



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



95 Handwritten note

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLIART, P.E.
ASSISTANT COMMISSIONER

Bureau of Materials & Research
March 26, 2014

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

Sole Source Handwritten note

REQUESTED ACTION

- 1. Authorize the Department of Transportation to amend a sole source Joint Funding Agreement with the U.S. Geological Survey (Vendor 200815), Pembroke, NH, by increasing the agreement amount by \$15,990 from \$70,000 to \$85,990 to provide for a cooperative investigation to determine sources of nitrate in wells near blasting sites in New Hampshire, effective upon Governor and Council approval. 100% Federal Funds.
2. Further, authorize to amend the contract's completion date from September 30, 2014 to June 30, 2015, effective upon Governor and Council approval. The original agreement was approved by Governor and Council on July 10, 2013, Item #111.

Funding is available as follows:

Table with 3 columns: Fund ID, FY 2014, FY 2015. Rows include SPR Research Funds and 046-500464 General Consultants Non-Benefit.

EXPLANATION

The U.S. Geological Survey (USGS) is uniquely qualified to conduct this study because of their comprehensive knowledge of groundwater transport characteristics, unique isotope testing capabilities, and reputation for its unbiased, science-based approach to complex and sensitive issues.

The agreement has funded a joint effort between the Department and USGS to determine the source of nitrates in drinking water wells near blasting sites. Blasting operations for bedrock excavation on construction projects such as the I-93 widening are potential sources for nitrate contamination of drinking water wells. This ongoing investigation has detected temporal changes in water sampling results. Construction delays at the study site have lengthened the anticipated period of time during which blasting is occurring. Additional data is needed to fully characterize the dissipation of contaminants. This amendment will fund the additional sampling and analysis and extend the completion date as needed to bracket the full duration of blasting operations.

Common sources of contamination frequently exist in close proximity to affected wells. Differentiating between blasting-related causes and other potential sources such as septic systems, animal wastes, fertilizers, decomposing vegetation or landfill leachate would aid in determining, limiting, or managing the Department's liability in such matters. Standard water quality analyses designed to determine the safety of drinking water are not sufficient to identify the sources(s) of contamination. This investigation is using isotopes of nitrogen and oxygen in water sampled from private wells, monitoring wells, and surface water locations, along with conventional hydrologic and geologic data, to indicate the source of contaminants near I-93 blasting sites.

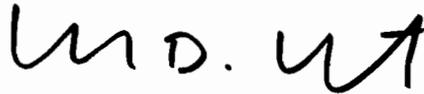
The Department's contribution of \$85,990.00 will leverage \$56,760.00 of USGS funds (USGS increase of \$14,760) through this amended Joint Funding Agreement.

This Amendment has been approved by the Attorney General as to form and execution. The Department was 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, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

Department project funding is 80% federal funds with 20% state match. Turnpike toll credit is being utilized for match requirements, effectively using 100% federal funds.

It is respectfully requested that authority be given to amend the sole-source Agreement for consulting services as outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "C.D. Clement", with a stylized flourish at the end.

Christopher D. Clement, Sr.
Commissioner

Attachments

UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
AMENDMENT OF JOINT FUNDING AGREEMENT
FOR
WATER RESOURCES INVESTIGATIONS
Amendment No. 1

6000000093
13ENNH000000025
LH00FA7/LG40FE0
TIN 02-6000618

This amendment is for the agreement dated July 10, 2013.

The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation

Paragraphs 2a of the agreement is hereby X increased/ decreased by **\$14,760.00** to read as follows:

(a) **\$56,760.00** by the party of the first part during the period
July 10, 2013 to June 30, 2015

Paragraphs 2b of the agreement is hereby X increased/ decreased by **\$15,990.00** to read as follows:

(b) **\$ 85,990.00** by the party of the second part during the period
July 10, 2013 to June 30, 2015

Billing for this agreement will be rendered **Quarterly**. Payments of bills are due within 60 days after billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30-day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983. The USGS legal authority is 43 USC 36c; 43 USC 50; 43 USC 50b. USGS DUN's # 048601645

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
by Keith Robinson
(Signature)
Name: **Keith Robinson**
Title: **Director**
Date: 2/20/14

