



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



**JEFF BRILLHART, P.E.
ACTING COMMISSIONER**

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

Bureau of Rail & Transit
February 5, 2015

REQUESTED ACTION

Authorize the Department of Transportation to enter into a contract amendment with Flight Line, Inc., (Vendor # 155561), Salem, NH, to extend the contract completion date from June 30, 2016 to July 15, 2016 and amend the Scope of Services, effective upon Governor and Council approval. The original agreement was approved by Governor and Council on November 14, 2012, Item 163. This request is for a time extension and scope revision only, no new funding.

EXPLANATION

The State provided Congestion Mitigation and Air Quality (CMAQ) operating and marketing funds to Flight Line, Inc. for daily bus service between Portsmouth and Manchester with stops at the Portsmouth Transportation Center, Epping Park and Ride lot, Manchester-Boston Regional Airport, and downtown Manchester's Canal Street bus terminal. Flight Line, Inc. procured four accessible buses with their own funds to operate the service.

Per C.8 of the contract Special Provisions (Exhibit C), the completion date of the contract shall be three (3) years after the commencement date, which began upon issuance of a Notice to Proceed by the State. Due to unforeseen delays in obtaining the new accessible vehicles needed for the service, the Notice to Proceed was issued on July 15, 2013. This amendment thereby extends the completion date by 15 days to July 15, 2016, three years after the Notice to Proceed date.

The current contract Scope of Service requires a minimum of 10 daily trips and maximum of two-hour headways with the first arrival at Manchester-Boston Regional Airport (MBRA) no later than 5:00 AM and the last departure from MBRA no earlier than midnight weekdays. During the first full year of service, the overall ridership and fare box revenue were significantly below forecasted projections. As a result, service reductions are required to ensure the contracted federal funds are sufficient to continue a reduced level of service through the contract completion date. In accordance and as allowed under EXHIBIT E of the current agreement, the Department and Flight Line carried out a Public Comment Process and subsequently agreed to reduce the scheduled service to nine trips per day effective January 1, 2015. This reduced service level will allow the project funds to cover the operating deficit through the contract

completion date. Changes were designed to retain the most heavily utilized trip times while utilizing only one vehicle in service. Service level reductions will be considered temporary pending Governor and Council approval.

This amendment allows for a minimum of five (5) daily one-way trips.

All other provisions of the agreement shall remain in effect.

In the event that Federal funds become unavailable, general funds will not be requested in support of this project.

The Agreement has been approved by the Attorney General as to form and execution, and the Department has verified that the funds are available. 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,



David J. Brillhart
Acting Commissioner

Attachments

AMENDMENT TO AGREEMENT

PORTSMOUTH-TO-MANCHESTER "EAST-WEST" SERVICE CONTRACT

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and Flight Line, Inc. for daily bus service between Portsmouth and Manchester on November 14, 2012, Item 163;

WHEREAS, the Department of Transportation and Flight Line, Inc. have agreed to revise certain provisions in the P-37 form and Exhibit A, Scope of Work;

WHEREAS, Section 1.7 Completion Date of the P-37 form reads, "June 30, 2016";

WHEREAS, Exhibit A, Scope of Work, Section A.1, reads, "Daily commuter bus service between Portsmouth (Portsmouth Transportation Center), Epping (Park & Ride lot), Manchester-Boston Regional Airport (MBRA), and downtown Manchester (Canal Street bus terminal) with a minimum of 10 daily trips and a maximum of two-hour headways. The service shall provide for arrivals at Manchester-Boston Regional Airport no later than 5:00 am and the last departure no earlier than midnight daily. Additional stops may be added with the approval of the State. Specific bus routes and pick-up/drop-off spots at each of the above locations shall be determined by the State. See exhibit D for details.";

RESOLVED, that the agreement be amended as follows:

Section 1.7 Completion Date of the P-37 form be amended to read, "July 15, 2016."

Exhibit A, Scope of Work, Section A.1 be amended to read, "Daily commuter bus service between Portsmouth (Portsmouth Transportation Center), Epping (Park & Ride lot), Manchester-Boston Regional Airport (MBRA), and downtown Manchester (Canal Street bus terminal) with a minimum of five (5) daily one-way trips. Additional stops may be added with the approval of the State. Specific bus routes and pick-up/drop-off spots at each of the above locations shall be determined by the State. See Exhibit D for details."

All other provisions of the agreement shall remain in effect.

All amended Sections and Exhibits appear below.

