

CHAPTER 327  
SB 222 – FINAL VERSION

03/06/14 0684s  
03/27/14 1197s  
14May2014... 1751h  
06/04/14 1966CofC  
06/04/14 2029EBA

2014 SESSION

14-2636  
05/01

SENATE BILL **222**

AN ACT restructuring the department of administrative services, division of plant and property management and relative to the authority of the adjutant general and establishing the position of deputy commissioner in the department of information technology.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Executive Departments and Administration

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AMENDED ANALYSIS

This bill:

I. Reorganizes the department of administrative services, division of plant and property management into 3 divisions: the division of procurement and support services, the division of plant and property, and the division of public works design and construction.

II. Permits the adjutant general to enter into the federal procurement process for the renovation of the Littleton Readiness Center even if federal funds available to the adjutant general are insufficient to reimburse the department of administrative services.

III. Permits the adjutant general to transfer funds among class lines to cover utility obligations.

IV. Requires the department of administrative services, bureau of financial reporting to assist the department of transportation turnpike system, the liquor commission, and lottery commission in the preparation of certain financial statements and to assist with audits conducted by the audit division of the legislative budget assistant.

V. Establishes the position of deputy commissioner of the department of information technology.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                    restructuring the department of administrative services, division of plant and property management and relative to the authority of the adjutant general and establishing the position of deputy commissioner in the department of information technology.

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

1            327:1 Department of Administrative Services; General Functions. Amend RSA 21-I:1, II(h)-(m)  
2 to read as follows:

3                    (h) **Plant and** property [~~and physical plant~~] management.

4                    (i) **Procurement.**

5                    (j) Risk management.

6                    [~~(j)~~] (k) General support services.

7                    [~~(k)~~] (l) Personnel administration.

8                    [~~(l)~~] (m) Developing and maintaining state owned and supported land and buildings,  
9 including public works design and construction relating to projects as defined in RSA [~~21-I:78, IX~~]  
10 **21-I:78 through 21-I:86.**

11                    [~~(m)~~] (n) Providing central management and administration of space rented by, or the  
12 processes relating to the rental of space by, state agencies, except as otherwise provided by law.

13            327:2 Nomination by Commissioner. Amend RSA 21-I:2, II to read as follows:

14                    II. The commissioner shall nominate for appointment by the governor, with the consent of  
15 the council, each **unclassified** division director, the assistant commissioner, the deputy  
16 commissioner, the internal auditor, the financial data manager and the senior operational analyst.  
17 The **unclassified** division directors, the assistant commissioner, the deputy commissioner, the  
18 internal auditor, the financial data manager and the senior operational analyst shall each serve for a  
19 term of 4 years.

20            327:3 Nomination by Commissioner; Effective Date Contingency. Amend RSA 21-I:2, II to read  
21 as follows:

22                    II. The commissioner shall nominate for appointment by the governor, with the consent of  
23 the council, each **unclassified** division director, the assistant commissioner, the deputy  
24 commissioner, the internal auditor, the financial data manager, the manager of risks and benefits,  
25 and the senior operational analyst. The **unclassified** division directors, the assistant commissioner,

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1 the deputy commissioner, the internal auditor, the financial data manager, the manager of risks and  
2 benefits, and the senior operational analyst shall each serve for a term of 4 years.

3 327:4 Applicability.

4 I. RSA 21-I: 2, II as amended by section 2 of this act shall take effect upon passage of this  
5 act if, and only if, at the time of the passage of this act, 2013, 144:26 has not taken effect pursuant to  
6 2013, 144:27.

7 II. If, at the time of the passage of this act, 2013, 144:26 has taken effect pursuant to 2013,  
8 144:27, then RSA 21-I: 2, II as amended by section 2 of this act shall not take effect.

9 III. RSA 21-I:2, II as amended by section 3 of this act shall take effect at 12:01 a.m. on the  
10 date that 2013, 144:26 takes effect pursuant to 2013, 144:27, or upon the passage of this act,  
11 whichever is later.

12 327:5 Deputy Commissioner. Amend RSA 21-I:3-b, I to read as follows:

13 I. The commissioner of administrative services shall nominate a deputy commissioner as  
14 provided in RSA 21-I:2, II. The deputy commissioner shall be qualified to hold that position by  
15 reason of education and experience. The deputy commissioner shall perform such duties as are  
16 assigned by the commissioner **and such other duties as are provided by law.**

17 327:6 Divisions of Procurement and Support Services, Public Works Design and Construction,  
18 and Plant and Property. RSA 21-I:11 is repealed and reenacted to read as follows:

19 I. The procurement and support services, public works design and construction, and plant  
20 and property functions of the department shall be divided across the following divisions:

21 (a) The division of procurement and support services, which shall be under the  
22 supervision of an unclassified director of procurement and support services who shall be responsible  
23 for the following functions, in accordance with applicable law:

24 (1) Purchasing all materials, equipment, supplies, and services for all departments  
25 and agencies of the state including contracting for the purchase or rental of data processing  
26 equipment and contracting for the purchase of electric power supply and services, except as  
27 otherwise provided by law. Insofar as practicable all such purchases shall be made in such  
28 quantities and manner as shall be most economical for the state.

29 (2) Requiring competitive bidding before making any purchase for the state pursuant  
30 to the laws of the state applicable to the division's procurement functions, except:

31 (A) When the best interests of the state would be served thereby and the  
32 purchase involves a total expenditure of not more than \$10,000 or is a purchase in an approved class.

33 (B) When after reasonable investigation, it appears that any required unit or  
34 item of supply, or brand of such unit or item, is procurable by the state from only one source.

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1                   (C) When, after reasonable investigation, it appears that any required service,  
2 unit or item of supply, or brand of such unit or item, has a fixed market price at all sources available  
3 to the state.

4                   (D) When, in the opinion of the governor, an emergency exists of a nature which  
5 requires the immediate procurement of supplies, he or she may authorize the director of  
6 procurement and support services to make a purchase without competitive bidding; and where the  
7 rates filed with and approved by the insurance commissioner are uniform, the purchase of state  
8 insurance and public state official and employee bonds are specifically excluded from competitive  
9 bidding as to price; provided, however, that nothing contained in this subparagraph shall preclude  
10 the director of procurement and support services from inviting plans of insurance coverage from any  
11 resident licensed insurance agent.

12                   (3) Except where competitive bidding has been employed, no purchase involving an  
13 expenditure of more than \$10,000 or purchase in an approved class may be made by the director of  
14 procurement and support services without the written approval of the commissioner. In requesting such  
15 approval, the director shall first state in writing his or her reasons for not employing competitive bidding.

16                   (4) Promptly furnishing to any agency and to the comptroller, a copy of any purchase  
17 order executed by him or her for supplies for the said agency.

