENT AMENDMENT

STATEWIDE ON-CALL MARKETING SERVICES 16125

WEDU, INC.

IN WITNESS WHEREOF the parties hereto have executed this amended AGREEMENT on the day and year first above written.

Consultant

WITNESS TO THE CONSULTANT

By: Amy Weiler
Account Director
Dated: 3/16/16

CONSULTANT

By: [Signature]
President (Title)
Dated: 3/16/16

Department of Transportation

WITNESS TO THE STATE OF NEW HAMPSHIRE

By: Michelle Grover
Dated: 4/6/16

THE STATE OF NEW HAMPSHIRE

By: [Signature]
For DOT COMMISSIONER
Dated: 4/6/16

Attorney General

This is to certify that the above amended AGREEMENT has been reviewed by this office and is approved as to form and execution.

Dated: 5/9/16 By: Deanne Math
Assistant Attorney General

Secretary of State

This is to certify that the GOVERNOR AND COUNCIL on _____ approved this amended AGREEMENT.

Dated: _____ Attest:
By: _____
Secretary of State

Corporate Resolution

I, Sear Owen, hereby certify that I am duly elected Clerk/Secretary of
(Name)

wedu, inc. I hereby certify the following is a true copy of a vote taken at
(Name of Corporation or LLC)

a meeting of the Board of Directors/shareholders, duly called and held on 3-16, 2016
at which a quorum of the Directors/shareholders were present and voting.

VOTED: That Sear Owen, President (may list more than one person) is
(Name and Title)

duly authorized to enter into contracts or agreements on behalf of

wedu, inc. with the State of New Hampshire and any of
(Name of Corporation or LLC)

its agencies or departments and further is authorized to execute any documents which
may in his/her judgment be desirable or necessary to effect the purpose of this vote.

I hereby certify that said vote has not been amended or repealed and remains in full
force and effect as of the date of the contract to which this certificate is attached. I further
certify that it is understood that the State of New Hampshire will rely on this certificate as
evidence that the person(s) listed above currently occupy the position(s) indicated and that
they have full authority to bind the corporation. To the extent that there are any limits on the
authority of any listed individual to bind the corporation in contracts with the State of New
Hampshire, all such limitations are expressly stated herein.

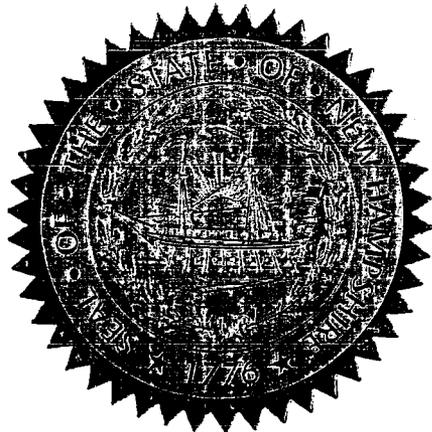
DATED: 3-16-2016

ATTEST: A Owen, President
(Name and Title)

State of New Hampshire Department of State

CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that Wedu, Inc. is a New Hampshire corporation duly incorporated under the laws of the State of New Hampshire on December 31, 1998. I further certify that all fees and annual reports required by the Secretary of State's office have been received and that articles of dissolution have not been filed.



In TESTIMONY WHEREOF, I hereto
set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 29th day of April, A.D. 2016

A handwritten signature in cursive script, appearing to read "William M. Gardner".

William M. Gardner
Secretary of State



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
Bureau of Highway Design



GEORGE N. CAMPBELL, JR.
COMMISSIONER

G+C 8/24/11
74

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

June 24, 2011

His Excellency, Governor John H. Lynch
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action

Authorize the Department of Transportation to enter into an Agreement with WEDU, Inc., Manchester, NH, Vendor #158621, for an amount of not to exceed \$400,000.00, for on-call consultant services for providing marketing and information management of the State's Strategic Highway Safety Program, effective upon Governor and Council approval, through August 31, 2014. 100% Federal Funds

Funding will be as follows:

Table with 3 columns: Account Number, Description, and Amount. Row 1: 04-96-96-963515-3054 Consolidated Federal Aid. Row 2: 046-500463 Consultants \$400,000.00 (FY 2012)

EXPLANATION

The Strategic Highway Safety Plan (SHSP) is a statewide-coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. Strategically, the SHSP establishes statewide goals, objectives, and key emphasis areas for safety improvement, and integrates engineering, education, enforcement and emergency medical solutions. The plan is developed in consultation with Federal, State, Local and private sector safety stakeholders.

An essential element of implementing the SHSP is engaging the public in highway safety and making them aware of the critical safety emphasis areas and strategies. In order to effectively implement the SHSP, the Department requires on-call consulting marketing and technical services to increase the Department's capacity to communicate safety focus areas identified in the State's Strategic Highway Safety Plan. Possible assignments include creating a strategic communications plan; public outreach; creating and managing interactive websites; creating graphic elements; creating TV, radio, print and online advertisements; purchasing advertising time with statewide media outlets; using and creating interactive presentations; creating animations and visualizations; and creating annual reports, newsletters and other publications.

