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State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

July 31, 2017

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

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

Retrospective

Requested Action

Pursuant to RSA 14:30-a, VI authorize the Department of Safety, Division of State Police, to **retroactively** accept and expend \$165,087.00 of pass-through federal funds from the Department of Safety, Office of Highway Safety, entitled Department of Safety Forensic Lab Intoxilyzers, to purchase new Intoxilyzers for the NH State Police Lab. Effective upon Fiscal Committee and Governor and Council approvals for the period from July 1, 2017 through September 30, 2017. Funding Source: 100% Agency Income.

Funds are to be budgeted in the account titled:

02-23-23-234010-22110000 Dept. of Safety – Division of State Police – Highway Safety Equipment and Training Grants

Class	Description	SFY18		SFY18 Revised
		Current Adjusted Authorized	Requested Action	
009-405921	Agency Income	\$ (1,153,925.11)	\$ (165,087.00)	\$ (1,319,012.11)
018-500106	Overtime	\$ 0.00	\$ 8,020.00	\$ 8,020.00
030-500311	Equipment	\$ 1,105,613.11	\$ 143,880.00	\$ 1,249,493.11
040-500800	Indirect Cost	\$ 0.00	\$ 2,207.00	\$ 2,207.00
046-500465	Consultants	\$ 48,312.00	\$ 0.00	\$ 48,312.00
060-500602	Benefits	\$ 0.00	\$ 1,980.00	\$ 1,980.00
080-500713	Out-of-State Travel	\$ 0.00	\$ 9,000.00	\$ 9,000.00
	Total	\$ 1,153,925.11	\$ 165,087.00	\$ 1,319,012.11

Explanation

This item is **retroactive** as the first scheduled Fiscal Committee meeting to authorize the acceptance of funds into the 2018-2019 budget occurs after the beginning of the new biennium. The Department of Safety Forensic Lab will acquire new technology in the form of the latest breath analyzer instruments for deployment throughout the State of New Hampshire for

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Page 2 of 2

use by the NHSP Forensic Lab, NHSP Troop stations, local law enforcement agencies, and by Police Standards and Training (PS&T) for training purposes. The use of breath analysis instruments with advanced technology will reduce the concern raised in previous court decisions that a defendant has no ability to challenge the results by independent testing. The latest models of breath analysis instruments incorporate a variety of internal checks to ensure the accuracy of the analysis and require corroboration between the analyses of two separate breath samples. There is no longer any chance that the instrument operator can influence the testing process. With these built-in safeguards, the demonstrable value of providing defendants with a sample of their breath for independent testing in order to impeach the test results correspondingly wanes.

The Department of Safety will purchase new instruments for deployment in existing law enforcement agencies that have already been approved for breath testing by the Advisory Committee on Breath Analyzer Machines, established in RSA 106-G:1. Funds associated with bench warrants will be used to pay ongoing consumable costs associated with breath analyzer machines (RSA 597:38b).

There are three Forensic Laboratory staff members assigned to the Breath Alcohol Section who will be responsible for deploying the new instruments and will be maintaining the calibration and repair of all the new breath analyzers. All three staff members will need to attend factory training on the new instrument in accordance with New Hampshire's administrative rules. New provisions to RSA 265-A:7 became effective January 1, 2017 allowing the use of the latest technology to collect samples. There is a need to utilize overtime funds in order to ensure a smooth transition between the existing Intoxilyzer 5000ENs and the new device. The vendor will be required to certify that the instruments are made and assembled in the United States of America.

The funds are to be budgeted as follows:

Funds in class 018 are needed for overtime funds in order to ensure a smooth transition between the existing Intoxilyzer 5000ENs and the new device.

Funds in class 030 will be used for the purchase of the Intoxilyzers and related equipment.

Funds in class 040 are needed to pay indirect costs on all eligible expenses.

Funds in class 041 are not appropriated because the department that receives the Federal grant from the federal granting agency is responsible for paying the audit fund set aside.

Funds in class 060 are needed to pay for benefits associated with the overtime.