18                   (5) Maintaining a central inventory record of all state owned real property, physical  
19 plant and equipment, which record shall be made available to the comptroller to assist him or her in  
20 complying with accounting principles. In order to compile this record the director shall:

21                   (A) Advise each state agency how to establish and maintain a perpetual  
22 inventory record system for real property whether rented or owned, physical plant, and equipment;  
23 and

24                   (B) Require each state agency to report annually, in such form as prescribed by  
25 the director, an inventory of the real property whether rented or owned, physical plant, and  
26 equipment under its jurisdiction. The form of such report shall not be considered a rule subject to  
27 the provisions of RSA 541-A.

28                   (6) Recommending to the commissioner fair and equitable charges to be assessed  
29 according to rules adopted pursuant to RSA 21-I:14, XI, against any recipients receiving any donated  
30 surpluses from the bureau of purchase and property's surplus distribution section which shall:

31                   (A) Be sufficiently high to defray all administrative, warehousing, processing,  
32 distribution, and transportation costs incurred by the surplus distribution section and to allow the  
33 accumulation of a working capital reserve equal to the cost of 6 months' operation of the surplus  
34 distribution section so that the operation of said section shall result in no expense to the state; and

35                   (B) Be maintained by the treasurer as a separate, restricted fund.

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1                   (7) Providing the text of any rule adopted pursuant to RSA 21-I:14, XI, to each  
2 recipient of donated commodities or surpluses distributed by the bureau of purchase and property's  
3 surplus distribution section.

4                   (8) Requiring, prior to an agency's submission of a request for purchase of computer  
5 hardware, software, related licenses, media, documentation, support and maintenance services, and  
6 other related services that either require an expenditure of more than \$5,000, or involve a purchase  
7 that is not on an approved standards list established by the department of information technology  
8 which requires an expenditure of more than \$500, up to \$5,000, that the agency obtain approval of  
9 the proposal by the chief information officer, or designee, to ensure that the procurement is  
10 consistent with the state information technology plan.

11                   (9) Requiring agencies to submit the approval issued under RSA 21-R:8-a, I by the  
12 chief information officer or his or her designee in support of requests for purchases of computer  
13 hardware, software, related licenses, media, documentation, support and maintenance services, and  
14 other related services that either require an expenditure of more than \$5,000, or involve a purchase  
15 that is not on an approved standards list established by the department of information technology  
16 which requires an expenditure of more than \$500, up to \$5,000.

17                   (10) Supervising the activities and functions of the bureau of purchase and property  
18 under RSA 21-I:12, I(a).

19                   (11) Supervising the department's activities and functions under RSA 21-I:12, I(b).

20                   (12) Supervising the activities and functions of the bureau of graphic services under  
21 RSA 21-I:12, I (c), (d) and (e).

22                   (b) The division of public works design and construction, which shall be under the  
23 supervision of a classified public works manager VII, who shall be responsible for the functions of the  
24 division under RSA 21-I:12, III.

25                   (c) The division of plant and property, which shall be under the supervision of a  
26 classified administrator who shall be responsible for the following functions, in accordance with  
27 applicable law:

28                   (1) Subject to the direction and supervision of the commissioner of administrative  
29 services, acting as custodian of the state house, legislative office building, state house annex, state  
30 library, and, with the exception of interior maintenance of the acute psychiatric services building  
31 and all transitional housing buildings including the Howard recreation building, all state-owned  
32 buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well  
33 as the grounds connected with each of the foregoing properties, and have charge of all matters  
34 relating to the care, maintenance, and repair of said property.

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1                   (2) Providing the American Legion Department of New Hampshire, a private  
2 nonprofit organization, office space, free of charge, in the state-owned building located at 25 Capitol  
3 Street in Concord, New Hampshire or another state-owned building located in Concord.

4                   (3) Having custody of all state-owned or rented real property not specifically charged  
5 to some other department and all personal property not specifically charged to some other  
6 department.

7                   (4) Supervising the activities and functions of the bureau of planning and  
8 management under RSA 21-I:12, II(a).

9                   (5) Supervising the activities and functions of the bureau of general services under  
10 RSA 21-I:12, II(b).

11                   (6) Supervising the activities and functions of the bureau of court facilities under  
12 RSA 21-I:12, II(c).

13                   (7) Supervising the department's activities and functions relating to energy  
14 management.

15                   (8) Supervising the department's support of facilities of the department of health  
16 and human services.

17                   II. With reference to the division of procurement and support services and the rulemaking  
18 authority of the commissioner in this area, the following definitions shall apply:

19                   (a) "Supplies" shall mean all materials, equipment, printing, furniture, furnishings, and  
20 books, of every name and nature, including computer hardware, software, related licenses, media,  
21 and documentation, and support and maintenance services, excluding any systems that collect or  
22 store data off-site.

23                   (b) "Agency" shall mean any board, department, commission, hospital, sanitarium,  
24 home, library, school, college, prison, or other institution conducted or operated by or for the state of  
25 New Hampshire.

26                   (c) "Purchase" shall mean all contracts for the purchase of supplies or services, as well as  
27 the act of purchasing.

28                   (d) "Emergency" shall mean any situation requiring the immediate purchase of supplies  
29 arising from any unavoidable casualty or disaster.

30                   (e) "Governing board" shall mean the board, commission, board of trustees, department  
31 head or other administrative body responsible for the conduct of any agency.

32                   (f) "Services" shall mean services provided for general agency use including, but not  
33 restricted to, the following: credit card agreements, elevator maintenance, hazardous waste testing  
34 and removal, janitorial services, laboratory services, rubbish removal, recycled materials pickup,  
35 security services, snow removal, soil testing, transportation, office machine maintenance, vehicle

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1 repair, vehicle rental and leasing, and warehousing. “Services” shall not mean services provided  
2 solely to one agency.

3 327:7 Fund Restrictions. Amend the introductory paragraph of RSA 21-I:11-a, I to read as  
4 follows:

5 I. Expenditures from the fund established by 21-I:11, ~~VIII(b)~~ **I(a)(6)(B)**, shall be restricted  
6 to defraying the following costs incurred as a result of transferring donated commodities or surpluses  
7 from the consignee point of delivery or point of origin to the ultimate point of consumption:

8 327:8 Identical Qualified Lowest Bids, Proposals, or Quotations. Amend RSA 21-I:11-b, II and  
9 III to read as follows:

10 II. To promote business in this state, when qualified lowest bids, proposals, or quotations are  
11 received by the division of ~~[plant and property management]~~ **procurement and support services**  
12 at the same price, the division’s selection or recommendation for selection shall, if the process is not  
13 cancelled by the state, be made by drawing lots, provided, however, that if only one of the vendors  
14 offering that price has a principal place of business in New Hampshire, that vendor shall, if the  
15 process is not cancelled by the state, be selected or recommended for selection. When qualified  
16 lowest bids, proposals, or quotations are received at the same price from more than one vendor which  
17 has a principal place of business in New Hampshire, selection or recommendation for selection shall,  
18 if the process is not cancelled by the state, be made by drawing lots from among the vendors with a  
19 principal place of business in New Hampshire.

