



# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES  
OFFICE OF THE COMMISSIONER  
25 Capitol Street – Room 120  
Concord, New Hampshire 03301

22 dm

LINDA M. HODGDON  
Commissioner  
(603) 271-3201

JOSEPH B. BOUCHARD  
Assistant Commissioner  
(603) 271-3204

August 16, 2013

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

### REQUESTED ACTION

Authorize the Department of Administrative Services to amend its contract with FM Generator Inc, of 35 Pequit Street, Canton MA (VC 165600), originally approved by Governor and Executive Council on December 19, 2012, item #21, to add two (2) locations for generator maintenance services, and to allow in the future for the Department to add and remove services, provided the associated fees will not exceed the enumerated price limitation of \$200,000, pursuant to the approval of the Commissioner of the Department. All other terms and conditions shall remain in full force and effect. This amendment will be effective upon Governor and Executive Council approval through December 31, 2015 with no additional funding required.

### EXPLANATION

This contract provides state agencies with access to service related to generators including preventive maintenance and miscellaneous repair, emergency calls and rental of temporary generators. The contract provides agencies with the ability to add and/or remove locations within the specified service area at quoted prices. This request is to amend the contract by adding two (2) locations that were not originally identified by agencies in the original bid process. These locations are being awarded to FM Generator Inc, because they were the vendor awarded the original contract for the geographic area of the two locations being added. The prices are comparable to other locations in the current contract.

In addition, the Department requests amendment of the contract to allow for future additions or subtractions of service locations without the approval of Governor and Executive Council provided said adjustments do not result in an increase in the initially approved contract price limitation. This request is based upon: (1) the need for flexibility in the context of service contracts of this nature, which typically require numerous adjustments; and (2) an appreciation of the fact that engaging Governor and Executive Council in all such instances would be unnecessarily taxing on the Council's time.

Based on the foregoing, I am respectfully recommending approval of the amendment to the contract with FM Generator Inc.

Respectfully Submitted,

Linda M. Hodgdon  
Commissioner

**FIRST AMENDMENT TO THE CONTRACT  
BY AND BETWEEN FM GENERATOR INC AND  
THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF ADMINISTRATIVE SERVICES,  
FOR GENERATOR MAINTENANCE SERVICES**

This First Amendment (hereinafter referred to as the "Amendment"), dated this \_\_\_\_ day of July 2013, is by and between the State of New Hampshire, Department of Administrative Services, (hereinafter referred to as "the State") and **FM Generator Inc** (hereinafter referred to as "the Contractor") for generator maintenance services.

**WHEREAS**, pursuant to an agreement effective December 19, 2012 and set to expire December 31, 2015 (hereinafter referred to as "the Agreement"), the Contractor agreed to perform certain preventive maintenance, inspection, repairs, emergency calls and temporary rental of generators for the State in consideration of payment by the State of certain sums as specified therein; and

**WHEREAS**, pursuant to Section 18 of the Agreement, the Agreement may be amended by an instrument in writing executed by both parties and only after approval of such amendment; and agree to amend the Agreement as stated herein; and

**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. Amend Section 18 of the Agreement by deleting the existing section in its entirety and replacing with the following:

This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Executive Council of the State of New Hampshire. Notwithstanding the foregoing, this Agreement may be amended to include or exclude specified services pursuant to the approval of the Commissioner of the Agency identified in Section 1.1, provided that no increase in the Contract Price Limitation set forth in Section 1.8 is necessary.

2. Amend Attachment A., as follows to add the following location:

Facility Name/Address  
**NH Employment Security**  
6 March Brook Drive  
Somersworth NH

Qty	MFR	Model #	Fuel Source	Annual Cost (FY-13)	Annual Cost (FY-14)	Annual Cost (FY-15)
1	Kohler	100 kW REOZJE	Diesel	\$425.00	\$425.00	\$425.00

3. Amend Attachment A., as follows to add the following location:

Facility Name/Address  
DRED SUMMIT of Milan Hill  
Rte 110B  
Milan NH

Qty	MFR	Model #	Fuel Source	Annual Cost (FY-13)	Annual Cost (FY-14)	Annual Cost (FY-15)
1	CAT Olympian	G60LG	LP	\$400.00	\$400.00	\$400.00

4. All other provisions of the Agreement approved by the Governor and Executive Council on December 19, 2012 shall remain in full force and effect.

Contractor's Initials EC  
Date 7/15/13

**FM GENERATOR INC.**

**STATE OF NEW HAMPSHIRE**

By: Rebecca A King  
Rebecca A King  
(Print Name)

By: Linda M Hodgdon  
Linda M. Hodgdon  
(Print Name)

Title: Corporate Secretary

Title: Commissioner  
Department of Administrative Svcs.

