



**Department of Environmental Services**

Robert R. Scott, Commissioner



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September 15, 2021

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

**REQUESTED ACTION**

Authorize the Department of Environmental Services to **RETROACTIVELY** amend a Cooperative Project Agreement (PO# 1066427) with the University System of New Hampshire, acting through the University of New Hampshire (UNH) (VC# 315187-B083), Durham, NH by extending the project completion date to September 30, 2022 from September 30, 2021, upon Governor and Council approval. No additional funding is involved in this time extension. The original Cooperative Project Agreement was approved by Governor and Council on March 13, 2019, Item #72. 100% Drinking Water and Groundwater Trust Fund.

**EXPLANATION**

We are requesting retroactive approval of this amendment in order to provide UNH additional time to complete the agreed upon scope of services necessary for supporting the extension of water main to the Lee Traffic Circle. Per the Cooperative Project Agreement, the payment of the grant award of \$1,000,000 is contingent on the deliverables described therein including a certificate of completion of construction of the Lee Traffic Circle extension. Due to delays related to COVID-19 and teleworking, the necessary paperwork from UNH was not received in time to amend the agreement prior to the September 30, 2021 completion date. This time extension will allow UNH to complete the bidding process in fall 2021 and complete the UNH Water Treatment Plant upgrades by September 2022.

To date, none of the grant award has been spent. In the event that other funds become no longer available, General funds will not be requested to support this program. This amendment was approved by the Office of the Attorney General as to form, execution and content.

We respectfully request your approval of this item.

  
Robert R. Scott, Commissioner

**AMENDMENT No. 1**  
**COOPERATIVE PROJECT AGREEMENT BETWEEN THE**  
**STATE OF NEW HAMPSHIRE, DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE**  
**UNIVERSITY OF NEW HAMPSHIRE OF THE UNIVERSITY SYSTEM OF NEW HAMPSHIRE**

**PROJECT AGREEMENT FOR DWGT-11 LEE TRAFFIC CIRCLE WATER LINE EXTENSION**

This Agreement (hereinafter called the "Amendment") is by and between the State of New Hampshire, Department of Environmental Services (hereinafter "State") and the University System of New Hampshire, acting through the University of New Hampshire (hereinafter "Campus").

WHEREAS, pursuant to a Cooperative Project Agreement approved by Governor and Council on March 13, 2019 (hereinafter "Project Agreement"), the State and Campus agreed to perform certain services upon the terms and conditions specified in the Project Agreement as specified therein; and

WHEREAS, the State and Campus have agreed to amend the Project Agreement in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Change the project completion date described in Section B from 9/30/21 to September 30, 2022.
2. Change Section B of Exhibit A Project Period of the Project Agreement to read:


Project Period: Date of Governor and Executive Council Approval through September 30, 2022.

Effective Date of Amendment: This Amendment shall take effect upon approval by the Governor and Executive Council of the State of New Hampshire..

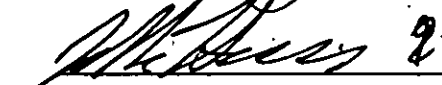
Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

  
\_\_\_\_\_  
Robert A. Scott, Commissioner

9/16/21  
Date

  
\_\_\_\_\_  
Karen Jensen, Director, Pre-Award  
University of New Hampshire

9/31/21  
Date

  
\_\_\_\_\_  
Assistant Attorney General  
NH Department of Justice

9/27/2021  
Date



The State of New Hampshire  
Department of Environmental Services



Robert R. Scott, Commissioner

February 7, 2019

APPROVED G & C

DATE 3/13/19  
ITEM # 72

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

REQUESTED ACTION

Authorize the Department of Environmental Services to award a grant to the University of New Hampshire (UNH), Durham, NH, (VC# 177867 B046) in the amount not to exceed \$1,000,000 for water system improvements under the provisions of RSA 485:F effective upon Governor & Council approval through September 30, 2021. 100% Drinking Water and Groundwater Trust Fund.