Funds in class 080 are needed to attend factory training on the new instrument in accordance with New Hampshire's administrative rules.

In the event that Agency Income becomes no longer available General and/or Highway funds will not be requested to support this program.

Respectfully submitted,


John J. Barthelmes
Commissioner of Safety

Department of Safety
Highway Safety Equipment and Training Grants
Fiscal Situation

02-23-23-234010-22110000

Federal Funds Awarded:

FFY 2017 Grant - VPN Installation Assistance - 10/1-9/30/2017	\$164,081.40
FFY 2017 Grant - DOS Forensic Lab PBT's	\$127,497.00
FFY 2017 Grant - DOS Forensic Lab Intoxilyzers	\$1,143,207.80
FFY 2017 NHSP C.A.R. - Advanced Traffic Crash Investigation & Reconstruction Training	\$21,821.36
Total Grant Funds Awarded	\$1,456,607.56

Less: SFY 2017 Expenditures	\$46,982.13
Less: SFY 2018 Current Adjusted Authorized	\$1,153,925.11

Remaining excess grant funds available to appropriate	\$255,700.32
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This Request	\$165,087.00
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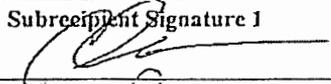
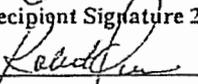
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: New Hampshire State Police C.A.R. - Advanced
Traffic Crash Investigation & Reconstruction Training

Project #: 308-17S-120

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name Department of Safety/New Hampshire State Police		1.4. Subrecipient Address 33 Hazen Drive, Concord NH 03305	
Project Director Email Address: Colonel Christopher Wagner, Director New Hampshire State Police christopher.wagner@dos.nh.gov		Grant Contact Email: <u>christopher.wagner@dos.nh.gov</u>	
1.4.1 Subrecipient Type - State Government State		1.4.2 DUNS 060340564	
1.5. Subrecipient Phone # 603-223-3888	1.6. Effective Date February 1, 2017	1.7. Completion Date September 30, 2017	1.8. Grant Limitation \$21,821.36 *
1.9. Grant Officer for State Agency John A. Clegg		1.10. State Agency Telephone Number 603-271-2893	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Christopher Wagner, Colonel, New Hampshire State Police	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Robert L. Quinn, Assistant Commissioner	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal)		1.13.2 Name & Title of Notary Public or Justice of the Peace	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>2/23/17</u>	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: _____ On: / /			

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

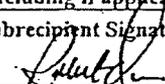
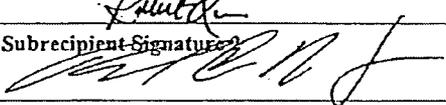
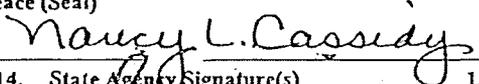
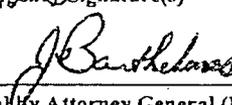
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: NHSP VPN Installation

Project #: 310-17S-009

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name NH Department of Safety Division of State Police		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	
Chief's Email Address: N/A		Grant Contact Email:	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State		1.4.2 DUNS 060340564	
1.5. Subrecipient Phone # 223-3888	1.6. Effective Date 10/01/16	1.7. Completion Date 09/30/17	1.8. Grant Limitation \$164,081.40 *
1.9. Grant Officer for State Agency John Clegg		1.10. State Agency Telephone Number 271-2893	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert L. Quinn, DOS Assistant Commissioner	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Richard C. Bailey, DOS Assistant Commissioner	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of <u>Wentworth</u> on <u>9/29/16</u> before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 		1.13.2 Name & Title of Notary Public or Justice of the Peace <u>NANCY L. CASSIDY</u> NOTARY	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>9-29-16</u>	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: / /			
1.17. Approval by Governor and Council (if applicable) By: _____ On: / /			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