EXHIBIT A

SCOPE OF SERVICES (AMENDED)

- A.1. Daily commuter bus service between Portsmouth (Portsmouth Transportation Center), Epping (Park & Ride lot), Manchester-Boston Regional Airport (MBRA), and downtown Manchester (Canal Street bus terminal) with a minimum of five (5) daily one-way trips. Additional stops may be added with the approval of the State. Specific bus routes and pick-up/drop-off spots at each of the above locations shall be determined by the State. See Exhibit D for details.
- A.2. The Contractor will submit a final schedule prior to the Commencement Date for the approval of the State, and shall not change, add, or delete any route or make any fare, service or operating schedule adjustments without the prior written agreement of the State, except in an emergency situation. In such an emergency, the Contractor shall notify the State no later than the next working day following the day of such changes. Such change shall be valid for five days; thereafter, the written approval of the State shall be required.
- A.3. The Contractor has agreed to purchase four (4) new ADA-accessible Sprinter 3500 vehicles for use on the subsidized routes detailed in A.1 above. These vehicles shall be the only vehicles utilized on these routes. Exceptions may be granted by the State upon written request from the Contractor. The State shall approve an "East-West Express" logo that will be prominently displayed on the driver and curbside of the project vehicles, at the Contractor's expense. Upon termination of this Contract, continued usage of the "East-West Express" logo by the Contractor shall be at the discretion of the State and require written approval of the State. Removal of the logo shall be at the Contractor's expense.
- A.4. The Contractor shall develop and implement, with the State's approval, a marketing program to inform commuters and the general public about the service. The marketing program shall include, at a minimum, print, electronic, and Internet media, and widespread distribution of schedule and fare information.
- A.5. Notwithstanding FTA requirements, the Contractor shall develop and implement, with the State's approval, a customer service program that provides an opportunity for customer comment (e.g., regarding scheduling changes) and suggestions for improvements as detailed in the request for proposals.

Flight Line Inc.

James Dowd III

Date: 1-30-2015

Name

President

Title

James Dowd III

Signature

NH Department of Transportation

Patrick C. Herlihy

Date: 2/5/15

Name

Director

Title

[Signature]

Signature

Approved by Attorney General

John J. Conforti

Date: 2/10/15

Name

Assistant Attorney General

Title

[Signature]

Signature

Approved by Governor and Council

Date: _____

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 FLIGHT LINE INC. doing business in New Hampshire as FLIGHT LINE GROUND TRANSPORTATION SERVICES, a(n) Massachusetts corporation, is authorized to transact business in New Hampshire and qualified on May 22, 1992. 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 16th day of December, A.D. 2014

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

William M. Gardner
Secretary of State

Flight Line, Inc.

CERTIFICATE OF VOTE

I Kathleen M Dowd, hereby certify that I am the Sole Owner of the company known as Flight Line, Inc.

I hereby further certify and acknowledge that the State of New Hampshire will rely on this certification as evidence that James Dowd III is **President of Flight Line Inc.**, and has full authority to bind Flight Line Inc., and that no corporate resolution, shareholder vote, or other document or action is necessary to grant such authority.

As such, James Dowd III is duly authorized to enter into contracts with the State of New Hampshire Department of Transportation, and to sign and otherwise fully execute such acceptances and contracts and any related documents, and such authority existed on October 1, 2012, and this authority has not been amended or repealed as of January 30 2015 2015.

Signed: Kathleen M. Dowd
Kathleen M Dowd, Owner, Flight Line, Inc.

Date: January 30, 2015

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

On this the 30 day of January 2015, before me Susan J. Judge, undersigned officer, personally appeared Kathleen M Dowd, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledge that he/she executed the same for the purpose therein contained.

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

Susan J. Judge
Notary Public

January 30, 2015
Date

SUSAN J. JUDGE, Notary Public
My Commission Expires April 28, 2015



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/3/2015

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 FIAI/Cross Insurance 1100 Elm Street Manchester NH 03101		CONTACT NAME: Kari Reeves PHONE (A/C No. Ext): (603) 669-3218 FAX (A/C No.): (603) 645-4331 E-MAIL ADDRESS: kreeves@crossagency.com	
INSURED Flight Line, Inc. 51a Pelham Road Salem NH 03079		INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Acadia Insurance Group, LLC 31325 INSURER B: _____ INSURER C: _____ INSURER D: _____ INSURER E: _____ INSURER F: _____	

COVERAGES **CERTIFICATE NUMBER:** 15-16 GL, BA & WC **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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO.JECT <input type="checkbox"/> LOC			CPA0236633-17	2/1/2015	2/1/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CAA0239470-17	2/1/2015	2/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist property \$ 25,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCA5081801-12 (3a.) MA & NH Lisa & James Dowd III excluded	2/1/2015	2/1/2016	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <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

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 State of NH Department of Transportation, Manchester-Boston Regional Airport & City of Manchester (1 Airport Rd, Suite 300 Manchester, NH 03103), Boston Express, Inc. (7 Langdon St. Concord, NH 03301), Jalbert Leasing, Inc. dba C&J Bus Lines (185 Grafton Dr. Portsmouth, NH 03801) are included as additional insured with respects to the CGL as per written contract. The insurer will endeavor to provide the Contracting officer identified in 1.9 (Patrick Herlihy, Director of Aeronautics and Rail & Transit) or his or her successor, no less than ten (10) days prior written notice of cancellation or modification of the policy. Refer to policy for exclusionary endorsements and special provisions.

