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**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



*Victoria F. Sheehan*  
*Commissioner*

*William Cass, P.E.*  
*Assistant Commissioner*

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

Bureau of Rail & Transit  
May 5, 2016

**REQUESTED ACTION**

Authorize the Department of Transportation to enter into a contract amendment with VNA @ HCS, Inc. (Vendor 177274), Keene, NH to increase the contract amount by \$10,645 from \$551,136 to \$561,781 for the purchase of approved capital equipment, effective upon Governor and Council approval through June 30, 2017. The original agreement was approved by Governor and Council on May 27, 2015, Item #64. 100% Federal Funds.

Funding is available as follows:

	<u>FY 2016</u>
04-96-96-964010-2916	
Public Transportation	
072-500575 Grants to Non-Profit-Federal	\$10,645

**EXPLANATION**

The Department entered into a two-year contract with VNA @ HCS, Inc. for the period July 1, 2015 to June 30, 2017, using committed Federal Transit Administration (FTA) funds to assist in the provision of providing rural public transportation services for the general public and seniors and individuals with disabilities in the City of Keene. This contract amendment is based on the availability and award of FTA Section 5339 Bus & Bus Facilities program funds for the purchase of approved capital equipment.

In June 2015, the Department announced the availability of FTA Section 5339 Bus & Bus Facilities program funds. Proposals were solicited from eligible public agencies and private nonprofit organizations engaged in public transportation services. Project awards were based on evaluation criteria per the scoring matrix provided below.

Five transit agencies applied by the August 21, 2015 deadline and all five transit agencies were awarded funds for eligible projects. The five transit agencies are: Advance Transit, Community Alliance of Human Services, Manchester Transit, UNH/Wildcat Transit and VNA @ HCS.

VNA @ HCS, Inc. is a private, non-profit organization that provides rural public transportation, including transportation for seniors and individuals with disabilities, in the City of Keene. FTA Section

5339 funds were awarded to VNA @ HCS, Inc. for replacement bus stop signs, computer hardware to include a server and three desktop computers and a 16&2 accessible bus. The 16&2 accessible bus will be procured separately by the Department through a State Purchase & Property bus contract and the remaining awarded capital equipment is included in this amendment. The total project cost for the capital equipment is \$13,307, which includes \$10,645 (80% Federal) FTA Section 5339 funds and \$2,662 (20%) agency cash match. VNA @ HCS, Inc. will procure the capital equipment in compliance with Federal procurement guidelines.

The project evaluation committee consisted of three Department staff from the Bureau of Rail and Transit: Shelley Winters (Bureau Administrator), Fred Butler (Public Transportation Administrator), and Michael Pouliot (Transportation Specialist). Each reviewer evaluated and scored applications based on criteria as detailed in the below table. Every application that met the Department's criteria for inclusion in its public transit funding plan will be awarded separate amounts based on the individual requests. The evaluation matrix and scores are provided here for reference:

1	This capital request describes how it effectively addresses a demonstrated community need.	10%
2	The applicant has the fiscal and technical capacity and adequate budget to operate service associated with this capital request.	15%
3	The applicant has successful experience in providing transportation services.	15%
5	The applicant demonstrates involvement in and support for the project, financial and otherwise, on the part of citizens and local government. (e.g., letters of support, willing to provide local match above minimum required, etc.)	10%
6	Is the request for a replacement or expansion? If replacement, has the existing vehicle or facility to be replaced met its useful life?	10%
7	The applicant articulates a long-term commitment to continue the project beyond the availability of the requested grant funds, e.g., ongoing maintenance costs.	10%
8	The applicant successfully demonstrates service efficiency and effectiveness, measured in ridership, service miles and hours, costs, and fare recovery. New applicants must demonstrate the ability to measure performance and achieve goals.	15%
9	The applicant complies with relevant Federal and state regulations, and has a history of compliance with regulations and reporting requirements. New applicants must demonstrate sufficient resources for compliance.	15%

