



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Thomas S. Burack, Commissioner

April 29, 2015

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

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to execute an amendment to the **Sole Source** Memorandum of Agreement (MOA) (PO #1033899), with the New Hampshire Department of Transportation (DOT) (VC# 177927 B001) to perform test borings and soil sampling as needed at state-owned dam sites by extending the completion date to June 30, 2017 from June 30, 2015, and increasing the agreement amount by \$20,000 from \$35,000 to \$55,000, effective upon Governor and Council approval. The original Agreement was approved by Governor & Council on June 5, 2013 (Item# 152). 100% Maintenance of Dams funds.

FY 2015

03-44-44-442030-3817-102-500731

\$20,000

Department of Environmental Services, Dam Maintenance Program, Contracts for Program Services

EXPLANATION

DES is requesting authorization to amend the **Sole Source** MOA with DOT to perform soil borings, soil sampling and monitoring well installation on state-owned dams on an as-needed basis. This amendment to the **Sole Source** MOA is justified because, based on DES's recent experience with a drilling contractor at other dams, DOT can provide these services at a cost that is approximately 40% less than that of drilling contractors, which has saved the State significant costs in obtaining the services provided under the agreement. In addition, having DOT provide these services more fully utilizes the state-owned drilling equipment in which the State has already invested significant funds to acquire.

Under RSA 482:57, DES is responsible for the maintenance, engineering design, repair and reconstruction of over 270 state-owned dams. Over the next two years, DES is scheduled to complete the design and construction of repairs at several state-owned dams. In order to obtain subsurface information necessary for the final design of the dam repairs, DES needs to have test borings drilled in the dams and soil and rock samples collected for analysis of their engineering properties. These borings also may include the installation of monitoring wells to better determine subsurface soil conditions.

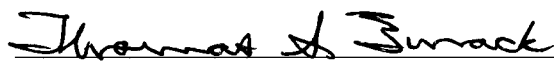
By extending the Agreement until June 30, 2017, the program is allowed to maintain services and the flexibility of an on-demand contract for boring and sampling services for state-owned dam projects. Of the original \$35,000 contract amount, \$30,582 has been expended to date and \$4,418 remains available. Additional funds will be necessary for anticipated future projects.

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council

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The original MOA outlines the respective obligations of DOT and DES in completing this work. Under the Amendment, DES agrees to reimburse DOT for the costs of the drilling services, which DOT provides, in an amount not to exceed \$55,000 total for state-owned dam projects. The amendment has been approved by the Office of the Attorney General as to form, execution, and content.

We respectfully request your approval.


Thomas S. Burack, Commissioner

**AMENDMENT #1
TO MEMORANDUM OF AGREEMENT BETWEEN
DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
DEPARTMENT OF TRANSPORTATION**

PROFESSIONAL SERVICES – ON DEMAND TEST BORING AND SAMPLING SERVICES

WHEREAS the State of New Hampshire Department of Environmental Services Dam Bureau (DES) has entered into a Memorandum of Agreement (the "Agreement") with the Department of Transportation Bureau of Materials and Research (DOT) in the amount of \$35,000.00 for professional test boring and sampling services as required for state-owned dam repair and/or reconstruction projects effective June 5, 2013 through June 30, 2015.

WHEREAS the Agreement was approved by the Governor and Council on June 5, 2013 (Item# 152).

WHEREAS DES wishes to extend the end date of the Agreement from June 30, 2015 to June 30, 2017 to allow for test boring and sampling services on state-owned dam repair and/or reconstruction projects to be performed during this period.

WHEREAS DES wishes to increase the amount available for test boring and sampling services to \$55,000 from \$35,000 to allow for these additional projects.

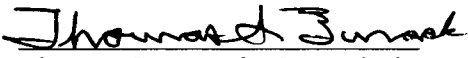
WHEREAS DOT has agreed to extend the current Agreement for test boring and sampling services.

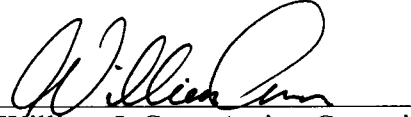
NOW THEREFORE, amend the original memorandum of Agreement between DES and DOT as approved by Governor and Council on June 5, 2013 (Item #152) in the following manner:

Change the third paragraph of the second page of the Agreement to read "The NHDES-WD will provide funding reimbursement from Account #03-44-44-442030-3817-102-500731 to the NHDOT-M&R for actual expenses incurred for labor, equipment, and materials plus appropriate overhead for each dam. The total cost of the work to be completed shall not exceed \$55,000.00 and will be billed by NHDOT-M&R to the NHDES-WD after the work is completed at each dam site."

