



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

His Excellency, Governor Christopher T. Sununu
 State House
 Concord, New Hampshire 03301

May 28, 2021
 Bureau of Aeronautics

REQUESTED ACTION

1.) Authorize the Department of Transportation to accept and expend a grant **retroactive** from December 27, 2020, in the combined amount of \$182,545.00, awarded under the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act and administered via the Federal Aviation Administration, to cover airport sponsor financial relief for airport concessions at the Manchester-Boston Regional Airport from the date of your approval through June 30, 2021. 100% Federal Funds.

Funds are to be budgeted in account 04-096-096-964010-2021, Department of Transportation, Federal Local Projects as follows:

	Current Budget FY2021	Requested Change	Revised Budget FY2021
04-096-096-964010-2021			
Federal Local Projects			
Expenses:			
018 500106 Overtime	\$10,000	\$0	\$10,000
060 500601 Benefits	\$1,958	\$0	\$1,958
072 509073 Grants Federal	\$16,939,823	\$182,545	\$17,122,368
Total	\$16,951,781	\$182,545	\$17,134,326
Source of Funds			
Revenue:			
000 404218 Federal Funds	\$16,951,781	\$182,545	\$17,134,326
Total	\$16,951,781	\$182,545	\$17,134,326

2.) Authorize the Department of Transportation to **retroactively** award a grant to the City of Manchester (Vendor Code 177433), AIP-130, for CRRSA Act funding for airport sponsor financial relief for airport concessions as a result of the COVID-19 Public Health Emergency for the Manchester-Boston Regional Airport. Federal participation in the amount of \$182,545.00 is effective upon Governor approval through April 13, 2025. 100% Federal Funds.

Funding is available as follows:

FY 2021

04-96-96-964010-2021

FAA CRRSA Act Funding

072-509073 Grants Federal

\$182,545.00

EXPLANATION

The CRRSA Act is providing funding nationwide to commercial service airports as grants to cover airport operating expenses and financial relief for airport concessions at the State's airports. This is the second of two grants that were issued to the Manchester-Boston Regional Airport to reimburse for the following:

- AIP No. 3-33-0011-130-2021 for \$182,545.00 for airport sponsor to provide financial relief to eligible airport concessions.

This award is **retroactive** dating back to December 27, 2020 with an end date of April 13, 2025. This is the second grant from the CRRSA Act, issued by the FAA as an addendum to AIP-129, to the Manchester-Boston Regional Airport to provide financial relief for eligible airport concessions.

The CRRSA Act provided grant funds for commercial service airport operating expenses that arise due to the COVID-19 public health emergency. Under FAA's new Airport Coronavirus Response Grant Program:

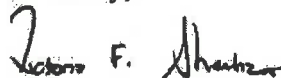
- Primary commercial service airports, those with more than 10,000 annual passenger boardings, will share \$1.75 billion based on the number of annual boardings, in a similar way to how they currently receive Airport Improvement Program (AIP) entitlement funds.
- Primary commercial service airports will share an additional \$200 million based on the number of annual boardings, and these funds will then be available for these airports to provide relief from rent and minimum annual guarantees to eligible on-airport car rental, on-airport parking, and in-terminal airport concessions. Airports will provide this relief to each eligible airport concession based on its proportional share of the total annual rent and minimum annual guarantees for the airport.

As such, the Department will administer CRRSA Act funding to support the Manchester-Boston Regional Airport, in accordance with FAA guidance. FAA has the sole authority to make the determination regarding the funding amount and the eligibility of what costs will be reimbursed.

In the event Federal Funds are no longer available, general funds will not be requested to support this program.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan
Commissioner

I hereby approve this request pursuant to RSA 4:45, RSA 21-P:43, and Section 4 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2021-01, 2021-02, 2020-04, 2021-05, 2021-06, 2021-08 and 2021-10 and suspend the Manual of Procedures 150, V., 5., requirement.

6.4.21

Date



Name: Governor Christopher T. Sununu

VFS/tlsf

Attachments



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
New England Region
CT, MA, ME, NH, RI, & VT

FAA ANE-600
1200 District Ave.
Burlington, MA 01803

May 13, 2021

Mr. Theodore Kitchens
Airport Director
1 Airport Rd., Ste. 300
Manchester, NH 03103

SUBJECT: Airport Coronavirus Response Grant Program (ACRGP) Concessions Addendum

Dear Mr. Kitchens:

Please find the following electronic ACRGP Concessions Relief Addendum Offer, Addendum No. 3-33-0011-130-2021 for Manchester Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the addendum to the individual signing the addendum; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the addendum, followed by the attorney's certification, **no later than June 18, 2021**, in order for the addendum to be valid.
- c. You may not make any modification to the text, terms or conditions of the addendum offer.
- d. The addendum offer must be digitally signed by the sponsor's legal signatory authority and then the addendum offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the addendum, an email with the executed addendum will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this addendum must be made electronically via the Delphi Invoicing System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds to provide relief from rent and minimum annual guarantees (MAG) to on-airport car rental, on-airport parking, and in-terminal concessions.