Transit System	Score	Status
Advance Transit		
1 ea. 8&2 cutaway bus	83.2%	Awarded
2 ea. 27&2 diesel bus	81.8%	Awarded
2 ea. 33&2 diesel bus	81.3%	Awarded
Community Alliance of Human Services		
Building/Facility repairs	73.8%	Awarded
1 ea. 12&2 bus	72.0%	Awarded
Shop supplies & tools	66.8%	Withdrawn
1 ea. Service Truck w/plow (not awarded)	65.3%	Not Approved
1 ea. 12&2 expansion bus (not awarded)	65.2%	Not Approved

Manchester Transit Authority		
1 ea. 34&2 diesel bus	85.7%	Awarded
1 ea. 15&2 gas bus	84.3%	Awarded
University of NH/Wildcat Transit		
ITS equipment	87.8%	Awarded
Bus pullout	86.7%	Awarded
Pads, shelter, lighting	86.7%	Awarded
Liquid fuel station generator	84.8%	Awarded
CNG emergency backup generator	84.5%	Awarded
VNA @ Home Healthcare, Hospice & Community Services		
30 ea. Bus stop signs	83.3%	Awarded
3 ea. Desktop computers	82.5%	Awarded
1 ea. Server	80.3%	Awarded
1 ea. 16&2 gas bus	76.7%	Awarded

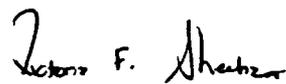
In the event that Federal funds become unavailable, general funds will not be requested to support this program.

All other provisions of the agreement shall remain in effect.

The amendment has been approved by the Attorney General as to form and execution and the Department has verified that the necessary funds are available. Copies of the fully executed amendment are on file at the Secretary of State's Office and the Department of Administrative Services, and subsequent to the Governor and Council approval will be on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan  
Commissioner

Attachments

## AMENDMENT TO AGREEMENT

### VNA at HCS, INC.

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and VNA at HCS, Inc. on May 27, 2015, (Item #64) to be effective July 1, 2015 through June 30, 2017, and this agreement remains in effect;

WHEREAS, the Price Limitation in Section 1.8 of the P-37 form is \$551,136;

WHEREAS, Exhibit A describes the Scope of Services, section A.1 to A.5;

WHEREAS, Exhibit B, Budget provides funding for Section 5311 Formula Grants for Rural Areas;

WHEREAS, the Department of Transportation has available Federal funds for the Federal Transit Administration (FTA) Section 5339 Bus and Bus Facilities program;

#### **RESOLVED, that the agreement be amended as follows:**

Section 1.8, "Price Limitation" of the P-37 form be amended to read \$561,781 (increase of \$10,645);

Exhibit A, Scope of Service, be amended to include Section A.6 as follows:

- A.6.** The Contractor will purchase capital equipment not to exceed \$10,645 from the FTA Section 5339, Bus and Bus-Related Facilities Program for 80% of the total cost. Capital equipment to include: Replacement server for scheduling software program, three replacement desktop computers, and 30 replacement bus stop signs. The Contractor will provide the 20% match in the amount of \$2,662. Equipment will be purchased in compliance with Federal guidance including FTA Third Party Procurement per Circular 4220.1F or most recent. The Contractor must submit documentation to NHDOT that affirms the FTA requirements have been met, including, but not limited to, the following:
- Quotation from a minimum of three vendors, at least one of which shall be a Disadvantaged Business Enterprise (DBE) listed on NHDOT's DBE directory. If no DBE vendor is listed relevant to the respective category, documentation shall be retained showing a good faith effort was made.
  - Federal Clauses signed by the prospective vendor.

NHDOT will provide written approval to proceed with the procurement pending successful review of the required components listed in the previous paragraph.

Exhibit B, Budget, shall be amended to include an additional \$10,645 of FTA Section 5339 Bus and Bus Facilities program funds, effective upon Governor and Council approval, for a revised contract total of \$561,781.