20 ~~[III. This section shall not apply to bids, quotations, or proposals which may be issued,~~  
21 ~~received, or reviewed by the department of transportation on behalf of the division of plant and~~  
22 ~~property management, bureau of public works design and construction. In such cases, the~~  
23 ~~procedures of the department of transportation shall apply.]~~

24 327:9 Debarment of Vendors. Amend RSA 21-I:11-c to read as follows:

25 21-I:11-c Debarment of Vendors.

26 I.(a) No individual or business entity shall make a bid, proposal, or quotation in response to  
27 a request for bid, proposal, or quotation issued by the division of ~~[plant and property management]~~  
28 **procurement and support services** if that individual or entity, or any of its subsidiaries, affiliates,  
29 or principal officers:

30 (1) Has, within the past 2 years, been convicted of, or pleaded guilty to, a violation of  
31 RSA 356:2, RSA 356:4, or any state or federal law or county or municipal ordinance prohibiting  
32 specified bidding practices, or involving antitrust violations, which has not been annulled;

33 (2) Has been prohibited, either permanently or temporarily, from participating in  
34 any public works project pursuant to RSA 638:20;

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

4           (4) Is currently debarred from performing work on any project of the federal  
5 government or the government of any state;

6           (5) Has, within the past 2 years, failed to cure a default on any contract with the  
7 federal government or the government of any state;

8           (6) Is presently subject to any order of the department of labor, the department of  
9 employment security, or any other state department, agency, board, or commission, finding that the  
10 applicant is not in compliance with the requirements of the laws or rules that the department,  
11 agency, board, or commission is charged with implementing;

12           (7) Is presently subject to any sanction or penalty finally issued by the department of  
13 labor, the department of employment security, or any other state department, agency, board, or  
14 commission, which sanction or penalty has not been fully discharged or fulfilled;

15           (8) Is currently serving a sentence or is subject to a continuing or unfulfilled penalty  
16 for any crime or violation noted in this section;

17           (9) Has failed or neglected to advise the division of any conviction, plea of guilty, or  
18 finding relative to any crime or violation noted in this section, or of any debarment, within 30 days of  
19 such conviction, plea, finding, or debarment;

20           (10) Has been placed on the debarred parties list specified in paragraph II within the  
21 past year.

22           (b) All individuals or business entities submitting a bid, proposal, or quotation in  
23 response to a request for a bid, proposal, or quotation issued by the division of [~~plant and property~~  
24 ~~management~~] ***procurement and support services*** shall, as part of their response, provide an  
25 affidavit signed under oath before a duly authorized notary public that all conditions listed in  
26 subparagraphs (a)(1)-(10) have been met. Failure to submit such an affidavit or, should the affidavit  
27 be false or signed by an unauthorized person, the bid, proposal, or quotation shall be automatically  
28 rejected and the resulting contract, if any, shall be deemed to be in breach. The commissioner of the  
29 department of administrative services shall adopt rules under RSA 541-A relative to the affidavit  
30 required under this subparagraph.

31           II. The division of [~~plant and property management~~] ***procurement and support services***  
32 shall maintain a list of individuals or entities which it believes to be precluded from submitting bids,  
33 proposals, or quotations, under paragraph I, which it shall post on its public website. Such  
34 individuals or entities shall be debarred from submitting bids, quotations, or proposals to the  
35 division. Prior to posting the name of an individual or entity on the public website, the division  
36 shall, by way of certified or registered mail to the last known address of the individual or entity,

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1 notify the vendor of its intention to post. This requirement of notification shall not apply in the case  
2 of potential vendors whose names are posted by the division because those vendors' names appear on  
3 a federal or state debarred parties list. The individual or entity to whom a notification has been  
4 forwarded may request a hearing by certified or registered mail received by the division within 30  
5 days of the date of the letter of notification. The division may post the vendor's name on its website  
6 if no request for a hearing is received in that period.

7 III. The director of the division of [~~plant and property management~~] **procurement and**  
8 **support services** may preclude an individual who has been forwarded a notification under  
9 paragraph II from bidding or submitting a response to a request for quotation or proposal **to the**  
10 **division** whenever he or she concludes that to do so is necessary to protect the public interest. If  
11 such immediate debarment is ordered, the director shall notify the individual or entity in the  
12 notification forwarded under paragraph II. Such debarment shall be effective regardless of whether  
13 or not a hearing is pending and regardless of whether or not a posting has been made under  
14 paragraph II.

15 IV. A notification forwarded by the division under paragraph II shall contain at least:

16 (a) The name of the individual or entity whose name is proposed for posting;

17 (b) The reason for the division's decision;

18 (c) A statement that after 30 days from the date of the notification, the person or entity's  
19 name will be posted on the division's website and that the individual may request a hearing in  
20 accordance with paragraph II;

21 (d) The actual calendar date by which any request for a hearing must be received by the  
22 division;

23 (e) Notification that individuals or entities appearing on the list specified in paragraph  
24 II shall be debarred from submitting bids, quotations, or proposals to the division;

25 (f) If the individual or entity is immediately debarred from making bids or other  
26 submissions to the division, a statement to that effect; and

27 (g) A general specification of the period of time that the individual or entity's name will  
28 appear on the debarred parties list.

29 V. Individuals or entities placed on the debarred parties list shall generally be debarred  
30 from making bids, quotations, or proposals to the division for as long as they are disqualified under  
31 paragraph I or for a period of one year after placement on the list by the division, whichever is  
32 longer. The director of the division of [~~plant and property management~~] **procurement and support**  
33 **services** may earlier terminate the debarment if he or she determines that the reason for debarment  
34 no longer exists, or that the debarred vendor has successfully completed the terms of a sentence or  
35 penalty, including probation responsibilities, and that earlier termination will not, in the opinion of  
36 the director, adversely affect the public interest.

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1 VI. Debarment shall in no way affect the obligation of a vendor to provide products or  
2 services already under contract. In its discretion, however, the state may deem the submission of a  
3 bid, proposal, or quotation contrary to paragraph I a breach of contract.