Funding is available in the account as follows:

	<u>FY 2019</u>
03-44-44-442010-3904-073-500580	\$1,000,000
Dept Environmental Services, Drinking Water/Groundwater Trust, Grants Non-Federal	

EXPLANATION

The Drinking Water and Ground Water Trust Fund was created in 2016, using \$276 million of MtBE trial judgement funds, as authorized by RSA 485-F. The purpose of the Trust Fund is to provide sustainable, long-term funding for the protection, preservation, and enhancement of the drinking water and groundwater resources of the state. The Drinking Water and Groundwater Advisory Commission was established to administer the Trust Fund and to provide guidance to the State on the use of the Trust Fund.

On November 2, 2017, the Advisory Commission voted to authorize ten grants and eleven loans to various communities for drinking water improvement projects. The UNH/Durham Water System Lee Traffic Circle Interconnection project request for \$1,000,000 was selected for grant funding from the Drinking Water and Groundwater Trust Fund (DWGTF). UNH will use the grant funds to pay a source development charge in order to provide water supply capacity from the upgraded UNH Water Treatment Plant for the Lee Traffic Circle water main extension project needed to address MtBE contamination.

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

We respectfully request your approval.

Robert R. Scott  
Commissioner

**COOPERATIVE PROJECT AGREEMENT**

between the

STATE OF NEW HAMPSHIRE, **Department of Environmental Services**

and the

**University of New Hampshire of the UNIVERSITY SYSTEM OF NEW HAMPSHIRE**

- A. This Cooperative Project Agreement (hereinafter "Project Agreement") is entered into by the State of New Hampshire, **Department of Environmental Services**, (hereinafter "State"), and the University System of New Hampshire, acting through **University of New Hampshire**, (hereinafter "Campus"), for the purpose of undertaking a project of mutual interest. This Cooperative Project shall be carried out under the terms and conditions of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, except as may be modified herein.
- B. This Project Agreement and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve this Project Agreement ("Effective date") and shall end on 9/30/21. If the provision of services by Campus precedes the Effective date, all services performed by Campus shall be performed at the sole risk of Campus and in the event that this Project Agreement does not become effective, State shall be under no obligation to pay Campus for costs incurred or services performed; however, if this Project Agreement becomes effective, all costs incurred prior to the Effective date that would otherwise be allowable shall be paid under the terms of this Project Agreement.
- C. The work to be performed under the terms of this Project Agreement is described in the proposal identified below and attached to this document as Exhibit A, the content of which is incorporated herein as a part of this Project Agreement.

Project Title: **DWGT-11 Lee Traffic Circle Water Line Extension**

- D. The Following Individuals are designated as Project Administrators. These Project Administrators shall be responsible for the business aspects of this Project Agreement and all invoices, payments, project amendments and related correspondence shall be directed to the individuals so designated.

**State Project Administrator**

Name: Erin Holmes

Address: NHDES  
29 Hazen Drive  
PO Box 95  
Concord, NH 03301

Phone: 603-271-8321

**Campus Project Administrator**

Name: Dianne Hall

Address: University of New Hampshire  
Sponsored Programs Administration  
51 College Rd. Rm 116  
Durham, NH 03824

Phone: 603-862-1942

- E. The Following Individuals are designated as Project Directors. These Project Directors shall be responsible for the technical leadership and conduct of the project. All progress reports, completion reports and related correspondence shall be directed to the individuals so designated.

**State Project Director**

Name: Michael Unger

Address: NHDES  
29 Hazen Drive  
PO Box 95  
Concord, NH 03301

Phone: 603-271-0779

**Campus Project Director**

Name: Matt O'Keefe

Address: Director of Energy and Utilities  
6 Leavitt Lane  
Durham, NH 03824

Phone: 603-862-1276

F. Total State funds in the amount of \$1,000,000 have been allotted and are available for payment of allowable costs incurred under this Project Agreement. State will not reimburse Campus for costs exceeding the amount specified in this paragraph.

Check if applicable

Campus will cost-share 0 % of total costs during the term of this Project Agreement.

Federal funds paid to Campus under this Project Agreement are from Grant/Contract/Cooperative Agreement No. \_\_\_\_\_ from \_\_\_\_\_ under CFDA# \_\_\_\_\_. Federal regulations required to be passed through to Campus as part of this Project Agreement, and in accordance with the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, are attached to this document as Exhibit B, the content of which is incorporated herein as a part of this Project Agreement.

