



**THE STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY**

57 Regional Drive  
Concord, NH 03301-8518  
(603) 271-2350  
Website: www.nh.gov/pharmacy/  
FAX (603) 271-2856



January 25, 2013

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

*sole source*

**REQUESTED ACTION**

Authorize the New Hampshire Board of Pharmacy to enter into a **sole source** Holdover Amendment for up to seven (7) months extending the current Holdover Amendment (due to expire 06/30/2013) with McCarthy Properties (Vendor Code # 174409), P.O. Box 100 West Wareham MA 02576 for an amount not to exceed \$16,455.66 providing office space comprised of 2,685 square feet located at 57 Regional Drive, Concord NH. The agreement will commence July 1, 2013 and expire no later than January 31, 2014.

Further authorize amending the total contractual price limitation to increase by \$16,455.66 from \$183,587.18 to \$200,042.84. Funding will be available for this request in the HHS-Administratively Attached Boards Consolidated Rent/Lease Budget (100% General Funds).

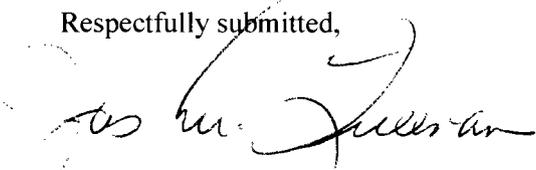
05-074-074-749910-74990000-022

**FY 2014**  
\$16,455.66

**EXPLANATION**

Authorization of the enclosed lease amendment is requested in order to extend the Board of Pharmacy's current lease for up to seven (7) months at their 2,685 square foot office space located at 57 Regional Drive, Concord, N.H. This item is **sole source**, the Board of Pharmacy is scheduled for relocation to the State's "Anna Philbrook Building" which will undergo renovation prior to occupancy, the Board's lease however expires in advance of anticipated completion of renovations, therefore extension of the current lease term is requested. The enclosed amendment maintains the current lease rental rate of \$10.25 per square foot and includes a clause allowing early termination upon thirty (30) days prior notice, provision of all utilities, maintenance and common area janitorial services will continue to be at no additional share, included in the rent. The originating agreement was reviewed and approved by the Architectural Barrier Free Design Committee. The Office of the Attorney General has reviewed and approved this lease amendment.

Respectfully submitted,

  
James M. Queenan, R.Ph., MBA  
Executive Secretary / Director

  
2013

AMENDMENT

This Agreement (the "Amendment") is dated this 14 day of JANUARY ~~2012~~, and is by and between the State of New Hampshire acting by and through the NH Board of Pharmacy Regulation, (the "Tenant") and Gerald P McCarthy Properties, (the "Landlord") with a place of business at P.O. Box 100, West Wareham, MA 02576.

Whereas, pursuant to a five year lease agreement (the "Agreement") for 2,685 square feet of space located at 57 Regional Drive, Concord NH (the "Premises") first entered into on September 25<sup>th</sup> 2006 which was approved by the Governor & Executive Council on November 29, 2006 item #88, and was thereafter amended and approved by the Governor & Executive Council on October 12, 2011, item #66, the Landlord agreed to lease the Premises upon the terms and conditions specified in the Agreement which will expire June 30, 2013, and in consideration of payment by the Tenant of certain sums as specified therein, and;

Whereas: The State of New Hampshire intends to relocate the Tenant to State owned space upon completion of renovations to the "Anna Phillbrook" building however the current Agreement expires well in advance of the anticipated relocation date, and;

Amendment of the Agreement to extend the term is necessary to allow continued lawful payment of rent;

NOW THEREFORE, in consideration of the foregoing and the covenants and conditions contained in the Agreement as set forth herein, the Landlord and Tenant hereby agree to amend the Agreement as follows:

**Amendment of Agreement:**

**3.1 Term:**

The June 30, 2013 expiration date of the Agreement is hereby amended to terminate no later than seven (7) months thereafter, January 31, 2014. During the amended Term the Tenant shall have the option to terminate the Agreement early by serving advance written notice to the Landlord; such notice shall be served at least thirty (30) days prior to termination.

JULY 1, 2013  
OO

**4.1 Rent:** The current annual rent of \$28,192.56 which is approx. \$10.25 per square foot, shall remain unchanged, prorated to a monthly rent of \$2,349.38 which shall be due on the first day of each month during the amended term. ~~The first monthly installment shall be due and payable upon July 1, 2014~~ and shall continue to be paid on the 1st day of each month during the amended term unless the Agreement is sooner terminated. The total amount of rent to be paid under the terms of this agreement shall not exceed seven (7) months which is \$16,445.66.

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 there under shall remain in full force and effect in accordance with the terms and conditions set forth therein.