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
by William J. Cass
(Signature)
Name: **William J. Cass, P.E.**
Title: **Director of Project Development**
Date: 2/27/14
by John D. Conforti
(Signature)
Name: John D. Conforti
Title: **NH Office of the Attorney General**
Date: 3/19/14
By John D. Conforti
(Signature)
Name: _____
Title: **NH Governor & Executive Council**
Date: _____

Project extension to provide additional groundwater samples and analysis:

Determining sources of nitrate in drinking-water wells near blasting sites in Southern New Hampshire, April, 2013

In Cooperation between the NH Department of Transportation and the US Geological Survey, NH-VT Office of the New England Water Science Center

Introduction

This project extension would serve to provide additional samples for the project described in the proposal titled "Determining sources of nitrate in drinking-water wells near blasting sites in Southern New Hampshire, April 2013"

Objectives

The main objective is to collect additional samples from wells near State Rt. 111 in Windham New Hampshire where blasting is currently underway and will continue through the spring of 2014. Five sampling rounds including five wells each will be added to the current project. Results of analysis of recently collected samples will determine which constituents will be targeted with sampling under the project extension.

Timeline and Costs

Field work will be conducted in FY2014 and FY2015. The project timeline and the estimated costs of the study extension are shown in tables 1 and 2.

Table 1. Proposed timeline for the study:

Work plan Element	FY14			FY15		
	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June
Data collection	x	x	x	x		
Report				x	x	x

Table 2. Estimated summary of costs:

Element	Project Extension Cost
Sample Collection (Direct)	\$10,000
Shipping and Lab Analysis (Direct)	\$5,070
Data handling, analysis, and reporting	\$4,350
Total Direct	\$19,420
Total Indirect Costs	\$11,330
Total Project	\$30,750
USGS share	\$14,760
NHDOT share	\$15,990



U.S. Geological Survey Manual

200.2 - Redelegations

12/06/10

OPR: Office of Administration and Enterprise Information

Instructions: This chapter is being revised to reflect a change in office chief, title, and office name.

1. Purpose. This chapter sets forth policy governing delegations of authority to carry out USGS activities.

2. Definitions.

A. *Authority* is the power vested in a person to approve or authorize an action. The exercise of an authority enacts a binding decision that commits the direct or indirect expenditure of funds or other resources.

B. *Delegating* is the official vesting of an authority, in whole or in part, by one person to another, in order to give legal effect or administrative approval to actions taken.

3. Policy. Authority in the USGS is to be delegated: (1) to the lowest level practicable, so that decisions can be made where the issues/problems exist; (2) so that it is not more restrictive than permitted by higher authority, unless there is good management reason for doing so; and (3) in a manner that strengthens the chain of command so that authority is commensurate with responsibility. An orderly system for approving, issuing, limiting, withdrawing, and keeping track of delegations of authority shall be in place at all levels of the Bureau.

4. Guidelines. In making decisions to delegate authority, the following guidelines are to be followed:

- A. The delegation to a lower level would provide for greater efficiency.
- B. Adequate guidance must exist for the proposed recipient(s) to carry out the authority. (**NOTE:** If not, guidance must be adopted prior to, or concurrent with, the delegation of authority.)
- C. Proposed recipient(s) is/are trained and qualified to exercise the authority effectively.
- D. The delegation of authority would not interfere with the operations and functions of other employees or with other programs and does not conflict with other delegations of authority that demand segregation of duties or the use of checks and balances.

E. The delegating official shall monitor the use of the authority, and retains accountability for the results. (**NOTE:** An official delegating authority does not relinquish the power to exercise that authority at any time and is not relieved of the responsibility for action taken by the person(s) to whom the authority has been delegated.) The official delegating the authority may, temporarily or permanently, withdraw or limit the delegation by issuing such a decision.

F. Delegations should be in writing, and leave no doubt as to the extent or limits of the authority delegated. In emergency situations or for temporary periods, authority may be delegated verbally.

G. A delegation of authority made to an individual is also made to that individual's supervisor(s), unless stated otherwise in the delegation of authority. Also, when designated as "Acting," an individual has the same authority as the person for whom he/she is acting, unless a further restriction is documented. (See SM 205.4 for procurement authority exception.)

H. Delegates must exercise redelegated authority in conformance with any requirements the delegator must observe.

I. Delegations should be issued to position titles rather than to named officials whenever possible. The delegating official must decide whether the authority being delegated is to a position or to an individual and so specify in the delegation of authority.

/s/ Karen D. Baker

December 6, 2010

Karen D. Baker

Date

Associate Director for Administration and

Enterprise Information

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U.S. Geological Survey Manual

205.13 – Delegations of Authority to Enter into Agreements and to Accept Contributions

Date: 4/11/11

OPR: Office of Administration and Enterprise Information

Instruction: This chapter is being revised to reflect a change in the Office of Primary Responsibility--office chief, title, and office name. Appendix A is being revised to: (1) remove the contents referencing "agreements to perform work for non-Federal organizations," and replacing it with delegations of authority to sign Intergovernmental Cooperation Act agreements; (2) add two new agreement categories--collaborative and Federal Energy Regulatory Commission agreements; and (3) revise positions/titles of individuals with delegated authority based on the Bureau's realignment.

1. Purpose. This chapter establishes delegations of authority necessary to approve agreements and accept contributions at the U.S. Geological Survey. Authority is delegated in Appendix A of this chapter.

2. Policy. General provisions regarding policy and limitations on delegations are established in Survey Manual Chapter (SM) 200.1, Delegations; and general provisions regarding policy and guidelines on redelegations are established in SM 200.2, Redelegations. Managers and supervisors retain the power to exercise the authority that is being delegated to their subordinates. An official entering into an agreement is responsible for ensuring his or her statutory authority to enter into such an agreement.

3. Deferred Publication of Analyses and Interpretive Reports. For reimbursable work, deferred publication of analyses and interpretive reports must be approved by the responsible Associate Director or Regional Executive.

Appendix A

/s/ Karen D. Baker

April 11, 2011

Karen D. Baker
Associate Director for Administration and Enterprise Information

Date

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Appendix A
Part 205, Chapter 13

USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS		
AUTHORITY	AUTHORITY DELEGATED TO (THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION):	DOCUMENTATION REQUIRED/REMARKS
<p>A. Approve Agreements for work with States, Counties, Municipalities, and other Governmental Subdivisions; U.S. Territories; Native American Tribal Governments; DC Government [43 U.S.C.50]</p> <p>A-1. Approve Standard Joint Funding Agreement (JFA) using Form 9-1366 (without change)</p> <p>A-2. Approve Non-Standard JFA</p> <p>A-3. Approve the following Non-Standard JFA Exceptions:</p> <p>(a) Non-Standard JFA where the only change to the Form 9-1366 is a statement on maintaining a drug free workplace; on abiding by Federal non-discrimination laws; or that the USGS may not contract the work to another party without the prior consent of the cooperator in writing</p> <p>(b) Non-Standard JFA in following years with a cooperator if the initial JFA with that cooperator had been reviewed by the Office of Policy and Analysis. Changes to the scope of work, amount of money, and /or period of performance are authorized. Otherwise, the agreement with the cooperator should</p>	<p>Office Chiefs (see Note at bottom of page 11 for these positions) reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a Senior Executive Service (SES) Manager</p> <p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p> <p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>Use of the Form 9-1366 is encouraged.</p> <p>The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.</p> <p>Review and approval by the Office of Policy and Analysis is required prior to signing the agreement.</p>



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USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS

AUTHORITY	AUTHORITY DELEGATED TO (THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION):	DOCUMENTATION REQUIRED/REMARKS
<p>remain the same as that initially approved. The delegatee is responsible for ensuring that changes made are authorized.</p>		
<p>B. Intergovernmental Cooperation Act Agreements (not for use with U.S. Territories, Native American Tribal Governments) [31 U.S.C. § 6505]</p>		<p>See SM 500.27, Intergovernmental Cooperation Act Agreements with State and Local Units of Government and Figure 27-1, Intergovernmental Cooperation Act Agreement Template.</p>
<p>B-1. Approve Intergovernmental Cooperation Act Agreements using the USGS template (without change)</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.</p>
<p>B-2. Approve Intergovernmental Cooperation Act Agreements using terms and conditions other than those provided in the USGS template</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>Review and approval by the Office of Policy and Analysis is required prior to signing agreement.</p>
<p>B-3. Approve the following Intergovernmental Cooperation Act Agreement exceptions:</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	
<p>(a) Where the only change is a statement on maintaining a drug-free workplace; on abiding by Federal non-discrimination laws; or that the USGS may not contract the work to another party without the prior consent of the cooperator in writing</p>		

USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS

AUTHORITY	AUTHORITY DELEGATED TO (THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION):	DOCUMENTATION REQUIRED/REMARKS
<p>(b) In following years with a cooperator if the initial Intergovernmental Cooperation Act Agreement had been reviewed by the Office of Policy and Analysis. Changes to the scope of work, amount of money, and/or period of performance are authorized. Otherwise, the agreement with the cooperator should remain the same as that initially approved. The delegatee is responsible for ensuring that changes made are authorized.</p>		
<p>C. Approve agreements to perform work for Other Federal Agencies</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to an SES Manager</p>	<p>See SM 500.3. The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.</p>
<p>D. Approve Collaborative Agreements with States, Counties, Municipalities, educational institutions, private entities, and non-profit organizations; [43 U.S.C. 36c]</p>		<p>Contact Office of Policy and Analysis for agreement template. The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement. Collaborative agreements with private entities and non-profit organizations require review by the EADR. Review and approval by the Office of Policy and Analysis is required prior to signing the agreement.</p>



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USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS		
AUTHORITY	AUTHORITY DELEGATED TO (<i>THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION:</i>)	DOCUMENTATION REQUIRED/REMARKS
D-1. Approve Standard Collaborative Agreement	Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager	
D-2. Approve Non-Standard Collaborative Agreement using terms and conditions other than those provided in the USGS template	Office Chiefs reporting to the Director/Deputy Director and managers and supervisors who report directly to a SES Manager	
D-3. Approve the following Non-Standard Collaborative Agreement exceptions: (a) Non-Standard Collaborative Agreement where the only change to the template is a statement on maintaining a drug-free workplace; on abiding by Federal non-discrimination laws; or that the USGS may not contract the work to another party without the prior consent of the cooperator in writing (b) Non-Standard Collaborative Agreement in following years with a cooperator if the initial Collaborative Agreement with that cooperator had been reviewed by the Office of Policy and Analysis. Changes to the scope of work, amount of money, and/or period of performance are authorized. Otherwise, the agreement with the cooperator should remain the same as that initially approved. The delegatee is responsible for ensuring that changes made are authorized.	Office Chiefs reporting to the Director/Deputy Director and managers and supervisors who report directly to a SES Manager	
E. Approve Interagency Agreements involving an outflow of funds from the USGS to another Federal agency	This delegation remains in SM 205.4, Procurement	See SM 205.4E-1 and SM 405.7.

USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS		
AUTHORITY	AUTHORITY DELEGATED TO (THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION):	DOCUMENTATION REQUIRED/REMARKS
F. Approve Technology Transfer Agreements [15 U.S.C. 3710a and 43 U.S.C. 36c]	Associate Directors, Regional Executives	See SM 500.20. A Technology Transfer agreement, as defined in 15 U.S.C. 3710a, is an agreement between one or more Federal laboratories and one or more non-Federal parties under which the Government, through its laboratories, provides personnel, services, facilities, equipment, intellectual property, or other resources with or without reimbursement (but not funds to non-Federal parties); and the non-Federal parties provide funds, personnel, services, facilities, equipment, intellectual property, or other resources toward the conduct of specified research or development efforts, which are consistent with the missions of the laboratory, except that such term does not include a procurement contract or cooperative agreement as those terms are used in Sections 6303, 6304, and 6305 of Title 31. Property and equipment provided under the agreement shall be provided in accordance with established USGS Property Management policies and procedures. The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement. Review by the Office of Policy and Analysis is required prior to signing the agreement.
F-1. Cooperative Research and Development Agreements (CRADA)		



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USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS

AUTHORITY	AUTHORITY DELEGATED TO (THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION):	DOCUMENTATION REQUIRED/REMARKS
<p>F-2. Technical Assistance Agreements:</p> <p>(a) Less than or equal to \$100,000</p> <p>(b) More than \$100,000</p>	<p>Office Chiefs reporting to the Director/Deputy Director and managers and supervisors who report directly to an SES Manager</p> <p>Deputy Associate Directors; Regional Executives; Office Chiefs reporting to the Director/Deputy Director; and Managers and Supervisors who report directly to an SES Manager</p>	<p>Review by the Office of Policy and Analysis is required prior to signing the agreement.</p> <p>Review by the Office of Policy and Analysis is required prior to signing the agreement.</p>
<p>F-3. Facility Use/Service Agreements</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to an SES Manager</p>	<p>Review by the Office of Policy and Analysis is required prior to signing the agreement.</p>
<p>F-4. Material Transfer</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to an SES Manager</p>	<p>Typically the provider of the material only requires a simple form to be completed. The Office of Policy and Analysis is available to provide assistance if needed. Material transfer agreements may not involve any commitments (including funds) except for the transfer of materials. Consequently, USGS reimbursable agreement procedures do not apply.</p>



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<p>G. Approve International Agreements under the Foreign Assistance Act (FAA) [22 U.S.C. 2357]</p> <p>G-1. Sign international memorandum of understanding, memorandum of cooperation, Protocol, and Exchange of Letter</p> <p>G-2. Sign project annex, project annex amendment, statement of intent, memorandum of agreement, technical assistance, agreement in principal, project implementation plan, and letter of agreement, <i>the scope of which deals with more than one USGS mission area</i></p> <p>G-3. Sign a project annex, project annex amendment, statement of intent, memorandum of agreement, technical assistance, agreement in principal, project implementation plan and letter of agreement, <i>limited to a single mission area</i></p>	<p>Director</p> <p>Deputy Director</p> <p>Associate Director for that mission area</p>	<p>The Office of International Programs is responsible for coordinating the review of all proposed USGS international agreements with a friendly country or an international organization prior to signature.</p>
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<p>H. Approve Acceptance of Contributions</p> <p>H-1. Acceptance of contributions from public and private sources—including lands, buildings, equipment, money, other contributions [43 U.S.C. 36c and 16 U.S.C.742R(b)]</p> <p>(a) Money and personal property of \$5,000 or less</p> <p>(b) Money and personal property of \$50,000 or less</p> <p>(c) Money and personal property exceeding \$50,000, and all other contributions received under this authority</p> <p>H-2. Acceptance of contributions for official travel costs for meetings or similar functions [31 USC 1353]</p> <p>H-3. Acceptance of contributions, awards, or payments, in connection with non-Government training. [205 DM 2.1B]</p>	<p>Science Center Directors and Cost Center Managers</p> <p>Regional Executives and Deputy Associate Directors</p> <p>Associate Directors and Regional Executives</p> <p>Officials with delegated authority to approve travel authorizations</p> <p>Authority delegated in SM 205.1, Personnel Management, Appendix B, I-7</p>	<p>See SM 500.19. All contribution offers should be documented on the Contribution Report Form (Form 9-3089).</p> <p>Consultation and coordination with the Ethics and Collaborative Action and Dispute Resolution (EADR) Office (gifts).</p> <p>Funds can be accepted from non-Federal sources to pay for travel costs for official travel if the travel is for the purpose of attending a meeting, conference, workshop, seminar, or similar event related to an employee's duties and responsibilities. Funds cannot be accepted to carry out the Bureau's regulatory and statutory functions, such as field or site visits. A Form DI-2000, Report of Payment Accepted from a Non-Federal Source must be completed, approved by the EADR Office, and submitted with the employee's travel authorization.</p>
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<p>I. Approve Domestic Memorandum of Understanding (MOU)</p> <p>I-1. Domestic MOUs that:</p> <p>(a) Address activities that cross mission areas</p> <p>(b) Address an intent to work with a sovereign Indian Nation.</p> <p>I-2. Mission-specific Domestic MOUs of national significance</p> <p>I-3. Domestic MOUs specific to assigned geographic areas of responsibility</p> <p>I-4. Domestic MOUs specific to a science center or a cost center</p>	<p>Director</p> <p>Associate Directors</p> <p>Regional Executives</p> <p>Regional Executives and Cost Center Managers</p>	<p>See SM 500.26, Domestic Memorandum Of Understanding.</p>
<p>J. Interagency Personnel Details under the Intergovernmental Personnel Act</p>	<p>Authority delegated in SM 205.1, Personnel Management, Appendix B, B-33</p>	<p>See Financial Operating Procedures Handbook for FERC agreement template.</p> <p>The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.</p>
<p>K. Approve Federal Energy Regulatory Commission (FERC) Agreements with non-governmental customers (private utilities) (USGS Annual Appropriations Act); States, Counties, Municipalities, Tribal Governments, and U.S. Territories (43U.S.C. 50 and 43 U.S.C. 50b); with USGS [Economy Act and 43 U.S.C. 36c]</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>Review and approval by the Office of Policy and Analysis is required prior to signing the agreement.</p>
<p>K-1. Approve Standard FERC Agreement</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>Review and approval by the Office of Policy and Analysis is required prior to signing the agreement.</p>
<p>K-2. Approve Non-Standard FERC Agreement</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	<p>Review and approval by the Office of Policy and Analysis is required prior to signing the agreement.</p>

<p>K-3. Approve the following Non-Standard FERC Agreement Exceptions:</p> <p>(a) Non-Standard FERC Agreement where the only change to the template is a statement on maintaining a drug-free workplace; on abiding by Federal non-discrimination laws; or that the USGS may not contract the work to another party without the prior consent of the cooperator in writing</p> <p>(b) Non-Standard FERC Agreement in following years with a cooperator if the initial FERC Agreement with that cooperator had been reviewed by the Office of Policy and Analysis. Changes to the scope of work, amount of money, and /or period of performance are authorized. Otherwise, the agreement with the cooperator should remain the same as that initially approved. The delegatee is responsible for ensuring that changes made are authorized.</p>	<p>Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to a SES Manager</p>	
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Note:

Office Chiefs reporting to the Director/Deputy Director and Managers and Supervisors who report directly to an SES Manager include positions such as:

- (A) Associate Directors and Regional Executives
- (B) Deputy Associate Directors and Deputy Regional Executives
- (C) Director, Office of Budget, Planning, and Integration; Director, Office of Communications and Publishing; and Director, Office of Science Quality and Integrity
- (D) Chief, Office of Equal Opportunity; Chief, Office of International Programs
- (E) Science Center Directors
- (F) AEI Office Chiefs
- (G) HC Office Chiefs



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



111 [Signature]

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

68C 07/10/2013
Item # 111

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Materials & Research
May 23, 2013

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

Sole Source

REQUESTED ACTION

Authorize the Department of Transportation to enter into a sole-source Joint Funding Agreement with the U.S. Geological Survey (Vendor 200815), Pembroke, NH, for a total fcc not to exceed \$70,000.00, for a cooperative investigation on determining sources of nitrate in wells near blasting sites in New Hampshire, effective upon Governor and Council approval, through September 30, 2014. 100% Federal Funds.

Funding is contingent upon the availability and continued appropriation of funds in FY 2014, as follows:

04-96-96-962015-3036	<u>FY 2014</u>
SPR Research Funds	
046-500464 General Consultants Non-Benefit	\$70,000.00

EXPLANATION

The Department is collaborating with USGS to conduct a cooperative research study to determine the source of nitrates in drinking wells near blasting sites. The U.S. Geological Survey (USGS) is uniquely qualified to conduct this study because of their comprehensive knowledge of groundwater transport characteristics, unique isotope testing capabilities, and reputation for its unbiased, science-based approach to complex and sensitive issues. In addition, the Department's contribution of \$70,000 will be matched with \$42,000 of USGS funds through the Joint Funding Agreement. Finally, the Pembroke office has successfully performed other studies for the Department in the past, including research related to bridge scour, investigations of flood magnitude and frequency, and development of the web-based New Hampshire StreamStats tool.

There have been recent issues with respect to blasting operations that represent a potential liability for the Department. Blasting operations for bedrock excavation on construction projects such as the I-93 widening are potential sources for nitrate contamination of drinking water wells. However, other common sources of contamination frequently exist in close proximity to affected wells. Differentiating between blasting-related causes and other potential sources such as septic systems, animal wastes,

fertilizers, decomposing vegetation or landfill leachate would aid in determining, limiting, or managing the Department's liability in such matters.

Standard water quality analyses designed to determine the safety of drinking water are not sufficient to identify the source(s) of contamination. This investigation will use isotopes of nitrogen and oxygen in water sampled from private wells, monitoring wells and surface water locations, along with conventional hydrologic and geologic data, to indicate the source of contaminants near 193 blasting sites.

This Agreement has been approved by the Attorney General as to form and execution. 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, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

It is respectfully requested that authority be given to enter into a sole-source Agreement for consulting services as outlined above.

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