G. Check if applicable

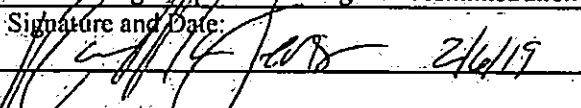
Article(s) \_\_\_\_\_ of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002 is/are hereby amended to read:

H.  State has chosen **not to take possession** of equipment purchased under this Project Agreement.  
 State has chosen **to take possession** of equipment purchased under this Project Agreement and will issue instructions for the disposition of such equipment within 90 days of the Project Agreement's end-date. Any expenses incurred by Campus in carrying out State's requested disposition will be fully reimbursed by State.

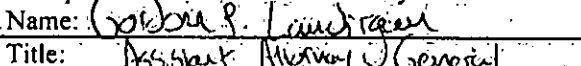
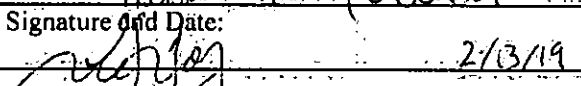
This Project Agreement and the Master Agreement constitute the entire agreement between State and Campus regarding this Cooperative Project, and supersede and replace any previously existing arrangements, oral or written; all changes herein must be made by written amendment and executed for the parties by their authorized officials.

IN WITNESS WHEREOF, the University System of New Hampshire, acting through the University of New Hampshire and the State of New Hampshire, Department of Environmental Services have executed this Project Agreement.

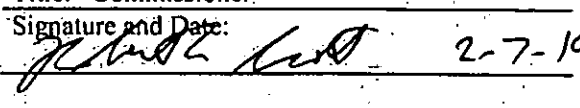
By An Authorized Official of:  
University of New Hampshire

Name: Karen M. Jensen  
Title: Manager, Sponsored Programs Administration  
Signature and Date:  2/6/19

By An Authorized Official of: the New  
Hampshire Office of the Attorney General

Name:   
Title: Assistant Attorney General  
Signature and Date:  2/13/19

By An Authorized Official of:  
Department of Environmental Services

Name: Robert R. Scott  
Title: Commissioner  
Signature and Date:  2-7-19

By An Authorized Official of: the New  
Hampshire Governor & Executive Council

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature and Date: \_\_\_\_\_

**EXHIBIT A**

- A. Project Title:** DWGT-11 Lee Traffic Circle Water Line Extension
- B. Project Period:** Date of Governor and Executive Council Approval through September 30, 2021
- C. Objectives:** The objective of this project is to pay a source development charge in order to provide water supply capacity from the upgraded UNH Water Treatment Plant for the Lee Traffic Circle water main extension project needed to address MtBE contamination.
- D. Scope of Work:** UNH will provide water supply capacity from the upgraded water treatment plant in order to serve the additional users resulting from the Lee Traffic Circle water main extension project that will be outlined in the Intermunicipal Agreement between UNH, the Town of Durham and the Town of Lee.
- E. Deliverables Schedule:**
  - Task 1) An executed Intermunicipal Agreement between UNH, Durham and Lee in which UNH agrees to provide water service to customers at the Lee Traffic Circle area.
  - Task 2) Certificate of Substantial Completion for the Lee Traffic Circle extension construction project OR upon completion of construction of the 12" Lee Traffic Circle extension to Tax Map 4 Lot 2-101 (25 Concord Road) and system commissioning based on verified flow and bacteria testing.
  - Task 3) Invoices documenting at least \$1,000,000 toward design and construction of the UNH Water Treatment Plant upgrades.
- F. Budget and Invoicing Instructions:** Using standard Campus invoices Campus shall submit a single request for payment and documentation of the completion of all Tasks as detailed below. The Invoice will be based on actual project expenses incurred during the invoicing period, and shall show cumulative expenses by major cost categories. State shall issue payment to Campus within 30 days of receipt. The billing must be received by the State no more than 30 days after the completion date. The total reimbursement shall not exceed the grant award of \$1,000,000. Payment will be in accordance with the payment schedule as follows:

Upon Completion of Tasks 1-3	\$1,000,000
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