Date: 6/13/2013

Date: 8/19/13

**NOTARY PUBLIC/JUSTICE OF THE PEACE**

**OFFICE OF THE ATTORNEY GENERAL**

On the 13 day of June, 2013  
There appeared before me, the state and county foresaid a person who satisfactorily identified himself as

By: Michael K. Brown  
Michael K. Brown  
(Print Name)

Corporate Secretary

Title: Gen. Assist. Att. General

Date: 8/26/13

And acknowledge that he executed this document indicated above.

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

The foregoing contract was approved by the Governor and Council of New Hampshire on

Tracy J. Daniel  
(Notary Public/Justice of the Peace)

Signed: \_\_\_\_\_

My commission expires:  
**TRACY J. DANIEL**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
**September 16, 2016**

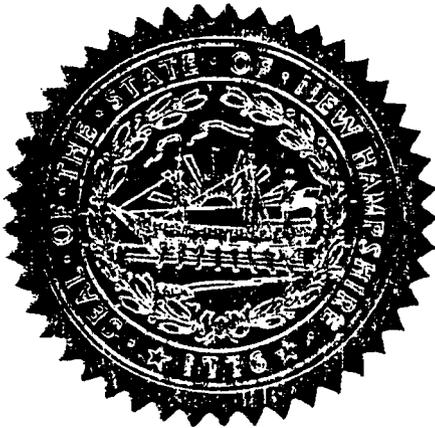
(Print Name)  
Title: \_\_\_\_\_

Contractor's Initials RL  
Date 6/13/13

# State of New Hampshire Department of State

## C E R T I F I C A T E

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that F.M. Generator, Inc. a(n) Massachusetts corporation, is authorized to transact business in New Hampshire and qualified on May 1, 2007. I further certify that all fees and annual reports required by the Secretary of State's office have been received.



In TESTIMONY WHEREOF, I hereto  
set my hand and cause to be affixed  
the Seal of the State of New Hampshire,  
this 1<sup>st</sup> day of May, A.D. 2013

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

William M. Gardner  
Secretary of State



Corporate Headquarters  
35 Pequit Street  
P.O. Box 528  
Canton, MA 02021

Phone: 781.828.0026  
Fax: 781.821.2545  
www.fmgenerator.com

24 HOUR EMERGENCY SERVICE

1-800-253-6617

CANTON, MA • SPRINGFIELD, MA • BURLINGTON, NC

FM Generator, Inc.

SALES • SERVICE • INSTALLATIONS • RENTALS • PARTS

July 11, 2013

To whom it may Concern,

In accordance with a recent meeting of the board of directors held January 6, 2012, I, Julie Mitchell, as President of FM Generator, Inc. do hereby authorize Rebecca King, as its Corporate Secretary and the custodian of books and records, to act in all manners relating to application for authorization, including signing of all documents relating to these matters. Affixed find the seal of FM Generator, Inc., a corporation duly formed pursuant to the laws of the state of Massachusetts. The foregoing is a true record in effect without modification or rescission.

Thank you,

Julie Mitchell  
President  
FM Generator, Inc.

County: Norfolk      State: Massachusetts      Zip: 02021

Notary Public

Subscribed and sworn to this 15 day of July, 2013 before me,

Notary Public

My commission expires on:



TRACY J. DANIEL  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
September 16, 2016

Branch Offices

178 New Bridge Street  
Springfield, MA 01089  
(p) 413.737.0200  
(f) 413.737.2288

2459 Corporation Parkway  
Burlington, NC 27215  
(p) 336.222.8012  
(f) 336.222.8013



# CERTIFICATE OF LIABILITY INSURANCE

FMGENER-01

DATE (MM/DD/YYYY)

3/29/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
 5 Sylvan Street, Suite B202  
 Hanover, MA 01923

CONTACT  
 NAME  
 PHONE  
 FAX  
 E-MAIL  
 ADDRESS

INSURED  
 FM Generator, Inc.  
 PO Box 528  
 35 Pequit St.  
 Canton, MA 02021

INSURER(S) AFFORDING COVERAGE  
 INSURER A Mass Bay Insurance Co 22306  
 INSURER B Hanover Insurance Group 22292  
 INSURER C Praetorian Specialty Insurance  
 INSURER D  
 INSURER E  
 INSURER F

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD 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 INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b>					
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR		ZDN909048702	4/1/2013	4/1/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (each occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP OF AGG \$ 2,000,000
	GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY FROM SELECT					
	<b>AUTOMOBILE LIABILITY</b>					
	<input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS		AMN908943902	4/1/2013	4/1/2014	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR					
B	<b>EXCESS LIAB</b> CLAIMS MADE		UHN909048902	4/1/2013	4/1/2014	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	DED RETENTION \$					
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>					
C	ANY PROPRIETOR PARTNER EXECUTIVE OFFICER MEMBER EXCLUDED (Mandatory in NH) If yes, describe in the DESCRIPTION OF OPERATIONS	Y/N N N/A	QWC4000822	4/1/2013	4/1/2014	<input checked="" type="checkbox"/> W/ STATUTORY LIMITS E1 EACH ACCIDENT \$ 1,000,000 E2 DISEASE (EA EMPLOYEE) \$ 1,000,000 E3 DISEASE (POLY LIMIT) \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101 Additional Remarks Schedule if more space is required)