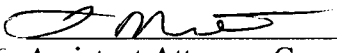
Change the fifth paragraph of the second page of the Agreement to read "This agreement shall continue in effect until June 30, 2017, unless terminated earlier by either party, or extended in writing by subsequent agreement of the parties and acceptance by the Governor and Executive Council."

All other conditions outlined in the contract shall remain in effect.

 5/5/2015
Thomas S. Burack, Commissioner Date
Department of Environmental Services

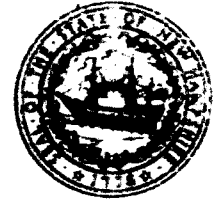

William J. Cass, Acting Commissioner
Department of Transportation

4/20/15
Date

 5/13/2015
Sr. Assistant Attorney General
Department of Justice as to form, substance and execution.



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 22, 2013

APPROVED G & C

DATE 6/5/13
ITEM # 152

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

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to enter into a **Sole Source Memorandum of Agreement (MOA)** with the New Hampshire Department of Transportation (DOT) (VC# 177927 B001) to perform test borings and soil sampling as needed at state-owned dam sites at a cost not to exceed \$35,000, effective upon Governor and Council approval through June 30, 2015. 100% Capital (General) Funds.

Funding is available in the account as follows:

FY 2013
03-44-44-442030-0957-034-500161 \$35,000
Dept of Environmental Services, 11,253:1-VI-C Dam Repairs and Reconstruction, Capital Projects


EXPLANATION

Under RSA 482:57, DES is responsible for the maintenance, engineering design, repair and reconstruction of over 270 state-owned dams. Over the next two years, DES is scheduled to complete the design and construction of repairs at several state-owned dams. In order to obtain subsurface information necessary for the final design of the dam repairs, DES needs to have test borings drilled in the dams and soil and rock samples collected for analysis of their engineering properties. DES is requesting authorization to enter a **sole source MOA** with DOT to provide these services on an as-needed basis. The justifications for this **sole source** agreement are: 1) based on DES's recent experience with a drilling contractor at Mendum's Pond Dam, DOT can provide these services at a cost that is approximately 40% less than that of drilling contractors, which should save the State over \$20,000 in obtaining the services to be provided under the agreement; and 2) having DOT provide these services will more fully utilize the state-owned drilling equipment in which the State has already invested significant funds to acquire.

The attached MOA outlines the respective obligations of DOT and DES in completing this work. Under the MOA, DES agrees to reimburse DOT for the costs of the drilling services, which DOT provides, in an amount not to exceed \$35,000 total for state-owned dam projects.

This MOA has been approved as to form, substance, and execution by the Attorney General's Office.

We respectfully request your approval.



Thomas S. Burack, Commissioner

The NHDES-WD will make each request for services in writing (email is acceptable) and will cooperatively agree to a work schedule with NHDOT-M&R for each project.

The NHDES-WD will supply any materials, labor and equipment necessary to provide access onto the dams for NHDOT-M&R drilling equipment. An engineer from NHDES-WD, or under contract with NHDES-WD, will be on site to provide guidance in the final location of test borings, monitoring well installation, and in the procurement of soil and rock samples.

The NHDES-WD will provide funding reimbursement from Account #03-44-44-442030-0957-034-500161 to the NHDOT-M&R for actual expenses incurred for labor, equipment, and materials plus appropriate overhead for each dam. The total cost of the work to be completed shall not exceed \$35,000.00 and will be billed by NHDOT-M&R to the NHDES-WD after the work is completed at each dam site.

Either party may terminate this agreement upon written notice to the other, forty-five (45) days prior to the termination. Upon termination, NHDOT-M&R will be paid for all work completed prior to termination.

This agreement shall continue in effect until June 30, 2015, unless terminated earlier by either party, or extended in writing by subsequent agreement of the parties and acceptance by the Governor and Executive Council.

In WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective on the date of approval by the Governor and Executive Council.

NHDES Water Division Dam Bureau
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

NH Department of Environmental Services

NH Department of Transportation



Thomas S. Burack
Commissioner


David J. Brillhart, P.E.
Assistant Commissioner

5/13/13
Date

4/29/13
Date

Approved by the New Hampshire Attorney General's Office as to form, substance, and execution.


Assistant Attorney General

5-14-13
Date