EFFECTIVE DATE OF THE AMENDMENT: This Amendment shall be effective upon its approval by the Governor and Executive Council of the State of New Hampshire. If approval is withheld, this document shall become null and void, with no further obligation or recourse to either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands:

**TENANT:** State of New Hampshire, acting through its:

**PHARMACY**  
Joint Board of Licensure and Certification

By *James M. Pughenan*  
**JAMES M. PUGHENAN**

**LANDLORD:** Gerald P McCarthy Properties

By *Gerald P. McCarthy*  
Signature  
Print *Gerald McCarthy Owner*  
Name & Title

**NOTARY STATEMENT:** As Notary Public and/or Justice of the Peace, REGISTERED IN THE STATE OF: *New Hampshire* COUNTY OF: *Merrimack*

UPON THIS DATE (insert full date) *December 3, 2013*,  
appeared before me *Leanne M. Lavoie* the undersigned officer  
(print full name of notary)  
personally appeared (insert Landlord's signature) *Gerald P. McCarthy*  
who acknowledged him/herself to be: *Owner*  
(print officer's title, and the name of the corporation)  
and that as such officer, they are authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing him/herself in the name of the corporation.

In witness whereof I hereunto set my hand and official seal. (provide notary signature and seal)

*Leanne M. Lavoie* LEANNE M. LAVOIE, Notary Public  
My Commission Expires October 3, 2017

**Approval by New Hampshire Attorney General as to form, substance and execution:**

By: *Mark Brown*, Assistant Attorney General, on *2/11/13*

**Approval by the New Hampshire Governor and Executive Council:**

By: \_\_\_\_\_, on \_\_\_\_\_

**McCarthy Properties**

West Wareham, MA 02576

Phone: 508-291-1161 ♦ Fax 508-291-1160 ♦ [www.mccarthy-properties.com](http://www.mccarthy-properties.com)

November 26, 2012

**Certificate of Authority**

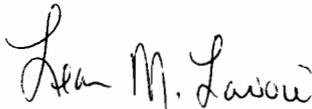
I, Gerald P. McCarthy, sole owner of McCarthy Properties certify that I am authorized to execute and sign all contracts and leases, including contracts or leases for the State of New Hampshire, on behalf of McCarthy Properties; I further delegate to and authorize my son, James McCarthy, to also execute and sign contracts and leases on behalf of and binding upon McCarthy Properties.



Gerald P McCarthy, Owner

NOTARY STATEMENT: As a Public Notary registered in the State of New Hampshire, upon the date of December 3, 2012 the above named Gerald P. McCarthy appeared before me and acknowledged the above CERTIFICATE OF AUTHORITY.

In witness whereof I hereunto set my hand and official seal



LEANNE M. LAVOIE, Notary Public  
My Commission Expires October 3, 2017



# 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 GERALD P. MCCARTHY PROPERTIES is a New Hampshire trade name registered on April 3, 1987 and that Gerald P. McCarthy presently own(s) this trade name. I further certify that it is in good standing as far as this office is concerned, having 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 17<sup>th</sup> day of October, A.D. 2012

A handwritten signature in black ink, appearing to read "William M. Gardner".

William M. Gardner  
Secretary of State

**DEPARTMENT OF ADMINISTRATIVE SERVICES  
SYNOPSIS OF ENCLOSED LEASE CONTRACT**

**FROM:** Mary Belec, Administrator II  
Department of Administrative Services  
Bureau of Planning and Management

**DATE:** January 23, 2013

**SUBJECT:** Attached Lease Amendment;  
Approval respectfully requested.

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

**LESSEE:** New Hampshire Board of Pharmacy, 57 Regional Drive, Concord NH 03301

**LESSOR:** McCarthy Properties, P.O. Box 200 West Wareham, MA 02576

**DESCRIPTION:** Lease Amendment. Approval of the enclosed will authorize amending the current "Pharmacy" lease to provide up to seven (7) additional months under the terms of the current agreement for 2,685 square feet of space located at 57 Regional Drive, Concord NH. "Pharmacy" is scheduled for relocation to the State's "Anna Phillbrook Building" after renovations are completed, such completion is currently scheduled for November 2013, thereafter "Pharmacy" and other agencies will move in.

**TERM:** Up to seven (7) months, commencing July 1, 2013 ending no later than January 31, 2014; Tenant has the option of early termination upon issuing thirty (30) days advance notice.

