



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Rec'd
63

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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

Bureau of Rail & Transit
June 17, 2014

Sole Source

REQUESTED ACTION

Authorize the Department of Transportation to enter into a **sole source** contract amendment with Mount Washington Valley Economic Council, Inc. (Vendor 166706), Conway, New Hampshire, to increase the contract amount by \$58,715 from \$61,339 to \$120,054 for coordinated transportation services for elderly persons and persons with disabilities, effective upon Governor and Council approval through June 30, 2015. The original agreement was approved by Governor and Council on June 5, 2013, Item #235. 100% Federal Funds.

Funding is available as follows:

	<u>FY 2015</u>
04-96-96-964010-2916	
Public Transportation	
072-500575 Grants to Non-Profit-Federal	\$58,715

EXPLANATION

The Department has approved a request for additional Federal Transit Administration (FTA) Section 5310 Purchase of Service funding from Mount Washington Valley Economic Council (MWVEC) for expanded transportation services in the Carroll County Regional Coordinating Council service area. This **sole source** contract amendment is based on the availability of additional funds that the Department has sub allocated to each Regional Coordinating Council through a formula apportionment. Since MWVEC has been designated by the Region 2 Coordinating Council as the lead agency for SFY 2014-2015 FTA Section 5310 purchase of service activities in their region, this contract is proposed to be amended to include these additional funds. MWVEC will continue to act as the lead agency to purchase accessible demand response, public transit and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Carroll County Regional Coordinating Council.

The Department entered into a two-year contract with MWVEC for the period July 1, 2013 to June 30, 2015. FTA Federal Fiscal Year 2013 Section 5310 Purchase of Service funds were committed for State Fiscal Year 2014 and no funds were included for the second year of the contract at that time. Budgeted Federal funds are available to provide Section 5310 Purchase of Service funds that the Department has

sub allocated by regions for State Fiscal Year 2015. This contract amendment is reflective of the allocation made available to the region MWVEC represents and provides \$58,715 for the second year (SFY 2015) of the two-year agreement. The program requires a twenty percent (20%) match, which will be provided by cash and eligible in-kind match through the lead agency and regional transportation providers. In consultation with FTA Region I staff and in accordance with Office of Management and Budget (OMB) guidelines, including OMB Circulars A-122 and A-110, the Department developed an "In-Kind Match Memo" in January of 2012 that subrecipients are required to follow. Additionally, the Department annually publishes a "5310 Q&A" document that provides supplemental information on in-kind match. Included within this Q&A document are limitations and maximum rates (for volunteer driver time, for instance) that the Department has placed on eligible in-kind match. Documentation of in-kind match is subject to review by the Department during a compliance review or audit.

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,

A handwritten signature in black ink, appearing to read "C. D. Clement, Sr.", written in a cursive style.

Christopher D. Clement, Sr.
Commissioner

Attachments

AMENDMENT TO AGREEMENT

MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL, INC.

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation and Mount Washington Valley Economic Council, Inc. on June 5, 2013, (Item #235) effective July 1, 2013 through June 30, 2015;

WHEREAS, the Price Limitation in Section 1.8, is \$61,339, and Exhibit A describes the Scope of Work and Exhibit B describes the budget;

WHEREAS, the Department of Transportation has available Federal funds for the Federal Transit Administration Section 5310 Purchase of Service program;

RESOLVED, that the agreement be amended as follows:

Section 1.8, "Price Limitation" of the P-37 form be amended to read \$120,054 (increase of \$58,715);

Exhibit B, Budget, shall be revised to include State Fiscal Year 2015 FTA Section 5310 funds as follows: \$55,779 for service delivery and \$2,936 for Mobility Management activities, for a total increase of \$58,715 and a revised contract total of \$120,054.

Exhibit B, Budget, B.2 be amended to read "The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses less required local match to the Department's Bureau of Rail & Transit. The invoice will include verification of sources of amounts of matching funds and statements from service providers to support the request. Administration costs shall be itemized and include such information as required to support the request."

All other provisions of the agreement shall remain in effect.

**EXHIBIT B
BUDGET
REVISED**

B.1 The Contract price, as defined in Section 1.8 of the General Provisions, is the Federal Transit Administration Section 5310 portion of the eligible project. Federal funds are granted as follows:

<u>Region 2 Carroll County</u>	<u>SFY 2014</u>	<u>SFY 2015</u>
Purchase of Service	\$58,272	\$55,779
Mobility Management	<u>\$ 3,067</u>	<u>\$ 2,936</u>
Total Federal Funds	\$61,339	\$58,715

B.2 The Contractor may seek reimbursement for these funds by submitting a monthly or quarterly invoice for the total eligible expenses less required local match to the Department's Bureau of Rail & Transit. The invoice will include verification of sources of amounts of matching funds and statements from service providers to support the request. Administration costs shall be itemized and include such information as required to support the request.

