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**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
***DIVISION OF PUBLIC HEALTH SERVICES***

Jeffrey A. Meyers  
Commissioner

Lisa M. Morris  
Director

29 HAZEN DRIVE, CONCORD, NH 03301  
603-271-4501 1-800-852-3345 Ext. 4501  
Fax: 603-271-4827 TDD Access: 1-800-735-2964  
www.dhhs.nh.gov

February 28, 2018

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

**REQUESTED ACTION**

Authorize the Department of Health & Human Services, Division of Public Health Services, to enter into a **sole source** agreement with the New Hampshire Department of Agriculture, Markets and Food, 25 Capitol Street, Concord New Hampshire 03301, to provide training and consultation services to the Division's On-Farm Readiness Teams to assist New Hampshire produce farms to comply with the Food Safety Modernization Act, 21 C.F.R. part 112, in an amount not to exceed \$20,000 effective upon Governor and Executive Council approval with a completion date of June 30, 2019. 100% Federal Funds.

Funds are available in the following account for State Fiscal Year 2018 and State Fiscal Year 2019 with authority to adjust amounts within the price limitation and adjust encumbrances between State Fiscal Years through the Budget Office without approval from the Governor and Executive Council, if needed and justified.

**05-95-90-901510-5030 HEALTH AND SOCIAL SERVICES, DEPT OF HEALTH AND HUMAN SVCS, HHS: DIVISION OF PUBLIC HEALTH SERVICES, BUREAU OF PUBLIC HEALTH PROTECTION, FDA PRODUCE SAFETY RULE**

Fiscal Year	Class/Account	Description	Activity Code	Budget Amount
2018	049-584918	Transfer to Other Agencies	90005030	\$10,000
2019	049-584918	Transfer to Other Agencies	90005030	\$10,000
			<b>Total:</b>	<b>\$20,000</b>

**EXPLANATION**

This request is **sole source** because the Department of Agriculture, Markets and Food (DAMF) has familiarity with New Hampshire produce farms and their growing practices. The familiarity with produce farms is invaluable to the Division of Public Health Services' On-Farm Readiness Assessment Teams who administer the Good Agricultural Practices audits on State produce farms, which assists farmers in complying with the Food Safety Modernization Act (FSMA), 21 C.F.R. part 112.

DAMF plays an important role in the on-farm readiness assessments that take place on produce farms prior to the regulatory inspections. DAMF currently conducts similar inspections as part of the Good Agricultural Practices audits, which means the existing relationship with many produce farms will contribute to the Division's On-Farms Readiness Assessment Teams who will be preparing farms for compliance with the Food Safety Modernization Act.

DAMF will provide training and consultation services to the Division's On-Farm Readiness Assessment Teams in preparation for the Readiness Teams to assist farms, growing and selling produce in New Hampshire; comply with the Food Safety Modernization Act, 21 C.F.R part 112. Training and consultation services include:

- Assisting the Division with planning and communications with farms that are within the parameters of the Food and Drug Administration (FDA) Produce Safety Rule (PSR).
- Utilizing prior knowledge of Good Agricultural Practices to advise and inform DPHS regarding related PSR implementation.
- Attending planning meetings, workshops and trainings that enhance DAMF knowledge of the PSR and support increased collaboration between the two (2) agencies.
- Communicating, as needed, with the Division, the farm community and other interested parties to address questions related to PSR implementation.
- Accompanying the Division on-site for outreach visits to applicable farms, in order to introduce the PSR or to begin the implementation process, with the understanding that the amount of time will not exceed what is being compensated for in the sub-award.
- Providing a written monthly statement of funds utilized on a budget form provided by DPHS.

The Division will take the lead role in providing FDA Produce Safety Rule education and outreach to farmers growing and selling produce in New Hampshire for farms that are within the parameters of the new Produce Safety Rule (PSR). Additionally, the Division will take the lead role in ongoing management and implementation of the FDA PSR Cooperative Agreement, including annual reporting of progress, application development and submission, budget management, and program development. The Division will coordinate the grant application for State funding to conduct inspections as well as developing and implementing the inspection and enforcement component of the FDA PSR program for New Hampshire.

As specified in the agreement, the Department reserves the right to renew services for up to two (2) additional years, pending satisfactory vendor performance, continued availability of funds, agreement of both parties and approval by the Governor and Executive Council.

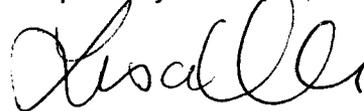
Should the Governor and Executive Council not approve this request, there may be fewer resources available to form the on-farms readiness teams. Therefore, fewer farms will have access to reviews, or reviews may not be timely for farms to achieve compliance to the rule. Regulatory inspections are planned to begin in 2019.

Area served: Statewide

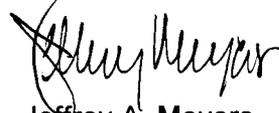
Source of funds: 100% Federal Funds, CFDA #93.103, FAIN# U18FD005917, US DHHS, Food and Drug Administration, FDA Produce Safety Rule

In the event that Federal Funds become no longer available, General Funds will not be requested to support this contract.