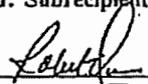
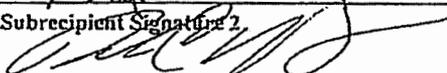
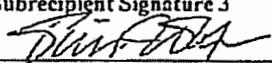
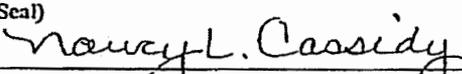
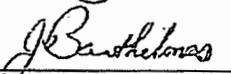
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: DOS Forensic Lab PBTs

Project #: 308-17S-097

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
1.3. Subrecipient Name NH Department of Safety Division of State Police		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	
Chief's Email Address: N/A		Grant Contact Email: timothy.pifer@dos.nh.gov	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State		1.4.2 DUNS 060340564	
1.5. Subrecipient Phone # 223-3888	1.6. Effective Date 10/01/16	1.7. Completion Date 09/30/17	1.8. Grant Limitation \$127,500.00 *
1.9. Grant Officer for State Agency John Clegg		1.10. State Agency Telephone Number 271-2893	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1 		1.12. Name & Title of Subrecipient Signor 1 Robert L. Quinn, DOS Assistant Commissioner	
Subrecipient Signature 2 		Name & Title of Subrecipient Signor 2 Richard C. Bailey, DOS Assistant Commissioner	
Subrecipient Signature 3 		Name & Title of Subrecipient Signor 3 TIMOTHY J. PIFER, NH STATE POLICE LAB DIRECTOR	
1.13. Acknowledgment: State of New Hampshire, County of <u>Merrimack</u> on <u>9/29/16</u> before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal) 		1.13.2 Name & Title of Notary Public or Justice of the Peace NANCY L. CASSIDY, Notary Public My Commission Expires April 18, 2017	
1.14. State Agency Signature(s) 		1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: <u>9-29-16</u>	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: <u> / / </u>			
1.17. Approval by Governor and Council (if applicable) By: _____ On: <u> / / </u>			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

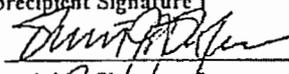
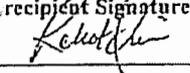
The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:
GENERAL PROVISIONS

Project Title: DOS Forensic Lab Intoxilyzers
Identification and Definitions.

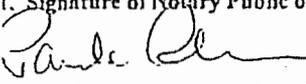
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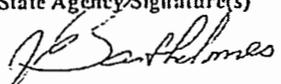
State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, Room 109A Concord, NH 03305	
Subrecipient Name New Hampshire Department of Safety Forensic Laboratory		1.4. Subrecipient Address 33 Hazen Drive Concord, NH 03305	
Grant Officer's Email Address:		Grant Contact Email: timothy.pifer@dos.nh.gov	
Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) etc)		1.4.2 DUNS 060340564	
Subrecipient Phone # 223-3854	1.6. Effective Date November 1, 2016	1.7. Completion Date September 30, 2017	1.8. Grant Limitation \$1,143,207.80 *
Grant Officer for State Agency John A. Clegg		1.10. State Agency Telephone Number 271-2893	

By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."

Subrecipient Signature 1 	1.12. Name & Title of Subrecipient Signor 1 Timothy J. Pifer Director, DOS Forensic Laboratory
Subrecipient Signature 2 	Name & Title of Subrecipient Signor 2 Robert L. Quinn Assistant Commissioner, Department of Safety
Subrecipient Signature 3	Name & Title of Subrecipient Signor 3

Acknowledgment: State of New Hampshire, County of Merrimack, on 10/26/16, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.

1. Signature of Notary Public or Justice of the Peace (Seal) 	1.13.2 Name & Title of Notary Public or Justice of the Peace Pamela Redlan Notary Public
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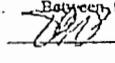
State Agency Signature(s) 	1.15. Name & Title of State Agency Signor(s) John J. Barthelmes, Commissioner NH Department of Safety Date: 10/27/16
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Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)
Assistant Attorney General, On: / /

Approval by Governor and Council (if applicable)
On: / /

SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the Agency"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more fully described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

WORK AREA COVERED: Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire. Between the Effective Date and the Completion Date the Subrecipient shall

Subrecipient Initials  Date 10/26/16