



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



VICTORIA F. SHEEHAN
COMMISSIONER

WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER

Bureau of Highway Design
 December 31, 2018

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

INFORMATIONAL ITEM

In accordance with the requirements approved by Governor and Council June 7, 2017, Item #43, the Department of Transportation is to submit on an annual basis a summary of Special, Supplemental, and Account Agreements (and their amendments) with utilities, municipalities and railroad entities that result from impacts to their facilities because of Department administered construction projects.

Attached please find the summary report of agreements paid for the fiscal year ending June 30, 2018.

EXPLANATION

The Department historically, has contracted sole-source with utilities, municipalities, and railroad entities to provide proprietary services for equipment, material, and labor services. These services result from work required to relocate private and public infrastructure facilities from within the limits of construction projects which are either in the 10-Year Plan or street light removal program. Department administered construction projects routinely require utility work that only a utility, municipality, or railroad utility can both perform and provide necessary services. It is critical that these utility relocations be addressed prior to and during construction so that timely construction of the roadway and bridge projects can take place without halting construction that can add delay, increase costs, and have the potential to decrease public safety. In these examples, the utility, municipality, or railroad entity (vendor) is contracted and paid by the Department or the Department is contracted and paid by the vendor.

As a result of an audit finding, the Department of Transportation met with a representative of the Department of Administrative Services and specifically discussed the issue of Account Agreements. As part of this review, it was agreed by both Departments that the Department of Transportation request approval from the Governor and Executive Council for continued use of entering into these type agreements. As part of this process, an informational item will be presented to the Governor and Executive Council on an annual basis of the agreements which were entered into and used. The flexibility for these types of contracts is critical to the nature of the work performed and completed by the Department.

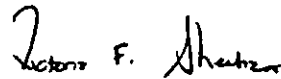
Below is a summary of actual payments made by the Department:

FY 2018

Total Actual Amount Paid \$2,895,081.90

It is respectfully requested that this item be approved.

Sincerely,

A handwritten signature in black ink that reads "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan
Commissioner

Attachment:

Schedule of Paid Agreements through June 30, 2018

Force Account Agreements Paid

FY 2018

Project #	Project Name	Force Agreement with	FY18 Expenditure
15838	Stewartstown-Canann	Canaan Fire District #2	\$1,850.00
15838	Stewartstown-Canann	Fairpoint	\$7,482.40
16146	Farmington	Farmington	\$46,679.30
16444	Seabrook	Seabrook	\$2,320.00
27898	Portsmouth	Portsmouth/Pan Am	\$285,623.74
28901	Plymouth	Plymouth & Lincoln RR	\$270,908.16
29335	Tilton	Plymouth & Lincoln RR	\$7,238.95
40404	Thornton-Woodstock	Plymouth & Lincoln RR	\$26,318.16
40420	Gorham	Gorham	\$12,350.00
40424	Seabrook-Hampton Falls-Hampton	Seabrook	\$420.00
40706	District 6	Springfield Terminal Railway	\$2,520.02
40763	Manchester-Auburn	Eversource Energy	\$4,446.55
40863	District 1	New Hampshire Central Railroad	\$600.00
40871	Statewide	Unitil Energy Systems	\$2,424.54
11238Q	Newington-Dover	Eversource Energy	\$3,976.68
11238Q	Newington-Dover	Dover	\$1,306,390.73
13080B	Durham-Newmarket	Newmarket	\$245,834.22
13408B	Hampton Falls/Hampton	Unitil Energy Systems	\$7,620.70
13455D	Portsmouth	Portsmouth	\$12,235.31
13455E	Portsmouth	Portsmouth	\$28,584.75
14633D	Salem-Manchester	Non-Par Utility Total of \$979,319.17	\$593,094.16
16067/ 16068	Carroll	Conway Scenic Railroad	\$863.18
16147 /14744A	Northfield - Tilton	Plymouth & Lincoln RR	\$25,300.35
			\$2,895,081.90



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



J.C.M.
43

**VICTORIA F. SHEEHAN
COMMISSIONER**

**WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER**

Bureau of Highway Design
April 17, 2017

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

REQUESTED ACTION

Authorize the Department of Transportation to enter into certain **sole-source** Special, Supplemental, and Account Agreements (and their amendments) with utilities, municipalities and railroad entities that result from impacts to their facilities because of Department administered construction projects. Further, any adjustments to original estimates that result in changes to encumbrances be authorized based on justification to the Department of Administrative Services. It is requested that these Account Agreements be approved and effective upon Governor and Executive Council approval through June 30, 2019.

Funding for this Request is available based upon the source of funds for each particular project, and is contingent upon the availability and continued appropriation of funds for FY 2018 and 2019.

EXPLANATION

The Department historically, has contracted **sole-source** with utilities, municipalities, and railroad entities to provide proprietary services for equipment, material, and labor services. These services result from work required to relocate private and public infrastructure facilities from within the limits of construction projects which are either in the 10-Year Plan or street light removal program. Department administered construction projects routinely require utility work that only a utility, municipality, or railroad utility can both perform and provide necessary services. It is critical that these utility relocations be addressed prior to and during construction so that timely construction of the roadway and bridge projects can take place without halting construction that can add delay, increase costs, and have the potential to decrease public safety. In these examples, the utility, municipality, or railroad entity (vendor) is contracted and paid by the Department or the Department is contracted and paid by the vendor.

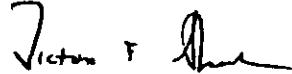
As a result of an audit finding, the Department of Transportation met with a representative of the Department of Administrative Services and specifically discussed the issue of Account Agreements. As part of this review, it was agreed by both Departments that the Department of Transportation request approval from the Governor and Executive Council for continued use of these type agreements. As part of this process, an informational item will be presented to the Governor and Executive Council on an annual basis listing the agreements which were entered into and used. The flexibility for these types of agreements is critical to the nature of the work performed and completed by the Department. The last informational item was submitted to Governor & Executive Council on 11/18/16 for FY 2016.

The Department's approach to using these agreements has worked well and the Account Agreements have been reviewed in substance and form by the Attorney General. The use of these agreements has allowed the Department to react quickly and in concert with the public utility, municipality, and railroad entity to decrease potential project delays and deliver construction improvements in a timely and efficient manner.

Approval of this method will ensure the timeliness of project work and improve the efficiency of project completion by allowing the Department to enter into agreements with a utility, municipality, and or railroad entity for which they are the only vendor(s) able to perform and complete the necessary work.

It is respectfully requested that this item be approved.

Sincerely,



Victoria F. Sheehan
Commissioner

Attachments: Force Account Agreement Templates