

CHAPTER 192  
SB 407-FN – FINAL VERSION

03/28/12 1415s  
25Apr2012... 1706h  
17May2012... 2043h

2012 SESSION

12-3070  
09/01

SENATE BILL        ***407-FN***

AN ACT            relative to the purchasing policy of the department of information technology, increasing the amount required for competitive bidding, and relative to the transfer of federal grant funds.

SPONSORS:        Sen. Bradley, Dist 3

COMMITTEE:       Finance

---

AMENDED ANALYSIS

This bill amends the purchasing policy of the department of information technology for computer hardware, software, and related support and maintenance services. The bill increases the amount required for competitive bidding. The bill also authorizes the transfer of certain federal grant funds.

-----

Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 192**  
**SB 407-FN – FINAL VERSION**

03/28/12 1415s  
25Apr2012... 1706h  
17May2012... 2043h

12-3070  
09/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                   relative to the purchasing policy of the department of information technology, increasing the amount required for competitive bidding, and relative to the transfer of federal grant funds.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           192:1 Department of Information Technology; Duties of Commissioner. Amend RSA 21-R:4, XII  
2 to read as follows:

3           XII. Developing, in concert with the department of administrative services, director of plant  
4 and property management, specifications for the procurement of computer ~~equipment and~~  
5 **hardware, software, related licenses, media, documentation, support and maintenance**  
6 **services, and other related services.**

7           192:2 Department of Information Technology; Purchasing Policy. The introductory paragraph of  
8 RSA 21-R:8-a, I is repealed and reenacted to read as follows:

9           I. Purchases of computer hardware, software, related licenses, media, documentation,  
10 support and maintenance services, and other related services that require an expenditure of \$500 or  
11 less, or that are included on an approved standards list established by the department and require  
12 an expenditure of more than \$500, up to \$5,000, may be made by an agency without the approval of  
13 the chief information officer or his or her designee. To ensure that the procurement is consistent  
14 with the state information technology plan, no purchase of computer hardware, software, related  
15 licenses, media, documentation, support and maintenance services, and other related services, that  
16 requires an expenditure of more than \$5,000, or any such purchase that is not included on an  
17 approved standards list established by the department which requires an expenditure of more than  
18 \$500, up to \$5,000, shall be made by an agency without the approval of the chief information officer  
19 or his or her designee:

20           192:3 Department of Administrative Services; Division of Plant and Property Management.  
21 Amend RSA 21-I:11, I(a) to read as follows:

22           (a) "Supplies" shall mean all materials, equipment, printing, furniture, furnishings, and  
23 books, of every name and nature, including computer hardware, software, related licenses, media,  
24 and documentation, and ~~[standard off-site]~~ support and maintenance ~~[generally offered to the public~~  
25 ~~for such computer hardware or software]~~ **services, excluding any systems that collect or store**  
26 **data off-site.**

27           192:4 Department of Administrative Services; Division of Plant and Property Management;

CHAPTER 192  
SB 407-FN – FINAL VERSION  
- Page 2 -

1 Purchasing Approval. Amend RSA 21-I:11, III(a) to read as follows:

2 (a) When the best interests of the state would be served thereby and the purchase  
3 involves a total expenditure of not more than [~~\$2,000~~] **\$10,000** or is a purchase in an approved class;

4 192:5 Department of Administrative Services; Division of Plant and Property Management;  
5 Purchasing Approval. Amend RSA 21-I:11, IV to read as follows:

6 IV. Except where competitive bidding has been employed, no purchase involving an  
7 expenditure of more than [~~\$2,000~~] **\$10,000** or purchase in an approved class may be made by the  
8 director of plant and property management without the written approval of the commissioner. In  
9 requesting such approval, the director shall first state in writing his reasons for not employing  
10 competitive bidding.

11 192:6 Department of Administrative Services; Division of Plant and Property Management.  
12 Amend RSA 21-I:11, XI-XII to read as follows:

13 XI. Requiring, prior to an agency's submission of a request for purchase of computer  
14 hardware, software, related licenses, media, documentation, [~~and standard off site~~] support and  
15 maintenance [~~generally offered to the public for such computer hardware or software exceeding \$500~~  
16 ~~in total cost~~] **services, and other related services that either require an expenditure of more**  
17 **than \$5,000, or involve a purchase that is not on an approved standards list established by**  
18 **the department of information technology which requires an expenditure of more than**  
19 **\$500, up to \$5,000**, that the agency obtain approval of the proposal by the chief information officer  
20 **or his or her designee** to ensure that the procurement is consistent with the state information  
21 technology plan.

22 XII. Requiring agencies to submit the approval [~~from~~] **issued under RSA 21-R:8-a, I** by the  
23 chief information officer **or his or her designee** in support of requests for purchases of [~~information~~  
24 ~~technology equipment or software in excess of \$500~~] **computer hardware, software, related**  
25 **licenses, media, documentation, support and maintenance services, and other related**  
26 **services that either require an expenditure of more than \$5,000, or involve a purchase that**  
27 **is not on an approved standards list established by the department of information**  
28 **technology which requires an expenditure of more than \$500, up to \$5,000.**

29 192:7 New Section; Budget and Appropriations. Amend RSA 9 by inserting after section 16-b  
30 the following new section:

31 9:16-c Transfer of Federal Grant Funds.

32 I. In order to maximize the use of federal grant funds and to avoid lapsing such funds where  
33 changes in the state or federal accounting systems, changes in federal grant guidelines, or  
34 overestimation or underestimation of funds required in various class codes due to program needs or  
35 requirements have occurred subsequent to the passage of the budget, every department as defined in  
36 RSA 9:1 may, subject to the prior approval of the fiscal committee of the general court and the

**CHAPTER 192**  
**SB 407-FN – FINAL VERSION**  
**- Page 3 -**

1 approval of governor and council, transfer funds in or out of any class code and to create new class  
2 codes within federally funded areas of the department's operating budget if such transfers do not  
3 result in an over-expenditure of any grant.

4 II. In order to maximize the use of federal grant funds and not lapse such funds, every  
5 department as defined in RSA 9:1 may, subject to the approval of the commissioner of the  
6 department of administrative services, carry forward into future state fiscal years any budgeted  
7 appropriation balances in class from federal grants for the duration of the federal grant award.

8 192:8 Repeal. 2011, 224:203 and 2011, 224:204, relative to the transfer of federal funds, are  
9 repealed.

10 192:9 Effective Date. This act shall take effect July 1, 2012.

11

12 Approved: June 11, 2012

13 Effective Date: July 1, 2012