B.3 Contract completion date is June 30, 2015.

Mount Washington Valley Economic Council

By: John A. Cuddy Date: 5-6-14

Title: Executive Director

Signature: [Handwritten Signature]

County of Carroll

On this the 6th day of May, 2014, before me, Jane A. Difruscio, the undersigned officer, personally appeared John A. Cuddy, 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.



Jane A. Difruscio
Notary Public/Justice of the Peace

NH Department of Transportation

By: [Handwritten Signature] Date: 5/12/14

Title: Director

Signature: [Handwritten Signature]

Approved by Attorney General

By: Brian Buonamano Date: 6/11/14

Title: AAG

Signature: [Handwritten Signature]

Approved by Governor and Council

By: _____ 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 MT. WASHINGTON VALLEY ECONOMIC COUNCIL is a New Hampshire nonprofit corporation formed November 6, 1990. 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 1st day of May A.D. 2014

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

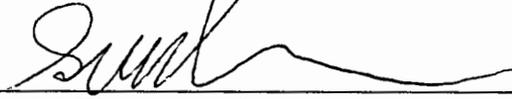
William M. Gardner
Secretary of State

CERTIFICATE OF AUTHORITY

I, Scott McKinnon, President of the Mt. Washington Valley Economic Council Board of Directors do hereby certify that:

1. I am the duly elected and acting President of the Mt. Washington Valley Economic Council, a regional economic development organization and established 501(c)(3);
2. The Mt. Washington Valley Economic Council has authorized Executive Director, John Cuddy, to execute any documents which may be necessary to effectuate contracts;
3. This authorization has not been evoked, annulled, or amended in any manner whatsoever, and remains in full force and effect as of the date hereof;

IN WITNESS WHEREOF, I have hereunto set my hand as the President of the Mt. Washington Valley Economic Council on this 6th day of May 2014.



Scott McKinnon, President

State of New Hampshire
County of Carroll

On this 6th day of May 2014, before me Scott McKinnon
the undersigned officer, personally appeared Scott McKinnon, who acknowledged himself to be the President of the Mt. Washington Valley Economic Council, and that he, as such President, being so authorized to do so, executed the foregoing instrument for the purpose therein contained.

In witness whereof, I have set my hand and official seal.


_____, Notary Public





THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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

Bureau of Rail & Transit
April 24, 2013

Approved 6/5/13
Item 235

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with Mount Washington Valley Economic Council, Inc. (Vendor #166706), Conway, New Hampshire, for an amount not to exceed \$61,339 for coordinated transportation services for elderly persons and persons with disabilities, for the period July 1, 2013 through June 30, 2015, effective upon approval by Governor and Council. 100% Federal Funds.

Funding is contingent upon the availability and continued appropriation of funds.

FY 2014

04-96-96-964010-2916	
Public Transportation	
072-500575 Grants to Non-Profit-Federal	\$61,339

EXPLANATION

The Department has approved a request for Federal Transit Administration (FTA) Section 5310 Purchase of Service funding to Mount Washington Valley Economic Council for expanded transportation services in the Carroll County Regional Coordinating Council service area. Mount Washington Valley Economic Council will act as the Lead Agency to purchase accessible demand response, public transit and volunteer driver transportation service for elderly individuals and individuals with disabilities in cooperation with the Carroll County Regional Coordinating Council service area.

The Department has been working closely with the State Coordinating Council for Community Transportation to develop regional coordination of human services transportation, through nine designated regions. In January 2013, the Department announced the availability of Federal funds to support coordinated transportation services for elderly persons and persons with disabilities. The available funds were allocated by region, according to a formula based on regional populations of residents over 65 and those between the ages of 5-64 with disabilities. Each individual Regional Coordinating Council was responsible for conducting its own project solicitation, evaluation, and prioritization and then submitting one regional application for eligible 5310 Purchase of Service projects

Subject

through an approved Lead Agency. As is required by FTA, all projects are identified in a locally developed coordinated public transit – human services transportation plan.

The Carroll County Regional Coordinating Council designated Mount Washington Valley Economic Council as the Lead Agency to apply for 5310 Purchase of Service funds and has submitted a regional list of eligible projects as detailed in the region's contract. The program requires a twenty percent (20%) match, which will be provided by cash and in-kind match.

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 2014 and 2015 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,



Christopher D. Clement, Sr.
Commissioner

Attachments