The consultant selection process for this contract was initiated by a solicitation for marketing services through a Request for Proposals (RFP), which was posted on the State Administrative Services website from September 28, 2010 to October 28, 2010. A Legal Notice of the RFP was advertised in the Union Leader from September 28, 2010 to September 30, 2010. Notice was also emailed to more than one hundred firms from a list obtained from the New Hampshire Division of Resources and Economic Development. Answers to vendors questions regarding clarification of the solicitation were posted to the Administrative Services website on Thursday, October 23, 2010. As a result of the solicitation, nine firms submitted proposals.

The selection process for this contract included review and ranking of solicited written proposals to determine a short list. The selection panel consisted of twelve (12) members of the Strategic Highway Safety Plan (SHSP) Committee, which included the following representatives:

Strategic Highway Safety Plan Committee

Agency	Position
NHDOT Executive Office	Assistant Director Project Development
NHDOT Bureau of Highway Design	Bureau Administrator
Federal Motor Carriers Safety Administration	Division Administrator
Department of Justice	Assistant Attorney General
Department of Health and Human Services	Program Manager
Dartmouth Hitchcock Medical Center	Program Manager
Department of Safety	Captain
Upper Valley Regional Planning Commission	Senior Transportation Planner
Federal Highway Administration	ITS & Safety
City of Manchester	Public Works Director
NHDOT Bureau of Highway Maintenance	Assistant State Maintenance Engineer
NHDOT Bureau of Highway Design	State Highway Safety Engineer

The selection panel members reviewed the proposals individually and met on Tuesday, November 23, 2010 to recommend a short list. The Committee rated each firm based on comprehension of assignment, clarity of proposal, capacity to perform in a timely manner, quality and experience of staff, and feedback received from contact with the references provided by each firm. The following nine firms submitted proposals, and the four firms that were short-listed are shown in bold:

Consultant Firm

Burgess Advertising and Marketing
 Blu Moon Group
 Geo-Vision Inc.
 Glenn Group
Millennium Integrated Marketing
 Montagne Communications
Penna Powers Brian Haynes
Swardlick Marketing Group
 WEDU

Office Location

Portland, Maine
 Santa Monica, CA
 Watertown, MA
 North Conway, NH
Manchester, NH
MANCHESTER, NH
Salt Lake City, UT
Portland, Maine
Manchester NH

The four short-listed firms were then invited to make a formal presentation to the SHSP Committee and asked to submit a cost proposal, which was evaluated as part of the scoring process. The evaluation of the proposals and final selection of the recommended firm included the following criteria:

- Demonstrating the capability to compile a strategic communications plan;
- Demonstrating the ability to organize, implement, manage and staff outreach program activities/events
- Demonstrating a full understanding of public relations management and experience implementing tactics;
- Demonstrating the ability to design, create, and manage a website
- Demonstrating the ability to create graphic elements formats including, TV, Radio, Print and Online
- Demonstrating the ability to purchase ad-time with statewide media
- Demonstrating the ability to create interactive presentations
- Demonstrating the ability to deliver annual reports, newsletters, and publications
- Performing a final sales presentation to selection panel members; and
- Preparing a written proposal with hourly rate cost proposal.

The proposal evaluation period concluded on December 10, 2010 with final evaluation of the proposals and selection of a vendor. The selection panel carefully considered the presentation material and questioned each firm for clarification about the four ranking categories. Composite scoring criteria and evaluation results are shown below:

RATING CONSIDERATIONS	Possible Points	Swardlick	Millennium	PPBH	WEDU
Executive Summary	5	5	5	5	5
Scope of Work	30	18.75	22.5	22.5	28.5
Team Qualifications	35	30	23	25	33
Creative Samples	20	15	15	13	18
Subtotal Points	90	71.75	72.5	65.5	84.5
Costs					
Ranking		1	2	4	3
Ave. Rate (\$/hr)		\$105.00	\$110.00	\$116.88	\$109.25
Subtotal Points	10	10	8.9	5.2	7.4
TOTAL POINTS	100	82	81	71	92
OVERALL PANEL RANKING		2 nd	3 rd	4 th	1 st

Having assessed all of the aforementioned factors, the selection panel scored and ranked WEDU, Inc. the highest of the four firms. The selection panel's ranking was submitted to the Assistant Commissioner for consideration and approval.

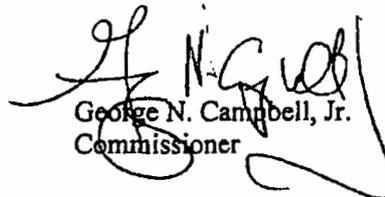
WEDU, Inc. has agreed to furnish the on-call services for an amount not to exceed \$400,000.00. This firm has an excellent reputation and has demonstrated their capability to perform the required services. The cost for individual Task Orders assigned under this contract will be negotiated and use of a modified cost plus fixed fee or lump sum method of compensation will be determined based on the complexity and scope of creative and technical services required. No new tasks may be assigned after the above-noted completion date, however, completion of previously assigned work begun prior to the completion date shall be allowed, subject to the written mutual agreement of both parties, which shall include a revised date of completion.

This project funding is 90% Federal funds with 10% state match. Turnpike toll credit is being utilized for New Hampshire's match requirement, effectively using 100% Federal funds.

This Agreement (Statewide On-Call Marketing Services, 16125) has been approved by the Attorney General as to form and execution. The Department has verified that the necessary funds are available. Copies of the fully executed Agreement are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to enter into an Agreement for consulting services as outlined above.

Sincerely,



George N. Campbell, Jr.
Commissioner