4 ~~[VII. This section shall not apply to bids, quotations, or proposals which may be issued,~~  
5 ~~received, or reviewed by the department of transportation on behalf of the division of plant and~~  
6 ~~property management, bureau of public works design and construction. In such cases, the~~  
7 ~~procedures of the department of transportation shall apply.]~~

8 327:10 Internal Organization; Divisions of Procurement and Support Services, Public Works  
9 Design and Construction, and Plant and Property. RSA 21-I:12 is repealed and reenacted to read as  
10 follows:

11 21-I:12 Internal Organization of the Divisions of Procurement and Support Services, Public  
12 Works Design and Construction, and Plant and Property.

13 I. The division of procurement and support services shall include the following internal  
14 organizational units and functions:

15 (a) A bureau of purchase and property under the supervision of a classified  
16 administrator of purchase and property who shall be responsible for the following functions, in  
17 accordance with applicable laws:

18 (1) Procurement of supplies, commodities, and services except as otherwise assigned  
19 to other bureaus or divisions of the department.

20 (2) Purchasing only heating oil that contains at least 5 percent biodiesel, as defined  
21 in RSA 362-A:1-a, I-b, except if such product is unavailable or is more costly than a 100 percent  
22 petroleum product, in which case such purchase shall be made at the discretion of the director of  
23 procurement and support services. The director, when using such discretion, shall consider at a  
24 minimum any savings related to equipment maintenance and longevity that may result from  
25 biodiesel use.

26 (3) Purchasing biodiesel fuel blends for the department of transportation in  
27 accordance with RSA 228:24-a, II.

28 (4) Maintaining and operating such central storage facilities as may be practical.

29 (5) Charging property and equipment to the using departments, as he or she shall  
30 deem advisable, and expressly specifying the responsibilities for maintenance of the same.

31 (6) Transferring unused supplies and equipment from one department or agency to  
32 another where needed and determining the value thereof; where such unused supplies and  
33 equipment cannot be so transferred, providing for disposal to the public by competitive bid whenever  
34 the estimated value of any unit or total of units is \$100 or more, otherwise in such manner as  
35 appears to be in the best interest of the state.

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1                   (7) There shall be within the bureau of purchase and property a surplus distribution  
2 section, which shall continue to operate for such period of time as surpluses or donated commodities  
3 of any kind are made available for distribution to the state by any department, division, or agency of  
4 the United States government or by any other source. The surplus distribution section shall be  
5 under the supervision of a classified supervisor of surplus distribution, who shall be responsible for  
6 the following functions, in accordance with applicable laws:

7                   (A) Requesting, transporting, receiving, warehousing, allocating, enforcing  
8 compliance, and delivering, where deemed expedient, any surpluses or commodities made available  
9 to the state by the federal government or by any other source.

10                  (B) Assuring that all contracts, agreements, leases, or other documents entered  
11 into by the commissioner in order to operate the program of distribution of federal commodities and  
12 surpluses comply with the regulations and directives of the federal government.

13                  (C) In his or her discretion, receiving, allocating, and distributing food supplies  
14 and other school food services supplies in cooperation with the New Hampshire School Food Service  
15 Association Co-operative, Inc., and such activities shall in no way constitute a restriction of trade.

16                  (D) In his or her discretion, participating and cooperating in informational  
17 projects relating to distributions made by the agency.

18                  (b) The department's functions relating to merchant payment cards, fleet management,  
19 reporting on state real property under RSA 4:39-e and RSA 21-I:11, I(a)(5), and facilitation of the  
20 disposition of state-owned real property, managed by such personnel, as may be assigned by the  
21 commissioner.

22                  (c) A bureau of graphic services under the supervision of a classified administrator of  
23 graphic services who shall be responsible for the following functions:

24                   (1) Supervising all state printing and its procurement.

25                   (2) Ensuring that all legislative printing within the capability of the bureau of  
26 graphic services shall, at all times, have priority over other work of the bureau.

27                   (3) Providing the capability to levy cost charges on the use of each state photocopier.

28                   (4) Using the prison print shop to the extent it can efficiently do so to function as a  
29 vocational rehabilitation facility under the direct supervision of prison authority, provided the prison  
30 print shop shall be entitled to bid on any appropriate state printing job.

31                   (5) Managing a service operation which shall provide graphic services to all state  
32 agencies.

33                  (d) With reference to the bureau of graphic services and the rulemaking authority of the  
34 commissioner in this area, "graphic services" shall mean any method of producing written or  
35 pictorial representations and shall include, but not be limited to, all forms of photography,  
36 photocopy, duplicating, and printing.

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1           (e) The following exceptions to the authority of the administrator of graphic services  
2 shall apply:

3                   (1) He or she shall exercise no management or other authority over the forensic  
4 science laboratory established in RSA 106-B:2-a.

5                   (2) He or she shall exercise no management or other authority over the printing,  
6 duplication, photocopying, photographic, or other graphic services equipment or personnel of the  
7 university system of New Hampshire, the department of transportation, the department of  
8 employment security, and the general court.

9           II. The division of plant and property shall include the following internal organizational  
10 units and functions:

11                   (a) A bureau of planning and management under the supervision of a classified  
12 administrator of planning and management who shall be responsible for the following functions, in  
13 accordance with applicable laws:

14                           (1) Recommending assignment of office and office-related space, including rented  
15 space, or space under consideration for rental, to the director, who shall report such  
16 recommendations to the commissioner.

17                           (2) Preparing and maintaining an inventory of all physical space in real property  
18 rented or leased for use by the state. This inventory shall be made available to the comptroller in  
19 order to assist the comptroller to comply with accounting principles.

20                           (3) Planning for any additional office space needs of the state in consultation with  
21 the division of public works design and construction.

22                           (4) Planning for any major renovation to state office buildings in consultation with  
23 the division of public works design and construction.

24                           (5) Centrally managing all space rented by, or all proposed rentals of space by, state  
25 agencies, and providing central administration and management of the processes by which space is  
26 rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law,  
27 agencies seeking to rent space shall do so only in consultation with the bureau of planning and  
28 management. The central management and administration provided by the bureau shall include  
29 assisting agencies in their selection of property, in the formulation of rental documents, in the  
30 preparation of notices, in agencies' solicitation of bids or proposals and selection of lessors, in space  
31 planning, in office layout, and in such other matters as are necessary for effective central planning  
32 and management relative to rented space but shall not include the power to enter into rental  
33 agreements on behalf of an agency.

34                   (b) A bureau of general services under the supervision of a classified administrator of  
35 general services who shall be responsible for the following functions, in accordance with applicable laws:

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1                   (1) Providing support services, including but not limited to, mailing and messenger  
2 services to state government.

3                   (2) Providing for the general maintenance of state-owned buildings and grounds,  
4 except as otherwise provided by law.

