



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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VICTORIA F. SHEEHAN
COMMISSIONER

WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER

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

Bureau of Rail & Transit
May 5, 2016

REQUESTED ACTION

Authorize the Department of Transportation to enter into a **sole source** contract amendment with North Country Council, Inc., (Vendor 177235), Littleton, New Hampshire, to increase the contract amount by \$101,121 from \$296,609 to \$397,730 for coordinated transportation services for seniors and individuals with disabilities, effective upon Governor and Council approval or July 1, 2016, whichever is later, through June 30, 2017. The original agreement was approved by Governor and Council on May 27, 2015, Item #56. 100% Federal Funds.

Funding for this agreement is available as follows.

	<u>FY 2017</u>
04-96-96-964010-2916	
Public Transportation	
072-500575 Grants to Non-Profits-Federal	\$101,121

EXPLANATION

In December 2015, the Department announced the availability of Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds (Section 5310 Formula) to support coordinated transportation services in the nine NH Regional Coordination Council (RCC) regions. This **sole source** contract amendment is based on the availability of FTA Section 5310 Formula funds that the Department has sub allocated to each RCC through a formula apportionment for State Fiscal Year 2017. Since North Country Council (NCC) has been designated by the Region 1 Grafton-Coos RCC and Region 2 Carroll County RCC to continue as the lead agency for Section 5310 Formula funded projects, this contract is proposed to be amended to include additional funds for SFY 2017 activities in each region.

NCC is a recipient of both Section 5310 Purchase of Service program funds as well as Section 5310 Formula Funds to provide expanded transportation services in the Grafton-Coos and Carroll County RCC service areas. The Department entered into a two-year contract with NCC for the period July 1, 2015 to June 30, 2017 and included SFY 2016 and 2017 Section 5310 Purchase of Service funds and SFY 2016 Section 5310 Formula funds. SFY 2017 Section 5310 Formula funds were not originally

included as the Department and the State Coordinating Council for Community Transportation in New Hampshire (SCC) were in the process of reevaluating the 2006 State Coordination Plan and developing a scope of work for a consultant to draft a revised plan that includes an assessment of the RCC's use of 5310 Formula funds and recommendations for their future use by the RCC's. There has been a delay in conducting the study so the Department is requesting funds for SFY 2017 to continue ongoing services for the remainder of the contract period. The Department has sub allocated available 5310 Formula funds to each RCC for SFY 2017 and separate contract amendments for each RCC will be submitted. This contract amendment is reflective of the allocation made available to the regions NCC represents and provides \$101,121 (80% Federal) for SFY 2017 activities included in the two-year agreement.

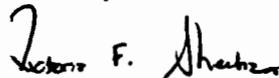
The twenty percent (20%) required match required to leverage the Federal funds will be cash and eligible in-kind match through the NCC. In consultation with FTA Region 1 staff, and in accordance with Office of Management and Budget (OMB) guidelines, the Department developed an "In-Kind Match Memo" in January of 2012 that subrecipients are required to follow for the use of in-kind match. Additionally, the Department publishes an "FTA Section 5310 Q&A" document that includes supplemental information on the use of 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.

The amendment has been approved by the Attorney General as to form and execution and the Department has verified 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' 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,



Victoria F. Sheehan
Commissioner

Attachments

**AMENDMENT TO AGREEMENT
NORTH COUNTRY COUNCIL**

WHEREAS, the Governor and Council approved an agreement between the New Hampshire Department of Transportation (NHDOT) and North Country Council, Inc. (NCC) on May 27, 2015, (Item #56) effective July 1, 2015 through June 30, 2017;

WHEREAS, the Price Limitation in Section 1.8 of the P-37 form is \$296,609;

WHEREAS, Exhibit A, describes the Scope of Service;

WHEREAS, Exhibit B, Budget provides funding for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities formula program (Section 5310 Formula) for Region 1 Grafton-Coos and Region 2 Carroll County;

WHEREAS, NHDOT has available Federal funds for the FTA Section 5310 Formula program;

RESOLVED, that the agreement be amended as follows:

Section 1.8, "Price Limitation" of the P-37 form be amended to read \$397,730 (increase of \$101,121);

Exhibit A, Scope of Service, be amended to include the following under A.7

- Partially fund a Transportation Coordinator position for Region 2, Carroll County service area, to include but not limited to, coordination of non-Medicaid eligible emergency medical transportation services and administrative responsibilities.