**RENT:** The current annual rent of \$28,192.56 (approx. \$10.25 per SF) shall remain unchanged, prorated to monthly rent of \$2,349.38 with total rent not exceeding seven (7) months at \$16,445.66

**JANITORIAL:** Included in rent  
**UTILITIES:** Included in rent

**TOTAL COST:** Not to exceed \$16,445.66

**PUBLIC NOTICE:** Sole Source: amendment of the current lease rather than soliciting a potential new, interim office location was a more cost effective way of providing space until such time the intended new, State owned location is ready for occupancy; the potential costs of relocation such as moving, fit up, installing telephone and data services, in addition to rent, would outweigh any amended/extended lease costs

**CLEAN AIR PROVISIONS:** None are applicable to an amended term

**BARRIER-FREE DESIGN COMMITTEE:** Committee review not required for an amended term

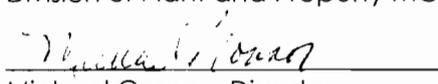
**OTHER:** Approval of the enclosed is recommended

The enclosed contract complies with the State of NH Division of Plant and Property Rules And has been reviewed & approved by the Department of Justice.

Reviewed and recommended by:  
Bureau of Planning and Management

  
Mary Belec, Administrator II

Approved by:  
Division of Plant and Property MGMT

  
Michael Connor, Director



THE STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

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Concord, NH 03301-8518  
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Website: www.nh.gov/pharmacy/  
FAX (603) 271-2856



RG 10  
# 124573

Approved etc  
10/12/11  
Item # 64

NH FIRST APPROVAL # 1343000

September 1, 2011

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

REQUESTED ACTION

Authorize the Board of Pharmacy to enter into a Holdover Amendment for up to nineteen (19) months with Gerald P. McCarthy Properties (Vendor Code # 174409), P.O. Box 100, West Wareham, MA 02576 for an amount not to exceed \$44,638.22 for office space comprised of 2,685 square feet located at 57 Regional Drive, Concord, NH. This agreement will commence December 1, 2011 and expire no later than June 30, 2013.

Further authorize amending the total contractual price limitation to increase by \$44,638.22 from \$138,948.96 to \$183,587.18. Funding is available for this request (80% General Funds, 20% Other Funds).

	<u>FY12</u>	<u>FY13</u>
05-74-74-743510-74350000-022	\$16,445.66	\$28,192.56

EXPLANATION

The Board of Pharmacy first entered into a five-year lease agreement with Gerald P. McCarthy Properties for 2,685 square feet of office space located at 57 Regional Drive, Concord, NH on December 1, 2006 which was approved by the Governor and Executive Council on November 29, 2006 item # 88. The amendment extends the current monthly rent of \$2,349.38 which is approximately \$10.50 per square foot for up to nineteen (19) months, and also provides the Tenant with an option for early termination upon serving thirty (30) days prior written notice to the Landlord. Provision of all site and building maintenance is included in the annual rent. A copy of the original lease is attached.

The State of New Hampshire may be able to relocate the Board of Pharmacy to State Owned offices in the future but this action will not likely occur prior to the expiration of the present rental agreement. Continued short term occupancy at the current location is cost effective and mutually advantageous to both parties.

The Office of the Attorney General has reviewed and approved this agreement.

Respectfully Submitted,

James M. Queenan, R.Ph., M.B.A.  
Executive Director  
Board of Pharmacy

THE STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

57 Regional Drive  
Concord, NH 03301-8518

Approved GFC  
Item # 88  
11-29-06

FY11 RQ# 111380  
3410 Reg 104540  
101496



October 19, 2006

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

REQUESTED ACTION

Authorize the Board of Pharmacy to enter into a five-year lease agreement with McCarthy Properties (VC # 66003), West Wareham, MA in the amount of \$138,948.96 for office space at 57 Regional Drive, Concord, NH from December 1, 2006 through November 30, 2011. 80% General Funds; 20% Other.

Funding is available in account, Pharmacy Board, contingent on budget authorization for fiscal years 2008 through 2012, as follows with the authority to adjust encumbrances in each of the State fiscal years through the Budget Office if needed and justified.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
010-074-7435-022-0248 Rents & Leases	\$16,054.08	\$27,521.28	\$27,521.28	\$27,912.86	\$28,192.56	\$11,746.90

EXPLANATION

The present lease agreement between the State of New Hampshire and McCarthy Properties expires on November 30, 2006. This current lease is at the rate of \$26,178.72 per year. The NH Board of Pharmacy has negotiated this lease at a competitive rate and wishes to remain at this location. The proposed lease is at the rate of \$27,521.28 per year for the period from December 1, 2006 to November 30, 2009 and at the rate of \$28,193.56 per year from December 1, 2009 to November 30, 2011. There was a Public Notice which appeared in the Concord Monitor on July 7 & 14, 2006 in accordance with the State Leasing Bidding Requirements with only 1 response - from McCarthy Properties.

Respectfully submitted,

Paul G. Boisseau  
Executive Secretary  
FOR THE BOARD

President Kristina Genovese East Swanzey	Vice President George L. Bowersox Hudson	Secretary Sandra B. Keans Rochester	Treasurer Vahrij Manoukian Hollis	Member Margaret E. Hayes Manchester	Member Ronald L. Petrin Bedford
	Chief Compliance Investigator Peter A. Grasso		Executive Secretary Paul G. Boisseau		