With each payment request you are required to upload a summary directly to Delphi. The summary should include at least the list of concessions, baseline numbers for proportional calculations, amount of rent and MAG relief, and the consultation date with any Airport Concession Disadvantaged Business Enterprise. Please refer to the [ACRGP Frequently Asked Questions](#) for further information

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A closeout report (A sample report is available [here](#)).

Until the addendum is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this addendum is open (due December 31 of each year this addendum is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,


Julie Seltsam-Wilps (May 13, 2021 17:53 EDT)

Julie Seltsam-Wilps

Deputy Director, Airports Division



U.S. Department
of Transportation
Federal Aviation
Administration

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

CONCESSIONS RELIEF ADDENDUM

Part I - Offer

Federal Award Offer Date	May 13, 2021
Airport/Planning Area	<u>Manchester Airport</u>
ACRGP Addendum Number	<u>3-33-0011-130-2021</u>
Unique Entity Identifier	<u>075339106</u>
TO:	<u>City of Manchester, NH</u> (herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an application dated March 22, 2021 to amend Airports Coronavirus Response Grant Program (ACRGP or "the Agreement") Grant Agreement 3-33-0011-129-2021 to provide relief from rent and minimum annual guarantees (MAG) obligations to each eligible airport concession at Manchester Airport, in accordance with the Coronavirus Response and Relief Appropriations Act ("CRRSA Act" or "the Act"), Public Law 116-260, Division M;

WHEREAS, the FAA has agreed with the Sponsor to amend its ACRGP Grant Agreement 3-33-0011-129-2021 to further allocate \$182,545 to fund Concession Relief as defined below;

WHEREAS, the Sponsor has accepted the terms of the FAA's ACRGP Concessions Relief Addendum offer;

WHEREAS, in consideration of the promises, representations, and assurances provided by the Sponsor, the FAA has approved the ACRGP Concessions Relief Addendum Application for the Manchester Airport;

WHEREAS, no other terms, conditions, or assurances of the 3-33-0011-129-2021 shall be negated as a result of this ACRGP Concessions Relief Addendum;

WHEREAS, this ACRGP Concessions Relief Addendum hereby amends 3-33-0011-129-2021 for the purpose of adding \$182,545 for Manchester Airport to use to provide relief from rent and minimum annual guarantees (MAG) obligations, as applicable, to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and

MAGs of all eligible airport concessions at Manchester Airport, as further defined herein, for relief provided no earlier than December 27, 2020, until the specified Concession Relief funds have been fully expended.

NOW THEREFORE, in accordance with the applicable provisions of the Coronavirus Response and Relief Appropriations Act, Public Law 116-260, Division M, the representations contained in the ACRGP Concessions Relief Addendum Application, and in consideration of, (a) the Sponsor's acceptance of this Offer for an ACRGP Concessions Relief Addendum, the terms, conditions, and assurances of which are hereby attached to and made part of the terms, conditions, and assurances agreed to under 3-33-0011-129-2021 and, (b) the benefits to accrue to the United States and the public from the accomplishment of the ACRGP Concession Relief Addendum, and in compliance with the conditions and requirements as herein provided

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred accomplishing ACRGP Concessions Relief as a result of and in accordance with this ACRGP Concession Relief Addendum.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS:**

CONDITIONS

ADDENDUM TO AIRPORT CORONAVIRUS RELIEF GRANT AGREEMENT 3-33-0011-129-2021

- 1a. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$182,545 to be provided to the airport sponsor for rent relief provided to eligible airport concessions as described herein.
- 2a. **Period of Performance.** This ACRGP Concessions Relief Addendum is subject to the following federal award requirements:
 - a. This Addendum does not change the period of performance date prescribed in the ACRGP Grant Agreement 3-33-0011-129-2021.
 - b. This Addendum does not change the budget period prescribed in the ACRGP Grant Agreement 3-33-0011-129-2021.
 - c. Close out and Termination.
 1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)
 2. The FAA may terminate this ACRGP Concessions Relief Addendum, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340.
- 3a. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

- 4a. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the Concessions Relief unless this offer has been accepted by the Sponsor **on or before June 18, 2021,** or such subsequent date as may be prescribed in writing by the FAA.
- 5a. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Concessions Relief Addendum electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

SUPPLEMENTAL TO ACRGP GRANT AGREEMENT 3-33-0011-129-2021

CONDITION FOR AIRPORT CONCESSIONS RELIEF -

1. **ACRGP Concessions Relief.** The Sponsor agrees that it will use the funds in this ACRGP Concessions Relief Addendum allocated specifically to cover lawful expenses to provide relief from rent and minimum annual guarantee obligations to on airport car rental, on-airport parking, and in-terminal airport concessions (collectively referred to herein as "Concessions") as defined in part 23 of title 49, Code of Federal Regulations, in accordance with the CRRSA Act, Public Law 116-260, Division M, Title IV. Use of these funds shall be governed by the following specific conditions defined in the CRRSA Act:
- a. Relief provided to Concessions must equal the total amount of funds allocated for Concessions under this ACRGP Concessions Relief Addendum, to the extent practicable and to the extent permissible under state laws, local laws, and applicable trust indentures;
 - b. Relief provided to Concessions from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and minimum annual guarantees of all the eligible airport concessions at such airport;
 - c. Relief provided to Concessions shall be prioritized to minority-owned businesses, to the extent permissible;
 - d. Relief shall only be provided to Concessions that have certified they have not received a second draw or assistance for a covered loan under Section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or minimum annual guarantee costs; and
 - e. Each Concession provided relief with these funds shall certify to the Sponsor it will not apply for a covered loan as described above for rent or minimum annual guarantee costs.