Exhibit B, Budget, shall be amended to include an additional \$101,121 of FTA Section 5310 Formula funds as follows:

Region 1 SFY 2017 funding in the amount of \$72,382
Region 2 SFY 2017 funding in the amount of \$28,739
Total increase of \$101,121 and revised contract total of \$397,730.

All other provisions of the agreement shall remain in effect.

Amended Exhibit B, Budget appears below.

**EXHIBIT B
BUDGET - REVISED**

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

<u>Region 1 Grafton Coos</u>	<u>SFY 2016</u>	<u>SFY 2017</u>
Purchase of Service	\$97,744	\$97,744
5310 Formula	\$72,382	\$72,382
Total Federal Funds	\$170,126	\$170,126
<u>Region 2 Carroll County</u>	<u>SFY 2016</u>	<u>SFY 2017</u>
5310 Formula	\$28,739	\$28,739
Total Federal Contract Amount	\$198,865	\$198,865

North Country Council, Inc.

By: BARBARA Robinson

Date: 4/5/16

Title: EXECUTIVE DIRECTOR

Signature: Barbara Robinson

County of GRAFTON

On this the 5th day of APRIL, 2016, before me, JAMES STEELE, the undersigned officer, personally appeared BARBARA ROBINSON, 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.

James W. Steele
Notary Public/Justice of the Peace



NH Department of Transportation

By: Patrick C. Herlihy

Date: 4/27/16

Title: Director

Signature: Patrick C. Herlihy

Approved by Attorney General

By: Dianne Martin

Date: 5/3/16

Title: Asst Atty General

Signature: Dianne Martin

Approved by Governor and Council

By: _____

Date: _____

EXHIBITS TO AMENDMENT

CERTIFICATE OF CORPORATE VOTE

CERTIFICATE OF INSURANCE

Certificate of Vote

I **Ben Gaetjens-Oleson, Secretary** of North Country Council (hereinafter the "Council") do hereby certify that:

- 1) I am the duly elected and acting Secretary of the Council, a regional planning agency established pursuant to the laws of the State of New Hampshire (RSA 36:45-53);
- 2) I sign and maintain or cause to be maintained and am familiar with the minutes of the Council;
- 3) I am duly authorized to issue certificates with respect to the contents of such minutes;
- 4) At the Board of Directors meeting held on February 10th, 2016, the Council voted to accept Federal and State Program Funds and to enter into contracts with the Department of Transportation and other State and Federal Agencies for the purpose of providing services for these agencies and accepting funds from the state. The Council further authorizes the Executive Director to authorize any documents which may be necessary to effectuate this contract;
- 5) This authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and
- 6) The following person has been appointed to and now occupies the office indicated in item (4) above.

Barbara Robinson, Executive Director

Name and Title of person authorized to sign

In Witness whereof, I have hereunto set my hand as the **Secretary** of the Council, this 5 day of APRIL, 2016.



Ben Gaetjens-Oleson, Secretary

State of New Hampshire
County of Coos

On this 5 day of APRIL, 2016 before me JEAN E. OLESON
(Notary Public/Justice of Peace)

personally appeared BEN GAETJENS-OLESON who acknowledged her/himself to be the **Secretary** of the Council, being authorized to do so, executed the foregoing instrument for the purpose therein contained.

IN WITNESS THEREOF, I hereunto set my hand and the official seal.


(Notary Public/Justice of Peace)





CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

<i>Participating Member:</i>	<i>Member Number:</i>	<i>Company Affording Coverage:</i>
North Country Council 262 Cottage Street, Suite 246 Littleton, NH 03561	576	NH Public Risk Management Exchange - Primex ³ Bow Brook Place 46 Donovan Street Concord, NH 03301-2624

Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply	
<input checked="" type="checkbox"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	7/1/2015	7/1/2016	Each Occurrence	\$ 1,000,000
			General Aggregate	\$ 2,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: \$1,000 <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
<input type="checkbox"/> Workers' Compensation & Employers' Liability			Statutory	
			Each Accident	
			Disease - Each Employee	
			Disease - Policy Limit	
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)	

Description: In regards to the Grant Agreement, the certificate holder is named as Additional Covered Party, but only to the extent liability is based solely on the negligence or wrongful acts of the member, its employees, agents, officials or volunteers. This coverage does not extend to others. Any liability resulting from the negligence or wrongful acts of the Additional Covered Party, or their employees, agents, contractors, members, officers, directors or affiliates is not covered. The Participating Member will advise of cancellation no less than 10 days prior.