5                   (c) A bureau of court facilities under the supervision of a classified administrator who  
6 shall be responsible for the following functions, in accordance with applicable laws:

7                   (1) Providing suitable court facilities for the conduct of all court sessions held within  
8 each judicial district and county, subject to the availability of appropriated funds, in accordance with  
9 RSA 490-B.

10                  (2) Providing for the general maintenance of state-owned court buildings and  
11 grounds, except as otherwise provided by law.

12                  (d) The department's functions relating to energy management, managed by such  
13 personnel as may be assigned by the commissioner.

14                  (e) The department's support of facilities of the department of health and human  
15 services managed by such personnel as may be assigned by the commissioner.

16                  III. The division of public works design and construction shall be responsible for the  
17 following functions in accordance with applicable law:

18                  (a) Supervising and overseeing the department's public works design and construction  
19 functions.

20                  (b) Public works engineering, including planning and design for all public works projects  
21 as described in RSA 21-I:78 through RSA 21-I:86.

22                  (c) Field supervision of all public works construction as described in RSA 21-I:78 through  
23 RSA 21-I:86.

24                  (d) Supervision and coordination of all state-owned land and buildings not otherwise  
25 assigned, including, but not limited to, performing those functions specified in RSA 21-I:84, I.

26                  (e) Except as otherwise provided by law, developing state-owned and supported land and  
27 buildings, and preparing a long range capital improvements plan, which shall be communicated to  
28 the commissioner of administrative services, or designee.

29                  (f) Communicating with the commissioner of administrative services, or designee, the  
30 activities of the division relative to the capitol budget overview process. The commissioner of  
31 administrative services, or designee, shall coordinate the department's activities relative to the  
32 capital budget overview process and shall communicate with the general court regarding that  
33 process as it relates to public works.

34                  (g) Communicating with the commissioner of administrative services, or designee, long  
35 range capital planning relative to public works design and construction. The commissioner of

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1 administrative services, or his or her designee, shall coordinate the department's long range capital  
2 planning relative to public works design and construction to meet the needs of the state.

3 (h) The supervision and operation of all public works of the state not otherwise provided  
4 for or assigned by law.

5 327:11 Rulemaking Authority. Amend RSA 21-I:14, VI and VII to read as follows:

6 VI. Standards governing the purchase and continuing ownership of graphic services  
7 equipment by agencies not exempted by RSA [~~21-I:9, VIII~~] **21-I:12, I(e)**.

8 VII. Standards governing the allocation and use of state photocopiers by the agencies not  
9 exempted by RSA [~~21-I:9, VIII~~] **21-I:12, I(e)**.

10 327:12 Rulemaking Authority. Amend RSA 21-I:14, XI and XII to read as follows:

11 XI. Fair and equitable charges to be assessed against recipients receiving any donated  
12 surpluses from the surplus distribution section based on recommendations provided according to  
13 [~~RSA 21-I:11, VIII~~] **RSA 21-I:11, I(a)(6)**.

14 XII. Standards and procedures governing the purchase of all materials, supplies and  
15 equipment by the division of [~~plant and property management~~] **procurement and support**  
16 **services**.

17 327:13 Rulemaking Authority. Amend RSA 21-I:14, XVI and XVII to read as follows:

18 XVI. Public works services, including bidding for major projects as described in RSA 21-I:78,  
19 as authorized by RSA 21-I:80; RSA 21-I:81 and RSA 21-I:82, bidder qualifications, agency requests  
20 for public works services, charges and fees, selection of persons or entities to perform public works  
21 projects, public works construction and design, dispute resolution, and such other requirements or  
22 procedures relating to public works as are necessary for the [~~bureau~~] **division** of public works design  
23 and construction to properly perform its duties and functions in accordance with applicable law.

24 XVII. The central management of space rented by state agencies, the rental of space by state  
25 agencies and the processes to be utilized by agencies in the rental of space, including those matters  
26 described in RSA [~~21-I:12, H(e)~~] **21-I:12, II(a)(5)**.

27 327:14 Prohibition on Future Employment. Amend RSA 21-I:14-b to read as follows:

28 21-I:14-b Prohibition on Future Employment.

29 I. No commissioner, **deputy commissioner**, financial data manager, accounting director, or  
30 director of [~~plant and property management~~] **procurement and support services** of the  
31 department of administrative services shall accept any employment, including work as a consultant  
32 or lobbyist, with any vendor of goods or services holding a valid contract with the department, in  
33 excess of \$10,000 over the previous 2 years, until one year after he or she shall become separated  
34 from the department.

35 II. No vendor of goods or services holding a valid contract with the department, in excess of  
36 \$10,000 over the previous 2 years, shall employ any commissioner, **deputy commissioner**, financial

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1 data manager, accounting director, or director of [~~plant and property management~~] **procurement**  
2 **and support services** of the department until one year after such employee has become separated  
3 from the department. Any such vendor who violates the provisions of this paragraph shall be barred  
4 from bidding on any future contract with the department for 5 years after such violation.

5 327:15 Sundry Materials and Supplies. Amend RSA 21-I:15 to read as follows:

6 21-I:15 Sundry Materials and Supplies.

7 I. The director of [~~plant and property management~~] **procurement and support services**  
8 may purchase materials and supplies in advance of requisition by state departments and  
9 institutions, and such purchases shall be a charge against each departmental or institutional  
10 appropriation upon requisition and delivery.

11 II. The state treasurer upon presentation by the director of [~~plant and property~~  
12 ~~management~~] **procurement and support services** of manifests covering said supplies is authorized  
13 to pay the same from any money in the treasury not otherwise appropriated.

14 III. The director of [~~plant and property management~~] **procurement and support services**  
15 is authorized to assess a fair and equitable charge with respect to such materials and supplies, such  
16 charge to be made against the departmental or institutional appropriation upon requisition and  
17 delivery. Such charges shall be sufficiently high to defray all administrative, warehousing,  
18 processing, distribution and transportation costs incurred by the division of [~~plant and property~~  
19 ~~management~~] **procurement and support services** plus the cost of supplies necessary to the  
20 operation of the division.

21 IV. The funds arising from such charges shall be separately accounted for, and are hereby  
22 appropriated to and made available for expenditure by the director of [~~plant and property~~  
23 ~~management~~] **procurement and support services**, subject to the approval of the commissioner of  
24 administrative services, for the purposes set forth in paragraph III.

25 327:16 Additional Purchasing Authority. Amend RSA 21-I:17, I-III to read as follows:

26 21-I:17 Additional Purchasing Authority.