The Sponsor agrees that it will provide the FAA with reporting data in lieu of invoices to be reimbursed for eligible expenses as described herein and certify data submitted is true and correct. The FAA will provide reporting options for the Sponsor. The Sponsor may not use funds allocated for Concessions for other airport purposes except that the Sponsor may retain up to two percent of the amount allocated for Concession relief purposes in this ACRGP Concession Relief Addendum to administer the Concession relief program. Funds not expended under this condition are subject to recovery by FAA.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Concessions Relief Addendum Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise an ACRGP Concessions Relief Addendum, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Concessions Relief and compliance with the conditions as provided herein. Further, this ACRGP Concessions Relief Addendum shall be attached to ACRGP 3-33-0011-129-2021. inclusive of all terms, conditions, and assurances provided there, and become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Julie Seltsam-Wilps

Julie Seltsam-Wilps (May 13, 2021 17:53 EDT)

(Signature)

Julie Seltsam-Wilps

(Typed Name)

Deputy Director, Airports Division

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Concessions Relief Addendum Application and incorporated materials referred to in the foregoing Offer under this ACRGP Concessions Relief Addendum, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer. Furthermore, the Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this May 27, 2021

City of Manchester, NH

(Name of Sponsor)



Theodore Kitchens (May 27, 2021 15:10 EDT)

(Signature of Sponsor's Authorized Official)

By: Theodore Kitchens

(Typed Name of Sponsor's Authorized Official)

Title: AIRPORT DIRECTOR

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Peter R. Chiesa, Esq. _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing ACRGP Concessions Relief Addendum under the laws of the State of New Hampshire. Further, I have examined the foregoing ACRGP Concessions Relief Addendum and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. In addition, for grants involving Concessions Relief to be carried out by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. The Sponsor understands funding made available under this ACRGP Concessions Relief Addendum may only be used for the Concessions Relief prescribed in the Act and identified herein. The Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose a. Further, it is my opinion that the said ACRGP Grant Agreement and the ACRGP Concessions Relief Addendum attached hereto constitute a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at May 27, 2021

By: Peter R. Chiesa, Esq.
Peter R. Chiesa, Esq. (May 27, 2021 15:14 EDT)

(Signature of Sponsor's Attorney)

Application for Federal Assistance SF-424

*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision *Other (Specify) _____
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*3. Date Received: NA	4. Applicant Identifier: MHT (Manchester) Manchester, NH
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*5b. Federal Entity Identifier: 33-0011	*5b. Federal Award Identifier:
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State Use Only:

6. Date Received by State:	7. State Application Identifier:
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8. APPLICANT INFORMATION:

***a. Legal Name:** City of Manchester

*b. Employer/Taxpayer Identification Number (EIN/TIN): 02-6000618	*c. Organizational DUNS: 07-533-9106
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d. Address:

***Street 1:** 1 Airport Rd.
Street 2: Ste. 300
***City:** MANCHESTER
County/Parish: _____
***State:** NH
Province: _____
***Country:** USA: United States
***Zip / Postal Code** 3103

e. Organizational Unit:

Department Name:	Division Name:
-------------------------	-----------------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ ***First Name:** Ted
Middle Name: _____
***Last Name:** Kitchens
Suffix: _____

Title: Airport Director

Organizational Affiliation:

*Telephone Number: (603) 624-6539	Fax Number:
--	--------------------

***Email:** tkitchens@flymanchester.com

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106 _____

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA _____

*Title:

NA _____

13. Competition Identification Number:

NA _____

Title:

NA _____

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$182,545 To provide relief from rent and minimum annual guarantees to on-airport parking, on-airport car rental, and In-terminal airport concessions.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:

*a. Applicant: 1

*b. Program/Project: 1

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: NA

*b. End Date: NA

18. Estimated Funding (\$):

*a. Federal	<u> </u>	\$182,545.
*b. Applicant	<u> </u>	\$0
*c. State	<u> </u>	\$0
*d. Local	<u> </u>	\$0
*e. Other	<u> </u>	\$0
*f. Program Income	<u> </u>	\$0
*g. TOTAL	<u> </u>	\$182,545.

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)**

- Yes
- No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: Ted
Middle Name: _____
*Last Name: Kitchens
Suffix: _____

*Title: Airport Director

*Telephone Number: (603) 624-6539

Fax Number: _____

* Email: tkitchens@flymanchester.com

*Signature of Authorized Representative: 

*Date Signed: 2/19/2021