Exhibit B, Budget, Section B.1 shall be amended to read, "The Contract price, as defined in

Section 1.8 of the General Provisions, is the FTA Section 5311 and Section 5339 portion of the eligible project costs. Federal funds are granted as follows:"

<b>Section 5311</b>	<b>SFY 2016</b>	<b>SFY 2017</b>
Administration	\$124,924	\$124,924
Capital (PM)	\$37,332	\$37,332
Operating	\$113,312	\$113,312
<b>Sub Total</b>	<b>\$275,568</b>	<b>\$275,568</b>

<b>Section 5339 Capital Equipment</b>	<b>\$10,645</b>
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<b>Total Federal Funds</b>	<b>\$286,213</b>	<b>\$275,568</b>
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Exhibit B, Budget shall be amended to include B.5 and B.6 as follows:

B.5 The Contractor shall submit bid documentation (which must be in compliance with FTA Third Party Procurement guidelines) and an invoice to the NHDOT for reimbursement of eligible FTA 5339 Bus and Bus Related Facilities project expenses after procurement of the approved items.

B.6 Invoices for all eligible expenses incurred during the contract period must be submitted within three months after the contract completion date, except in highly unusual circumstances to be determined by the NHDOT.

All other provisions of the agreement shall remain in effect.

**VNA at HCS, Inc.**

By: Cathy Sorenson Date: April 12, 2016

Title: President/CEO

Signature: Cathy Sorenson

County of Cheshire

On this the 12 day of April, 2016, before me, Mary Walker, the undersigned officer, personally appeared Cathy Sorenson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that (s)he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Mary Walker  
Mary Walker, Notary Public

MARY R. WALKER, Notary Public  
State of New Hampshire  
My Commission Expires February 10, 2021

**NH Department of Transportation**

By: Arnold C. Werhling Date: 5/3/16

Title: Director

Signature: Arnold C. Werhling

**Approved by Attorney General**

By: Matthew Boardman Date: 5/12/16

Title: Assistant Attorney General

Signature: Matthew Boardman

**Approved by Governor and Council**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBITS TO AMENDMENT**

CERTIFICATE OF GOOD STANDING

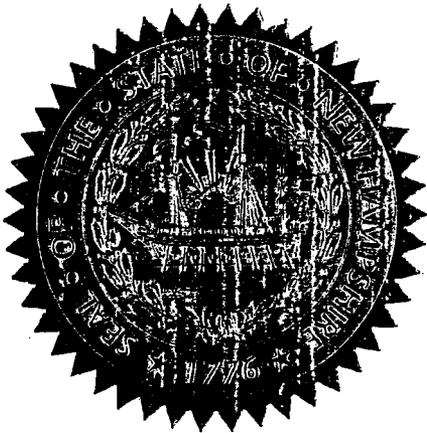
CERTIFICATE OF CORPORATE VOTE

CERTIFICATE OF INSURANCE

# 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 VNA AT HCS, INC. is a New Hampshire nonprofit corporation formed November 18, 1981. I further certify that it is in good standing as far as this office is concerned, having filed the return(s) and paid the fees required by law.



In TESTIMONY WHEREOF, I hereto  
set my hand and cause to be affixed  
the Seal of the State of New Hampshire,  
this 13<sup>th</sup> day of April A.D. 2016

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

William M. Gardner  
Secretary of State

VNA at HCS

Certificate of Corporate Vote

The following is a true abstract from an electronic vote for which a quorum was polled of the Board of Directors of VNA at HCS, Inc. on April 12, 2016:

On motion duly made and seconded, it was voted to authorize the President/CEO to accept grants and awards and enter into contracts, and contract amendments from time to time with the New Hampshire Department of Transportation, Section 5339, to sign and otherwise fully execute such acceptances and contracts, and contract amendments or modifications thereto, and any related documents requested by the New Hampshire Department of Transportation, Section 5339; this authorization to continue until revoked by vote of this governing board.