27 I. The director of [~~plant and property management~~] **procurement and support services**  
28 may purchase supplies or services for the legislative or judicial branches whenever the governing  
29 body thereof so desires and the director deems that such purchases can be made advantageously. In  
30 addition, the director may include terms in his or her contracts that require a vendor to make  
31 supplies and services available to the legislative or judicial branches, and any county, city, town,  
32 school district, special district or precinct, or any other governmental subdivision, or any nonprofit  
33 agency certified under the provisions of section 501(c) of the federal Internal Revenue Code, on terms  
34 that are the same as or similar to those offered to the executive branch of the state; however, any  
35 such procurement of supplies or services by the legislative or judicial branches, any county, city,  
36 town, school district, special district or precinct, or any other governmental subdivision, or any

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1 nonprofit agency certified under the provisions of section 501(c) of the federal Internal Revenue Code  
2 shall be made independently and distinctly from the director's purchases under this chapter, and the  
3 director shall not be required to enter into any contractual or other arrangements or assume any  
4 responsibility or liability with respect to any such procurement of supplies or services by the  
5 legislative or judicial branches, any county, city, town, school district, special district or precinct, or  
6 any other governmental subdivision, or any nonprofit agency certified under the provisions of section  
7 501(c) of the federal Internal Revenue Code.

8 II. [Repealed.]

9 III. The state through the director of [~~plant and property management~~] **procurement and**  
10 **support services** or any other appropriate purchasing authority may purchase pharmaceuticals and  
11 allied products and services for any receiving facility as defined in RSA 135-C or any nonprofit  
12 hospital, whenever the governing body thereof so desires and the director or other authority deems  
13 that he or she can make such purchases advantageously. Any savings realized from the state's  
14 purchase of pharmaceuticals and allied products and services for a receiving facility or nonprofit  
15 hospital shall be allocated to the receiving facility or nonprofit hospital. No liability shall accrue to the  
16 state or the state purchasing authority for any loss, damage, death, or injury resulting from the use of  
17 any pharmaceuticals or allied products or services purchased by the state for any nonprofit hospital.

18 327:17 Delegation of Purchasing Authority. Amend RSA 21-I:17-a to read as follows:

19 21-I:17-a Delegation of Purchasing Authority.

20 I. The director of [~~plant and property management~~] **procurement and support services**  
21 may, upon written application of the governing board of any agency, authorize such governing board,  
22 or one or more individuals designated by such board, to purchase supplies for the agency directly  
23 from vendors by the use of field purchase orders, or by the use of procurement cards issued for that  
24 purpose; provided, however, that no such field purchase order or procurement card shall be used  
25 where a total expenditure of more than \$500 is involved. The form and use of such field purchase  
26 orders or procurement cards shall be prescribed by rules adopted by the commissioner of  
27 administrative services pursuant to RSA 541-A in consultation with the state treasurer, or in the  
28 department's manual of procedures described in RSA 21-I:14, I. Rules or procedures adopted by the  
29 commissioner relative to procurement cards shall include processes for monitoring the use of such  
30 cards. Procurement cards shall be used only for the state purposes permitted under this paragraph.  
31 Unauthorized use of a procurement card may result in disciplinary action up to and including  
32 termination of employment. Any person who knowingly uses a procurement card in violation of this  
33 section shall be guilty of a misdemeanor.

34 II. Upon the joint recommendation of the commissioner of administrative services and the  
35 governing board of any agency, the governor and council, in their discretion, may authorize such  
36 governing board, or one or more individuals designated by such governing board to purchase supplies

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1 for the agency directly from vendors in such quantities and for such sums as the governor and  
2 council shall prescribe; provided, however, that any such authority shall be subject to the limitations  
3 of the amounts appropriated and the purposes authorized by the legislature for the agency, and  
4 provided further that all such delegations of purchasing authority shall expire on December 31 of the  
5 even numbered years. Whenever such purchasing authority is so delegated to any agency, the  
6 requirements of [~~RSA 21-I:11, IV and V,~~] **RSA 21-I:11, I(a)(3) and (4)** and rules adopted pursuant  
7 to RSA 21-I:14, [~~X~~] **XII**, shall apply to the governing board or its authorized agent exercising such  
8 delegated authority.

9 327:18 Contracts for Use by More Than One Agency. Amend RSA 21-I:17-c to read as follows:

10 21-I:17-c Contracts for Use by More Than One Agency. Agencies shall make use of contracts  
11 which have been entered into by the department of administrative services, division of [~~plant and~~  
12 ~~property management~~] **procurement and support services**, for more than one agency when  
13 procuring commodities or services that are available to the agency under such contracts, unless  
14 granted a waiver from this requirement by the commissioner of administrative services. The  
15 commissioner shall grant a waiver when he or she concludes that to do would be in the best interests  
16 of the state.

17 327:19 Exemptions. Amend RSA 21-I:18, I and I-a to read as follows:

18 I. To the extent indicated in this section, the following agencies and purchases are exempted  
19 from the provisions of this chapter. All exempt purchases shall be made in accordance with the  
20 existing laws governing such purchases:

21 (a) The university system of New Hampshire shall not be required to make any  
22 purchases through the director of [~~plant and property management~~] **procurement and support**  
23 **services**, unless it wishes to do so. If it does, the director shall be required to follow the provisions of  
24 this chapter. The university system shall make purchases under competitive bidding requirements  
25 except when waived by the chancellor of the university system or his authorized agent upon written  
26 justification.

27 (b) The liquor commission is exempted from the provisions of this chapter, provided that  
28 the liquor commission uses competitive bidding when acquiring supplies as defined in RSA [~~21-I:11,~~  
29 ~~I(a)~~] **21-I:11, II(a)**, and other materials, goods, and services that are necessary for, incidental to, or  
30 related to the operation of liquor commission retail and wholesale operations.

31 (c) The legislature, secretary of state, and the state reporter are completely exempted  
32 from the provisions of this chapter.

33 (d) This chapter shall not apply to any contracts made or entered into by the director of  
34 [~~plant and property management~~] **procurement and support services** or any agency under the  
35 terms of which contractors with the state purchase their own supplies directly.

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1           (e) The purchase of materials, supplies and merchandise by the department of resources  
2 and economic development as provided by RSA 219:21 shall not be subject to the provisions of this  
3 chapter.

4           (f) All state agencies are exempted in the matter of the purchase of books and  
5 periodicals.

6           (g) The purchase of gaming tickets and their dispensing equipment by the lottery  
7 commission. The commission shall make such purchases under competitive bidding requirements,  
8 except when waived by the commission or its authorized agent with written justification.

9           (h) The purchase of client rehabilitative equipment, supplies and services for disabled  
10 persons by the bureau of vocational rehabilitation, including adaptive equipment as provided by  
11 RSA 200-C:16, shall not be subject to the provisions of this chapter.

12           (i) Purchases of services from nonprofit organizations by the department of education,  
13 division of educational improvement and the department of health and human services for severely  
14 disabled or severely emotionally disturbed children as provided by RSA 186-C:22 shall not be subject  
15 to the provisions of this chapter.

16           (j) The court systems are completely exempted from the provisions of this chapter.

17           (k) The purchases of materials, supplies, and merchandise by the fish and game  
18 department as provided by RSA 206:22-b shall not be subject to the provisions of this chapter.

19           (l) Purchases of services from private contractors by the department of revenue  
20 administration with respect to the administration of low and moderate income homeowners property  
21 tax relief claims.

22           (m) Purchases of services from private contractors by the department of revenue  
23 administration with respect to the establishment of assessing enforcement procedures.

24           (n) The purchase of gaming tickets and their dispensing equipment by the racing and  
25 charitable gaming commission under RSA 287-E. The racing and charitable gaming commission  
26 shall make such purchases under competitive bidding requirements, except when waived by the  
27 racing and charitable gaming commission or its authorized agent with written justification.

28           (o) The New Hampshire retirement system shall not be required to make any purchases  
29 through the director of [~~plant and property management~~] **procurement and support services**, unless  
30 it wishes to do so. If it does, the executive director shall be required to follow the provisions of this  
31 chapter. The retirement system shall make purchases under competitive bidding requirements except  
32 when waived by the executive director or his or her authorized agent upon written justification.

33           I-a. The community college system of New Hampshire shall not be required to make  
34 purchases through the director of [~~plant and property management~~] **procurement and support**  
35 **services** or utilize the services of the bureau of graphic services unless it so chooses. The community  
36 college system of New Hampshire shall make purchases under competitive bidding requirements

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1 except when waived by the chancellor of the community college system of New Hampshire, or a  
2 designated agent, upon written justification.

3 327:20 Products and Services of Persons with Disabilities. Amend the introductory paragraph  
4 and paragraph I of RSA 21-I:19 to read as follows:

5 21-I:19 Products and Services of Persons With Disabilities. Notwithstanding any other  
6 provision of law to the contrary, whenever products or services of persons with disabilities are  
7 available, the director of [~~plant and property management~~] **procurement and support services**  
8 may purchase the same at their fair market value in accordance with the following:

9 I. The director shall determine the fair market price on all suitable products manufactured  
10 by persons with disabilities and services rendered by persons with disabilities and offered for sale to  
11 the state or any of its agencies by any charitable nonprofit agency for the disabled, which is  
12 incorporated under the laws of this state, and which manufactures merchandise and provides  
13 services within the state and which is approved for such purpose by the director of the division of  
14 [~~plant and property management~~] **procurement and support services**. The director shall revise  
15 such prices from time to time, in accordance with changing market conditions, and shall adopt such  
16 rules regarding specifications, time of delivery and other relevant matters as are necessary to carry  
17 out the provisions of this section. At the request of the director of [~~plant and property management~~]  
18 **procurement and support services**, the commissioner of education shall assist the director in  
19 distributing requests for goods and services of persons with disabilities among approved agencies for  
20 the disabled.

21 327:21 Energy Efficiency Fund. Amend RSA 21-I:19-f to read as follows:

22 21-I:19-f Energy Efficiency Fund. There is hereby established an energy efficiency fund into  
23 which shall only be deposited moneys received by the state for participating in demand response  
24 programs. The state treasurer may invest moneys in the fund as provided by law, with interest  
25 received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and  
26 continually appropriated to the division of plant and property [~~management~~] to be used exclusively  
27 to fund energy efficiency projects and energy efficiency contracts and to reimburse state agencies for  
28 demand response program expenses.

29 327:22 Use of State-Owned Vehicles. Amend RSA 21-I:19-g, III to read as follows:

30 III. If state-owned passenger vehicles are assigned to a state agency and such vehicles are  
31 not used for travel at or above the break-even mileage requirement during such year, the director of  
32 [~~plant and property management~~] **procurement and support services** shall declare them surplus  
33 and transfer or otherwise dispose of such vehicle or vehicles. An agency may within 90 days after  
34 the end of the fiscal year apply to the fiscal committee of the general court to retain such vehicle or  
35 vehicles. If such agency presents a clear and convincing case for the continued assignment of a  
36 vehicle or vehicles to the agency, the fiscal committee may permit the agency to retain a vehicle or

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1 vehicles. In granting an agency the authority to retain such vehicle or vehicles, favorable  
2 consideration shall be given to the most fuel efficient use of the existing fleet. The director of [~~plant  
3 and property management~~] **procurement and support services** shall either sell the vehicle or  
4 vehicles declared to be surplus, transfer them to a centralized state vehicle pool, or transfer them to  
5 any state agency having employees who travel more than the break-even mileage requirement as set  
6 by the department of administrative services and who are being reimbursed for travel in privately-  
7 owned vehicles. The term “agency” as used in this section includes a department, institution, board,  
8 division, and commission. The director of [~~plant and property management~~] **procurement and  
9 support services** may develop measures to determine or improve fleet efficiency in addition to those  
10 set forth in this section. Such measures may be shared with the fiscal committee for their  
11 information and consideration.

12 327:23 Disposal of State Owned Vehicles Based on Nonbusiness Use. Amend RSA 21-I:19-h, V-  
13 VIII to read as follows:

14 V. For each vehicle reported under paragraph III, the director of the division of [~~plant and  
15 property management~~] **procurement and support services** of the department of administrative  
16 services either shall declare the vehicle surplus and transfer or otherwise dispose of the vehicle or  
17 shall reassign the vehicle within the agency, unless a waiver of the requirements of this paragraph is  
18 granted by the vehicle utilization committee.

19 VI. Requests for waivers from the vehicle utilization committee shall be submitted to the  
20 commissioner at the same time as the report required by paragraph III. The vehicle utilization  
21 committee shall grant a waiver if it concludes that to do so would be in the best interests of the state.

22 VII. There is hereby established a vehicle utilization committee consisting of the following  
23 officials or designees:

24 (a) The commissioner of the department of administrative services.

25 (b) The director of the division of [~~plant and property management~~] **procurement and  
26 support services** of the department of administrative services.

27 (c) The commissioner of the department of transportation.

28 (d) The commissioner of the department of safety.

29 (e) The commissioner of the department of environmental services.

30 VIII. After October 1, 2011, the vehicle utilization committee may, at any time, with the  
31 prior approval of the fiscal committee of the general court, adjust the percentage of nonbusiness use  
32 miles traveled by a vehicle during the preceding fiscal year which may result in a vehicle being  
33 declared surplus and subject to transfer or other disposal by the director of the division of [~~plant and  
34 property management~~] **procurement and support services**. In the absence of any adjustment, the  
35 percentage shall be 15 percent. Any adjustment of the percentage made by the vehicle utilization

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1 committee shall be communicated to agencies by the vehicle utilization committee and shall remain  
2 in effect until further adjustment, if any, is made.