CERTIFICATE HOLDER

mpouliot@dot.state.nh.us

State of New Hampshire
 Department of Transportation
 P.O. BOX 483
 Concord, NH 03302

CANCELLATION

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

Tom Mita/JSC



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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

Bureau of Rail & Transit
October 31, 2012

Approved 11/14/12

Item 163

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with Flight Line, Inc., Vendor #155561, Salem, New Hampshire, for an amount not to exceed \$2,436,135 to initiate daily bus service between Portsmouth and Manchester effective from the date of Governor and Council approval through June 30, 2016. 100% Federal.

Funding for this agreement is available as follows:

FY 2013

04-96-96-964010-2916
Public Transportation
072-500574 Grants to Local Gov't – Federal \$2,436,135

EXPLANATION

The Department submitted a successful proposal for Congestion Mitigation and Air Quality (CMAQ) funds in the 2009-2010 round of funding, approved on February 28, 2011, to initiate bus service between Portsmouth and Manchester. Using CMAQ funds, the State will provide operating and marketing funds to Flight Line, Inc. for daily bus service between Portsmouth and Manchester with stops including the Portsmouth Transportation Center, Epping Park and Ride lot, Manchester-Boston Regional Airport, and downtown Manchester's Canal Street bus terminal. The Scope of Service requires a minimum of 10 daily trips and maximum of two-hour headways, however, the proposed service schedule includes 20 daily roundtrips, with the first arrival at Manchester-Boston Regional Airport no later than 5:00 AM and the last daily departure no earlier than midnight weekdays. Flight Line, Inc. will procure four accessible buses with their own funds to operate the service.

The Department of Transportation Bureau of Rail & Transit undertook the task of procuring a transportation operator to provide bus service between Portsmouth and Manchester. The Bureau prepared and issued a request for proposals (attached) and participated on a selection committee of Regional Planning Commissions' members and representatives of municipalities that drafted a scope of work for the Portsmouth to Manchester bus service. The Bureau solicited proposals by mail from qualified transportation providers and notified planning commissions and other interested parties. Public notices were also made available in the Union Leader and on the Department of Transportation website.

The selection committee members that were present and reviewed proposals consisted of David Preece of Southern NH Planning Commission, Scott Bogle of Rockingham Planning Commission, Jon Frederick of the City of Portsmouth, and Shelley Winters of the NH Department of Transportation Bureau of Rail & Transit.

The Department received three proposals for the Portsmouth to Manchester bus service. The review committee met on April 19, 2010, reviewed the proposals and ranked them in accordance with the four criteria included in the request for proposals. The proposals evaluated four criteria on a scale of 1 to 100, with each criterion having an assigned scoring weight. The criteria as listed in the request for proposals was:

1. The extent to which the firm, any subcontractors, and their personnel have demonstrated competence and resources to provide bus service (35%).
2. The extent to which the firm's proposal would provide the Basic Service in the Portsmouth-Manchester corridor and provide intermodal connections (35%).
3. The cost-effectiveness of the proposed Basic Service as demonstrated by the project budget and supporting documentation (20%)
4. Innovations or enhancements to the Basic Service and their cost-effectiveness as demonstrated by the separate budget (10%)

Rating Scale (0-100 scale)	
Point Value	Explanation
0	None. Not addressed or response of no value
1 – 25	Fair. Limited applicability
26 – 50	Good. Some applicability
51 – 75	Very Good. Substantial applicability
76 – 100	Excellent. Total applicability

The procurement and evaluation was conducted in accordance with Federal Transit Administration Circular 4220.1F and utilized the Competitive Proposal/RFP methodology; the proposal that is scored to be able to provide the greatest value, based on the defined criteria, is selected.

Based on the four criteria defined in the request for proposals and the scoring of the four evaluation committee members, the proposals were ranked as follows:

1. Flight Line Transportation
2. Falcon Bus Lines
3. New England Coach

The review committee made a recommendation that the Department enter into contract negotiations with Flight Line Inc. A summary of the scoring matrix is attached.

The total cost of the proposed contract is \$2,436,135. The use of approved Turnpike Toll Credits will be used to provide the 20% matching share, effectively using 100% Federal Funds. The use of Turnpike Toll Credits for this project was approved by the Capital Budget Overview Committee on October 17, 2012 (attached).

The total project budget is provided below.

Net operating expenses	\$2,332,400
Marketing expenses	<u>\$ 103,735</u>
Total Project Amount	\$2,436,135

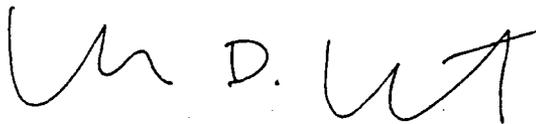
Funds for this agreement are available in the Department's operating budget and are included in the Statewide Transportation Improvement Program (STIP). The Federal funds were approved by the CMAQ Selection Committee and are in an approved Federal Transit Administration (FTA) grant.

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 has verified that the necessary funds are available. 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,



Christopher D. Clement, Sr.
Commissioner

Attachments