I certify the foregoing vote is still in effect and has not been revoked, rescinded or modified.

I further certify that Cathy Sorenson is the President/CEO of this corporation, and is still qualified and serving in such capacity.

April 12, 2016  
Date

Betsy Cotter  
Betsy Cotter, Board Chairperson  
VNA at HCS Board of Directors

STATE OF NEW HAMPSHIRE  
COUNTY OF CHESHIRE

On April 12, 2016, before the undersigned officer personally appeared the person identified in the foregoing certificate, known to me (or satisfactorily proven) to be the Chair of the corporation identified in the foregoing certificate, and acknowledged that he executed the foregoing certificate.

In witness whereof I hereunto set my hand and official seal.

Karen M. Campbell  
Karen Campbell, Notary Public

4/12/16  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
1/12/2016

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).

<b>PRODUCER</b> Kennebunk Savings Insurance 50 Portland Road PO Box 770 Kennebunk ME 04043		<b>CONTACT NAME:</b> Nancy Wallace, AINS <b>PHONE (A/C No. Ext):</b> (207) 985-2941 <b>FAX (A/C No.):</b> (207) 985-3122 <b>E-MAIL ADDRESS:</b> nancy.wallace@kennebunksavings.com	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>NAIC #</b>	
<b>INSURED</b> Home Healthcare Hospice & Community Svcs., VNA at HCS Inc. 312 Marlboro St PO Box 564 Keene NH 03431		<b>INSURER A:</b> Philadelphia Indemnity <b>INSURER B:</b> Atlantic Charter Insurance Company <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:** Master 2016/2017                      **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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Employee Benefits <input type="checkbox"/> Claims made GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:		X	PHPK1437277	1/4/2016	1/4/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 Employee Benefits \$ 3,000,000
	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			PHPK1437288	1/4/2016	1/4/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist \$ 1,000,000 \$500 ded comp \$1000 coll
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB526197	1/4/2016	1/4/2017	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCA00539804	7/1/2015	7/1/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Professional Crime			PHPK1437277 PHPK1437277	1/4/2016 1/4/2016	1/4/2017 1/4/2017	Limit of Liability \$1,000,000 \$5,000 Ded. \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 The Package Policy includes a blanket automatic Additional Insured endorsement that provides Additional Insured status to the Certificate Holder, only when there is a written endorsement between the Named Insured and the Certificate Holder that requires such status, and only with regard to work performed on behalf of the named insured.

<b>CERTIFICATE HOLDER</b>  New Hampshire Department of Transportation 7 Hazen Drive PO Box 483 Concord, NH 03302	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Danny Edgecomb/NW
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THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

MAY 01 '15 PM 2:35 DAS



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WILLIAM CASS, P.E.  
ASSISTANT COMMISSIONER

Approved 5/27/15  
Item 64

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

Bureau of Rail & Transit  
April 15, 2015

**REQUESTED ACTION**

Authorize the Department of Transportation to enter into an agreement with VNA @ HCS, Inc. (Vendor 177274), Keene, NH, for an amount not to exceed \$551,136 for public transportation services in the City of Keene for the period July 1, 2015 through June 30, 2017, effective upon approval by Governor and Council. 100% Federal Funds.

Funding for this agreement is available in the fiscal year 2016 and 2017 budget, contingent upon the availability and continued appropriation of funds, with the authority to adjust encumbrances in each of the state fiscal years through the Budget Office if needed and justified.

	<u>FY 2016</u>	<u>FY 2017</u>
04-96-96-964010-2916		
Public Transportation		
072-500575 Grants to Non-Profits-Federal	\$275,568	\$275,568

**EXPLANATION**

The Department has approved a request for Federal Transit Administration (FTA) funding from VNA @ HCS, Inc. to assist in the provision of public transit service. VNA @ HCS, Inc. is a private, non-profit organization that provides rural public transportation, including transportation for seniors and individuals with disabilities, in the City of Keene.