Respectfully submitted,



Lisa Morris  
Director



Approved by: Jeffrey A. Meyers  
Commissioner

# **Training and Consultation Services**



## **DEPARTMENT OF HEALTH & HUMAN SERVICES MEMORANDUM OF AGREEMENT**

Between

**Division of Public Health Services**

And

**Department of Agriculture, Markets and Food**

MOA-2018-DPHS-03-TRAIN



## **1. GENERAL PROVISIONS**

- 1.1. This Memorandum of Agreement (MOA) is between the New Hampshire Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS), 29 Hazen Drive, Concord, NH 03301 and the New Hampshire Department of Agriculture, Markets and Food (DAMF), 25 Capitol Street, Concord, NH 03301.
- 1.2. The purpose of this MOA is for DAMF to provide training and consultation services to the Division of Public Health Services' On-Farm Readiness Teams in preparation for the Readiness Teams to assist farms, growing and selling produce in New Hampshire, comply with the Food Safety Modernization Act (FSMA). DAMF On-Farm Readiness Team staff will be trained to conduct the On-Farm Readiness Assessments.
- 1.3. This MOA is effective from the date of Governor and Executive Council approval through June 30, 2019, with the opportunity to renew for up to two (2) additional years, pending satisfactory performance.

## **2. THE DEPARTMENT OF AGRICULTURE, MARKETS AND FOOD AGREES TO:**

- 2.1. Assist DPHS in planning and communications with farms that fall within the parameters of the Food and Drug Administration (FDA) Produce Safety Rule (PSR).
- 2.2. Utilize prior knowledge of Good Agricultural Practices to advise and inform DPHS regarding related PSR implementation.
- 2.3. Attend planning meetings, workshops and trainings that enhance DAMF knowledge of the PSR and support increased collaboration between the two (2) agencies.
- 2.4. Communicate as needed with DPHS, the farm community and other interested parties to address questions related to PSR implementation.
- 2.5. Accompany DPHS on-site for outreach visits to applicable farms, in order to introduce the PSR or to begin the implementation process, with the understanding that the amount of time will not exceed what is being compensated for in the sub-award.
- 2.6. Provide a written monthly statement of funds utilized on a budget form provided by DPHS.

## **3. THE DEPARTMENT OF HEALTH & HUMAN SERVICES, DIVISION OF PUBLIC HEALTH SERVICES AGREES TO:**

- 3.1. Take the lead role in providing FDA Produce Safety Rule education and outreach to farmers growing and selling produce in New Hampshire for farms that fall within the parameters of the new Produce Safety Rule.
- 3.2. Take the lead role in ongoing management and implementation of the FDA PSR Cooperative Agreement, including annual reporting of progress, application development and submission, budget management, and program development.



- 3.3. Take the lead role in coordinating the grant application for State funding to conduct the inspections (Competition B), and developing and implementing the inspection and enforcement component of the FDA PSR program for New Hampshire.

**4. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN DPHS AND DAMF:**

- 4.1. The maximum amount of funds available for reimbursement under this Agreement from the DPHS shall not exceed \$10,000 for SFY 2018 and \$10,000 for SFY 2019. Funds are one hundred percent (100%) Federal Funds provided by the Food and Drug Administration. Neither DPHS nor the FDA shall be responsible for any expenses or costs incurred by the DAMF under this MOA in excess of the above amounts. Funds not used within the specified fiscal years cannot be carried forward without written approval from DPHS.
- 4.2. DPHS agrees to provide funding based on satisfactory delivery of services, availability of Federal Funds received for this program and agreement of the parties.
- 4.3. DPHS agrees to reimburse the Department of Agriculture, Markets and Food (DAMF) \$10,000 per State Fiscal Year for services provided under this MOA, contingent upon funding being made available from the FDA Cooperative Agreement to support DAMF staff participation in the PSR work and PSR related training and is inclusive of travel.
- 4.4. DAMF agrees to submit monthly invoices to DPHS for costs incurred. Invoices must include line items with dates, description of services and associated costs.

4.4.1. Invoices shall be mailed or emailed to:

Division of Public Health Services  
Department of Health & Human Services  
29 Hazen Drive  
Concord, NH 03301  
[DPHSCONTRACTBILLING@DHHS.NH.GOV](mailto:DPHSCONTRACTBILLING@DHHS.NH.GOV)

- 4.5. DHHS agrees to pay DAMF within thirty (30) days of receipt of each approved invoice based on actual costs incurred by DAMF.
- 4.6. This MOA may be modified at any time by mutual written consent of both parties.
- 4.7. In the event of an early termination of this MOA for any other reason than the completion of services, the DAMF shall deliver to DPHS, not later than thirty (30) days after the termination, a "Termination Report" describing in detail all activities performed and the MOA funds used up to and including the date of termination. In the event the services and/or prescribed outcomes described within this MOA are not met to the satisfaction of DPHS, the DPHS reserves the right to terminate this agreement. Such termination shall be submitted in writing to the DAMF and will require the DAMF to deliver a final Termination Report as described above.



4.8. In the event that changes in either State or Federal funding, laws or regulations occur which render the performance of the activities set forth in this MOA illegal, void, impractical or impossible, DPHS shall immediately notify DAMF to cease related activities and shall terminate this MOA. The DPHS shall reimburse the DAMF for all activities that were performed under this agreement before the date of termination within thirty (30) days of receiving a completed billing form and activity summary.

Lisa Morris, Director  
NH Division of Public Health Services

3/5/18

Date

Jeffrey A. Meyers, Commissioner  
NH Department of Health and Human Services

3/7/18

Date

Shawn N. Jasper, Commissioner  
Department of Agriculture, Markets and Food

2/26/2018

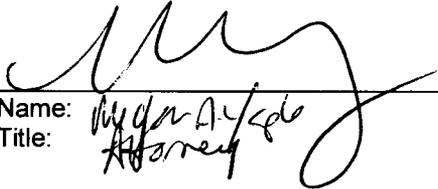
Date



The preceding Memorandum of Agreement, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

3/12/18  
Date

  
Name: Bryan A. Cole  
Title: Attorney

I hereby certify that the foregoing Memorandum of Agreement was approved by the Governor and Executive Council of the State of New Hampshire at the Meeting on: \_\_\_\_\_ (date of meeting).

OFFICE OF THE SECRETARY OF STATE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title: