



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

Bureau of Materials & Research
November 25, 2015

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

REQUESTED ACTION

Authorize the Department of Transportation to amend a **SOLE SOURCE** agreement with the NorthEast Transportation Training & Certification Program, Inc. (NETTCP), Marshfield, MA (Vendor 162157) by extending the expiration date from December 31, 2015 to December 31, 2017, effective upon Governor and Council approval. The original agreement was approved by Governor and Council on March 12, 2014, Item #56. This is a time extension only, requiring no additional funds.

EXPLANATION

This **SOLE SOURCE** request is for training that is uniquely developed for technicians in the northeastern transportation industry. Working together with the FHWA, Federal Aviation Administration (FAA) and industry throughout New England, the six New England states and New York have established a nonprofit organization named the NorthEast Transportation Training & Certification Program (NETTCP). The intent of the program is to jointly develop training and certification courses that are supported by and commonly specified by each of the member states. The NETTCP Oversight Committee includes a representative from each of the member Departments of Transportation. Training and certification programs have been developed in a number of technical areas including hot mix asphalt, soils/aggregate, and concrete. Because the courses are created by and for the Northeastern States for the sole purpose of training and certifying transportation department staff in these highly technical areas, the cost per course is very reasonable and comparable to similar technical courses provided through private vendors, universities or various institutes, such as the Asphalt Institute or concrete institutes around the nation. The nature of this program focuses the classes on required technical training. Additionally, the courses are located in the Northeast, often placing them within commutable, or at least within drivable distances, resulting in cost savings.

On March 12, 2014, the original agreement was approved by Governor and Council with the option to renew for an additional two year period subject to Governor and Council approval (Item #56; copy of resolution attached). The currently proposed amendment extends the expiration date from December 31, 2015 to December 31, 2017.

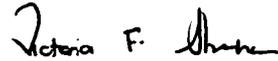
The original **SOLE SOURCE** agreement provided technician training and certification on a per-person, per-course basis for Department personnel. The services are provided at the member costs established by the program as outlined in the agreement. Technicians are certified in their respective performance areas on a five-year frequency. This means that funding is expended at an irregular rate. Approximately half of the originally authorized funds remain in the agreement.

33
Beaulac

This amended agreement has been approved by the Attorney General as to form and execution. 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.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan
Commissioner

**AMENDMENT #1 to
TRAINING AND CERTIFICATION AGREEMENT
between the
STATE OF NEW HAMPSHIRE, **Department of Transportation**
and the
NORTHEAST TRANSPORTATION TRAINING & CERTIFICATION PROGRAM**

The Training and Certification Agreement, approved by the State of New Hampshire Governor and Executive Council on 3/12/14, item # 56, is and all subsequent properly approved amendments are hereby modified by mutual consent of both parties for the reason(s) described below:

Purpose of Amendment (Choose all applicable items):

Extend the Training and Certification Agreement and Agreement end date, at no additional cost to the State.

Therefore, the Training and Certification Agreement is and/or its subsequent properly approved amendments are amended as follows:

- Form P-37, box 1.7 is revised to replace the Completion Date of December 31, 2015 with the revised Completion Date of December 31, 2017.
- Exhibit B. is revised to replace the “**two year time period beginning at Governor and Council approval and ending on December 31, 2015**” to “**four year time period beginning at Governor and Council approval and ending on December 30, 2017.**”

All other terms and conditions of the Cooperative Project Agreement remain unchanged.

This Amendment, all previous Amendments, the Training and Certification Agreement, and the Master Agreement constitute the entire agreement between State and NETTCP regarding the Training and Certification Agreement, and supersede and replace any previously existing arrangements, oral and written; further changes herein must be made by written amendment and executed for the parties by their authorized officials.

This Amendment and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire.

IN WITNESS WHEREOF, the following parties agree to this **Amendment #1** to the Training and Certification Agreement.

By An Authorized Official of NETTCP

Name: Christopher Bowker

Title: Executive Director

Signature and Date:

Christopher Bowker 11/5/15

Acknowledgement: State of RI, County of Providence
On 11/5/2015, before the undersigned officer, personally appeared the person identified above, or satisfactorily proven to be the person whose name is signed above, and acknowledged that s/he executed this document in the capacity indicated above.

Signature of Notary Public or Justice of the Peace

Patricia A. Piccoli

[Seal] PATRICIA A. PICCOLI expires 3/19/2017
Name and Title of Notary or Justice of the Peace

By An Authorized Official of Department of Transportation

Name: Christopher Waszczuk

Title: Director of Project Development

Signature and Date:

Christopher Waszczuk 10/9/15

By An Authorized Official of: the New Hampshire Office of the Attorney General

Name: John J. Conforti

Title: Assistant Attorney General

Signature and Date:

John J. Conforti 11/18/15

By An Authorized Official of: the New Hampshire Governor & Executive Council

Name:

Title:

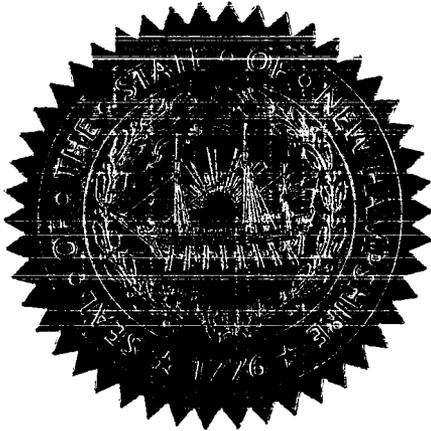
Signature and Date:

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 Northeast Transportation Training and Certification Program, Inc., a(n) Massachusetts corporation, is authorized to transact business in New Hampshire and qualified on August 29, 2003. I further certify that all fees required by the Secretary of State's office have been received.



In TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 4th day of November, A.D. 2015

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

William M. Gardner
Secretary of State

NorthEast Transportation Training and Certification Program

C T • M A • M E • N H • N Y • R I • V T

Certificate of Vote

I, David Amalfitano, hereby certify that I am the duly elected Secretary of the "NorthEast Transportation Training and Certification Program, Inc." (NETTCP).

I hereby certify the following is a true copy of a vote taken at a meeting of the Executive Committee of NETTCP, duly called and held on September 15, 2011 at which time a quorum of the Executive Committee was present and voting:

VOTED:

"RESOLVED that Christopher W. Bowker, the Executive Director of NETTCP, is authorized to execute on behalf of NETTCP any bid, proposal or contract to be performed by NETTCP for the State of New Hampshire, specifically the New Hampshire Department of Transportation, and to execute any documents which he may in his judgment deem to be necessary to effect the purpose of this vote."

I hereby certify that said vote has not been amended or repealed and remains in full force and effect as of November 5, 2015 and that Christopher W. Bowker is duly elected the Executive Director of NETTCP.

Date: November 5, 2015



David Amalfitano, Secretary

Patricia A. Piccoli
Notary Public - Rhode Island
term expires 3/19/2017



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLIANT, P.E.
ASSISTANT COMMISSIONER

Bureau of Materials & Research
January 22, 2014

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

REQUESTED ACTION

Authorize the Department of Transportation to enter into a **sole-source** agreement with the NorthEast Transportation Training & Certification Program, Inc. (NETTCP), Marshfield, MA 02050 (Vendor Code 162157) for a fee not to exceed \$65,000.00 to participate in NETTCP's training and certification program from the date of Governor and Council approval through December 31, 2015 with the option to renew for an additional two-year period subject to Governor and Council approval. 100% Federal Funds.

Funding is available as follows for FY 2014 and FY 2015 and contingent upon the availability and continued appropriation for FY 2016:

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
04-96-96-962015-3036			
SPR Research Funds			
066-500803 Development Training	\$16,250.00	\$32,500.00	\$16,250.00

EXPLANATION

This sole source request is for training that is specifically developed for technicians in the northeastern transportation industry. The agreement is sole source as NETTCP is specially and uniquely established to provide such training. Working together with the FHWA, Federal Aviation Administration (FAA) and industry throughout New England, the six New England states and New York have established a nonprofit organization named the NorthEast Transportation Training & Certification Program (NETTCP). The intent of the program is to jointly develop training and certification courses that are supported by and commonly specified by each of the member states. The NETTCP Oversight Committee includes a representative from each of the member Departments of Transportation.

Training and certification programs have been developed in a number of technical areas including hot mix asphalt, soils/aggregate, and concrete. Because the courses are created by and for the Northeastern States for the sole purpose of training and certifying transportation department staff in these highly technical areas. The cost per course is very reasonable and comparable to similar technical courses provided through private vendors, universities or various institutes, such as the Asphalt Institute or

concrete institutes around the nation. The nature of this program focuses the classes on required technical training. Additionally, the courses are located in the Northeast, often placing them within commutable, or at least within drivable distances, resulting in cost savings.

In order to assure that maximum quality control and superior highway materials are used in our Federally funded highway infrastructure, the Federal Highway Administration (FHWA) in 1995 published a regulation for *Quality Assurance Procedures for Construction* (23 CFR 637). The regulation states that "all sampling and testing data to be used in the acceptance decision or the independent assurance program shall be executed by qualified sampling and testing personnel." Compliance with this regulation is a requirement for receiving Federal Aid on highway and bridge construction projects.

The use of performance-based specifications in New Hampshire has increased over the past decade. Under these specifications, the Contractor's payment is influenced by the quality of the materials provided. It is critical that the technicians performing these tests be properly trained and certified to provide this service. In addition, the certification process offers enhanced protection to the Department should contractor disputes arise.

This Agreement provides for technician training and certification on a per-person, per-course basis for Department personnel over the upcoming two-year period. The services are to be provided at the member costs established by the program as outlined in the Agreement.

NETTCP has no employees, and therefore does not provide proof of Workers Compensation insurance coverage. This Agreement 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 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.

Sincerely,



Christopher D. Clement, Sr.
Commissioner

CDC/ADR/dmb