The bus schedules for VNA @ HCS, Inc. are attached to this Agreement.

The Department's proposed FY 2016 and 2017 operating budget includes funds from the FTA Section 5311 Formula Grants for Rural Areas Program (Section 5311) that provides funds for capital, planning, and operating assistance for public transportation in rural areas with populations of less than 50,000. VNA @ HCS, Inc. has provided public transportation utilizing these funds since 1993. The Department has allocated federal funding for the SFY 2016-2017 biennium based on prior funding levels, applications received, and available FTA funds. For the SFY 2016-2017 biennium, the FTA Section 5311 allocation for VNA @ HCS, Inc. is \$551,136. VNA @ HCS, Inc. will provide the required matching funds to include 20% for administration and/or capital and 50% for operations.

The Department released a public notice on December 29, 2014 announcing the availability of FTA Section 5311 funds and applications were due on February 9, 2015. The Department received applications for seven (7) rural public transit systems and awarded funds to each transportation system. The seven (7) public transit systems are as follows:

Transit System	Applicant
Advance Transit (AT)	Advance Transit
Concord Area Transit (CAT)	Community Action Programs Belknap-Merrimack Counties
Winnepesaukee Transit System (WTS)	Community Action Programs Belknap-Merrimack Counties
Community Alliance Transportation Services (CATS)	Community Alliance for Human Services
City Express	VNA @ Home Healthcare, Hospice & Community Services
North Country Transit (NCT)	Tri-County Community Action Program
Carroll County Transit (CCT)	Tri-County Community Action Program

An evaluation committee that consisted of Frederick Butler (NHDOT Rail & Transit, Public Transportation Administrator), Michael Pouliot (NHDOT Rail & Transit, Transportation Specialist) and Carol Spottiswood (NHDOT Rail & Transit, Transportation Project Coordinator) reviewed, evaluated and scored Section 5311 applications based on criteria as indicated in the application materials and the Department's State Management Plans for FTA programs. Every application met the Department's criteria for inclusion in its SFY 2016-2017 public transit funding plan and will be awarded separate amounts for the aforementioned transit systems. The evaluation matrix and scores are provided below for reference:

	Evaluation Criteria	Weight
1	The proposed service effectively addresses a demonstrated community need, and/or the proposed service is a continuation or expansion of existing services.	15%
2	The applicant has the fiscal and technical capacity and adequate budget to operate its service.	15%
3	The applicant has successful experience in providing transportation services.	15%
4	The application shows coordination with other transportation providers in the service area: public, nonprofit, and for-profit.	10%
5	The applicant demonstrates involvement in and support for the project, financial and otherwise, on the part of citizens and local government.	10%
6	The applicant demonstrates effort to involve the private sector in the delivery of transportation services.	10%
7	The applicant successfully demonstrates service efficiency and effectiveness, measured in ridership, service miles and hours, costs, and fare recovery. New applicants must demonstrate the ability to measure performance and achieve goals.	15%
8	The applicant complies with relevant federal and state regulations, and has a history of compliance with regulations and reporting requirements.	10%

100%

Transit System	Average Score
Advance Transit	91.7%
Concord Area Transit	89.2%
Winnepesaukee Transit System	86.5%
Community Alliance Transportation Services	85.8%
City Express	86.3%
North Country Transit	82.0%
Carroll County Transit	86.3%

In the event that federal funds become unavailable, general funds will not be requested to support this program.

The Agreement has been approved by the Attorney General as to form and execution and the Department will verify the necessary funds are available pending enactment of the Fiscal Year 2016 and 2017 budget. Copies of the fully executed agreement are on file at the Secretary of State's Office and the Department of Administrative Services' Office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,



William Cass, P.E.  
Assistant Commissioner

Attachments