

HB 1175 – AS INTRODUCED

2014 SESSION

14-2013
05/04

HOUSE BILL ***1175***

AN ACT prohibiting state contracts with individuals or for corporations who have been convicted of certain criminal offenses or found liable of certain civil offenses.

SPONSORS: Rep. Timothy Smith, Hills 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill prohibits state contracts with individuals or corporations who have been convicted of certain offenses or found liable of certain civil offenses. The bill expands the basis for vendor or contractor debarment under current law.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT prohibiting state contracts with individuals or for corporations who have been convicted of certain criminal offenses or found liable of certain civil offenses.

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

1 1 Department of Administrative Services; Debarment of Vendors. Amend RSA 21-I:11-c, I(a) to
2 read as follows:

3 I.(a) No individual or business entity shall make a bid, proposal, or quotation in response to
4 a request for bid, proposal, or quotation issued by the division of plant and property management if
5 that individual or entity, or any of its subsidiaries, affiliates, or principal officers:

6 (1) Has, within the past [2] 5 years, been convicted of ~~[, or pleaded guilty to, a~~
7 ~~violation of RSA 356:2, RSA 356:4, or any state or federal law or county or municipal ordinance~~
8 ~~prohibiting specified bidding practices, or involving antitrust violations, which has not been~~
9 ~~annulled] or had a civil judgment rendered against it for: commission of fraud or a~~
10 ~~criminal offense in connection with obtaining, attempting to obtain, or performing a~~
11 ~~public (federal, state, county, or municipal) contract or subcontract; violation of federal or~~
12 ~~state antitrust statutes relating to the submission of offers; or commission of embezzlement,~~
13 ~~theft, forgery, bribery, falsification or destruction of records, making false statements, tax~~
14 ~~evasion, violating federal criminal tax laws, or receiving stolen property;~~

15 (2) *Is presently indicted for, or otherwise criminally charged by a*
16 *governmental entity with, commission of any of the offenses enumerated in subparagraph*
17 *(1)*

18 (3) *Within a 2-year period preceding the current fiscal year, has been*
19 *notified of any delinquent taxes in an amount that exceeds \$1,000 for which the liability*
20 *remains unsatisfied;*

21 (4) *Is subject to any citations incurring fines or penalties from the*
22 *Environmental Protection Agency totaling over \$1,000 during a 2-year period preceding the*
23 *current fiscal year;*

24 [(2)] (5) Has been prohibited, either permanently or temporarily, from participating
25 in any public works project pursuant to RSA 638:20;

26 [(3)] (6) Has previously provided false, deceptive, or fraudulent information on a
27 vendor code number application form, or any other document submitted to the state of New
28 Hampshire, which information was not corrected as of the time of the filing a bid, proposal, or
29 quotation;

30 [(4)] (7) Is currently debarred from performing work on any project of the federal

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1 government or the government of any state;

2 ~~[(5)]~~ **(8)** Has, within the past 2 years, failed to cure a default on any contract with
3 the federal government or the government of any state;

4 ~~[(6)]~~ **(9)** Is presently subject to any order of the department of labor, the department
5 of employment security, ***department of environmental services***, or any other state department,
6 agency, board, or commission, finding that the applicant is not in compliance with the requirements
7 of the laws or rules that the department, agency, board, or commission is charged with
8 implementing;

9 ~~[(7)]~~ **(10)** Is presently subject to any sanction or penalty finally issued by the
10 department of labor, the department of employment security, ***department of environmental***
11 ***services***, or any other state department, agency, board, or commission, which sanction or penalty
12 has not been fully discharged or fulfilled;

13 ~~[(8)]~~ **(11)** Is currently serving a sentence or is subject to a continuing or unfulfilled
14 penalty for any crime or violation noted in this section;

15 ~~[(9)]~~ **(12)** Has failed or neglected to advise the division of any conviction, plea of
16 guilty, or finding relative to any crime or violation noted in this section, or of any debarment, within
17 30 days of such conviction, plea, finding, or debarment; ***or***

18 ~~[(10)]~~ **(13)** Has been placed on the debarred parties list specified in paragraph II
19 within the past year.

20 2 New Paragraph; State Transportation Projects. Amend RSA 228:4 by inserting after
21 paragraph II the following new paragraph:

22 III. State transportation contracts shall not be awarded to contractors who do not meet the
23 requirements of RSA 21-I:11-c.

24 3 Repeal. RSA 21-I:11-c, VII, exempting the department of transportation from the vendor
25 debarment procedures in RSA 21-I, is repealed.

26 4 Effective Date. This act shall take effect January 1, 2015.