State of New Jersey its officers and employees are Additional Insureds for General Liability as required by written contract with the Named Insured, but only in accordance with the policy terms, conditions and exclusions  
 Re: Contract 12848 A81473

CERTIFICATE HOLDER

CANCELLATION

State of New Jersey Department of the Treasury  
 Division of Purchase & Property  
 Contract Compliance & Audit  
 PO Box 235  
 Trenton, NJ 08625

ALL POLICIES AND THE POLICIES DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF. NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

#21  
12/19/12

# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES  
OFFICE OF THE COMMISSIONER  
25 Capitol Street - Room 120  
Concord, New Hampshire 03301

LINDA M. HODGDON  
Commissioner  
(603) 271-3201

JOSEPH B. BOUCHARD  
Assistant Commissioner  
(603) 271-1204

December 5, 2012

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

## REQUESTED ACTION

Authorize the Department of Administrative Services, Bureau of Purchase and Property, to enter into a contract with **FM Generator Inc**, 35 Pequit Street, Canton MA (Vendor No. 165600), for an amount not to exceed \$200,000.00 for a three year contract for generator maintenance. The term shall be for three years beginning with Governor and Council approval and ending on December 31, 2015.

Funding shall be provided through individual agency expenditures, none of which shall be permitted unless there are sufficient appropriated funds in a specific fund to cover the expenditure.

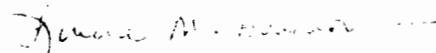
## EXPLANATION

This contract was sought in order to provide state agencies with access to services related to generators including; preventive maintenance and miscellaneous repair; emergency calls; and rental of temporary generators.

In response to and the consequence of Governor and Council meeting on November 14, 2012 item #17 being denied, the Department reissued on November 14, 2012, a request for bid for generator maintenance contracts. On November 27, 2012, three compliant bids were received. Bids were evaluated on the basis of the bidders' lowest applicable fees for preventive maintenance and generator repairs. The contracts are awarded per county for the lowest price meeting the specifications. Attached are copies of the bid tab evaluation of the compliant bids. The advertisement soliciting bids was placed in a statewide newspaper and the bid was also posted on the Purchase & Property web site.

Based on the foregoing, I am respectfully recommending approval of the contract with FM Generator Inc.

Respectfully submitted



Linda M. Hodgdon  
Commissioner

Subject: Contract for Generator Maintenance Service

**AGREEMENT**

The State of New Hampshire and the Contractor hereby mutually agree as follows:

**GENERAL PROVISIONS**

**I. IDENTIFICATION.**

1.1 State Agency Name State of New Hampshire Administrative Services		1.2 State Agency Address State House Annex, Room 102 25 Capitol Street Concord, NH 03301	
1.3 Contractor Name EM Generator Inc VC 165600		1.4 Contractor Address PO Box 528 / 35 Pequit St, Canton MA 02021	
1.5 Contractor Phone # 781-828-0026	1.6 Account Number See Appendix D	1.7 Completion Date December 31, 2015	1.8 Price Limitation \$200,000.00
1.9 Contracting Officer for State Agency Loretta Head, Purchasing Agent		1.10 State Agency Telephone Number 603-271-3135	
1.11 Contractor Signature <i>Rebecca A King</i>		1.12 Name and Title of Contractor Signatory <i>Rebecca A. King Corporate Secretary</i>	
1.13 Acknowledgement: State of <i>Massachusetts</i> County of <i>Norfolk</i> On <i>11/28/12</i> , before the undersigned officer, personally appeared the person identified in block 1.12, or satisfactorily proven to be the person whose name is signed in block 1.11, and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace <i>Tracy J. Daniels</i> (Seal)			
1.13.2 Name and Title of Notary Public or Justice of the Peace <b>TRACY J. DANIELS</b> Notary Public Commonwealth of Massachusetts My Commission Expires September 16, 2016			
1.14 State Agency Signature		1.15 Name and Title of State Agency Signatory Linda M. Hodgdon, Commissioner	
1.16 Approval by the N.H. Department of Administration, Division of Personnel (if applicable) By: _____ Director, On: _____			
1.17 Approval by the Attorney General (Form, Substance and Execution) By: _____ On: _____			
1.18 Approval by the Governor and Executive Council By: _____ On: _____			