CERTIFICATE HOLDER:	<input checked="" type="checkbox"/>	Additional Covered Party		Loss Payee	Primex ³ - NH Public Risk Management Exchange
NH Department of Transportation 7 Hazen Dr Concord, NH 03302					By: <i>Tammy Denver</i>
					Date: 4/20/2016 tdenver@nhprimex.org
					Please direct inquires to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

Participating Member: North Country Council 262 Cottage Street, Suite 246 Littleton, NH 03561	Member Number: 576	Company Affording Coverage: NH Public Risk Management Exchange - Primex ³ Bow Brook Place 46 Donovan Street Concord, NH 03301-2624
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Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, if Not	
<input checked="" type="checkbox"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	7/1/2015	7/1/2016	Each Occurrence	\$ 5,000,000
			General Aggregate	\$ 5,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: \$1,000 <input type="checkbox"/> Any auto	7/1/2015	7/1/2016	Combined Single Limit (Each Accident)	\$5,000,000
			Aggregate	\$5,000,000
<input checked="" type="checkbox"/> Workers' Compensation & Employers' Liability	7/1/2015	7/1/2016	<input checked="" type="checkbox"/> Statutory	
			Each Accident	\$2,000,000
			Disease - Each Employee	\$2,000,000
			Disease - Policy Limit	
<input checked="" type="checkbox"/> Property (Special Risk includes Fire and Theft)	7/1/2015	7/1/2016	Blanket Limit, Replacement Cost (unless otherwise stated)	Deductible: \$1,000

Description: Proof of Primex Member coverage only.

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ - NH Public Risk Management Exchange By: <i>Tammy Denver</i> Date: 3/15/2016 tdenver@nhprimex.org Please direct inquires to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax
North Country Council 262 Cottage Street, Suite 246 Littleton, NH 03561			

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**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



**WILLIAM CASS, P.E.
ASSISTANT COMMISSIONER**

Approved 5/27/15
JUN 5/6

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

Bureau of Rail & Transit
April 21, 2015

REQUESTED ACTION

Authorize the Department of Transportation to enter into an agreement with North Country Council, Inc., (Vendor 177235), Bethlehem, New Hampshire, for an amount not to exceed \$296,609 for coordinated transportation services for seniors and individuals with disabilities, for the period July 1, 2015 through June 30, 2017, effective upon approval by Governor and Council. 100% Federal Funds.

Funding for this agreement is available in the fiscal year 2016 and 2017 budget, contingent upon the availability and continued appropriation of funds, with the authority to adjust encumbrances in each of the state fiscal years through the Budget Office if needed and justified.

	<u>FY 2016</u>	<u>FY 2017</u>
04-96-96-964010-2916		
Public Transportation		
072-500575 Grants to Non-Profits-Federal	\$198,865	\$97,744

EXPLANATION

North Country Council (NCC) has been awarded funding from the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) program. NCC is a recipient of both Section 5310 Purchase of Service program funds and Section 5310 Formula Funds to provide expanded transportation services in the Grafton-Coos and Carroll County Coordinating Council service areas. NCC will act as the lead agency to purchase accessible demand response and volunteer driver transportation services for seniors and individuals with disabilities in cooperation with the Region 1 Grafton-Coos and Region 2 Carroll County Regional Coordinating Councils.

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 2015, the Department announced the availability of federal funds for a two year period for Section 5310 Purchase of Service funds and one year for Section 5310 Formula Funds to support coordinated transportation services for seniors and individuals 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 Section 5310 Purchase of Service and Section 5310 Formula Funds projects through an approved lead agency. As required by FTA, all projects are identified in a locally developed coordinated public transit-human services transportation plan.

The Grafton-Coos Regional Coordinating Council for Region 1 designated NCC as the lead agency to apply for both Section 5310 Purchase of Service and Section 5310 Formula Funds and has submitted a regional list of eligible projects as detailed in the region's contract. The Carroll County Regional Coordinating Council for Region 2 designated NCC as the lead agency to apply for Section 5310 Formula Funds and has submitted a regional list of eligible projects as detailed in the region's contract. Each program requires a twenty percent (20%) match, which will be provided by cash and eligible 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 2016 and 2017 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,

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

William Cass, P.E.
Assistant Commissioner

Attachments