3 327:24 Fleet Efficiency. Amend RSA 21-I:19-i, VII to read as follows:

4 VII. Based upon fleet utilization studies or other analyses of an agency's fleet, and applying  
5 the factors and processes set forth in paragraphs IV through VI, the commissioner of administrative  
6 services may, at any time, recommend to the fiscal committee of the general court that any one or more  
7 motor vehicles in an agency's fleet be declared surplus, or that it be reassigned within the agency. If  
8 the committee concurs with the commissioner's recommendation, the director of the division of ~~plant~~  
9 ~~and property management~~ **procurement and support services** of the department of administrative  
10 services either shall declare the vehicle or vehicles surplus and transfer or otherwise dispose of the  
11 vehicle or vehicles or shall reassign the vehicle or vehicles within the agency.

12 327:25 Request for Purchases and Request for Quotes. Amend RSA 21-I:22-a to read as follows:

13 21-I:22-a Request for Purchases and Request for Quotes. Notwithstanding the provisions of  
14 RSA 21-I:18, every request for purchases (RFP), request for quotes (RFQ) or other procurement  
15 which is greater than \$35,000 that is undertaken by the state or by a state agency as defined in  
16 RSA ~~[21-I:11, I(b)]~~ **21-I:11, II(b)**, including those agencies referenced in RSA 21-I:18, shall contain  
17 within the body of the document the objective criteria by which each submission will be reviewed, if  
18 there are particular requirements that will receive more weight in the review of the submission, and  
19 the standards upon which any award will be based.

20 327:26 Awards. Amend RSA 21-I:22-b to read as follows:

21 21-I:22-b Awards. Notwithstanding the provisions of RSA 21-I:18, awards which are made by the  
22 state or by a state agency as defined in RSA ~~[21-I:11, I(b)]~~ **21-I:11, II(b)**, including those agencies  
23 referenced in RSA 21-I:18, under this subdivision shall not be made on criteria that are unknown to  
24 the parties submitting bids or proposals. Nothing in this subdivision shall prevent the state or a state  
25 agency as defined in RSA ~~[21-I:11, I(b)]~~ **21-I:11, II(b)**, including those agencies referenced in RSA 21-  
26 I:18, from making judgments on the capabilities of vendors to complete the work requested if this  
27 option is clearly stated in the body of the document and if used as the reason for the award, is so  
28 stated.

29 327:27 State Contracts. Amend RSA 21-I:22-c to read as follows:

30 21-I:22-c State Contracts for Consultants and Consulting Services. Notwithstanding the  
31 provisions of RSA 21-I:18, every request for consulting services by the state or by a state agency as  
32 defined in RSA ~~[21-I:11, I(b)]~~ **21-I:11, II(b)**, including those agencies referenced in RSA 21-I:18,  
33 which would cost more than \$35,000 shall contain the particular requirements of the project  
34 contemplated in a statement of work to be accomplished. Each statement of work to be accomplished  
35 shall be written using objective project standards and shall not contain criteria that are consultant  
36 specific. Every request for consulting services which would cost more than \$35,000 shall be written

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1 to encourage participation by various suppliers. If there are particular requirements that will  
2 receive more weight in the review of the submission, these must be so stated.

3 327:28 Awards. Amend RSA 21-I:22-d to read as follows:

4 21-I:22-d Awards. Notwithstanding the provisions of RSA 21-I:18, awards which are made by  
5 any branch of state government or by a state agency as defined in RSA ~~[21-I:11, I(b)]~~ **21-I:11, II(b)**,  
6 including those agencies referenced in RSA 21-I:18, under this subdivision shall be based on criteria  
7 that are published in the request for proposal and are known to all the parties responding. Nothing  
8 in this subdivision shall prevent the state or a state agency as defined in RSA ~~[21-I:11, I(b)]~~ **21-I:11,**  
9 **II(b)**, including those agencies referenced in RSA 21-I:18, from making judgments on the capabilities  
10 of consultants to complete the work requested if this option is clearly stated in the body of the  
11 document and, if used as the reason for the award, is so stated.

12 327:29 Penalty. Amend RSA 21-I:41 to read as follows:

13 21-I:41 Penalty. If any person shall injure, deface, or misuse any of the property listed in  
14 RSA ~~[21-I:11, X,]~~ **21-I:11, I(c)(1)** or shall violate any rules relating thereto, he *or she* shall be guilty  
15 of a violation.

16 327:30 Compliance with Contracts. Amend RSA 21-I:83, I(a)(3) to read as follows:

17 (3) By personnel of the division of ~~[plant and property management bureau of]~~ public  
18 works design and construction, or the ~~[bureau's]~~ **division's** designated agent or agents.

19 327:31 Planning and Design Costs. Amend RSA 21-I:85 to read as follows:

20 21-I:85 Planning and Design Costs. The division of ~~[plant and property management and the~~  
21 ~~bureau of]~~ public works design and construction shall not perform any design and planning work for  
22 any non-general fund state agency unless the ~~[bureau]~~ **division** is reimbursed for such work by the  
23 agency.

24 327:32 Public Works Appeals. Amend RSA 21-I:86 to read as follows:

25 21-I:86 Public Works Appeals.

26 I. Any person aggrieved by a decision of the ~~[administrator of the bureau]~~ **manager of the**  
27 **division** of public works design and construction relative to public works design and construction  
28 shall petition for informal review by the ~~[director of the division of plant and property management]~~  
29 **deputy commissioner of administrative services**, or the ~~[director's]~~ **deputy's** designee, within 15  
30 days of the decision. Such petition for informal review shall be a prerequisite to an appeal to the  
31 commissioner under paragraph II.

32 II. Any person aggrieved by the determination of the ~~[director of the division of plant and~~  
33 ~~property management]~~ **deputy commissioner of administrative services**, or the ~~[director's]~~  
34 **deputy's** designee, under paragraph I shall appeal to the commissioner, or the commissioner's  
35 designee, within 30 days of the ~~[director's]~~ **deputy's** determination.

36 327:33 Cases Pending under RSA 21-I:86.

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1           I. In regard to matters pending on appeal under RSA 21-I:86 to the transportation appeals  
2 board, to the division of plant and property management, or to the commissioner of administrative  
3 services as of September 12, 2013, the amendment to RSA 21-I:86 and repeal of RSA 21-I:11, XIII  
4 made by this act, as well as the amendments to RSA 21-I:86, RSA 21-I:11, XIII and RSA 21-L:15, I  
5 made by 2013, 227 shall not apply. Subject to paragraph III, matters which were pending on appeal  
6 on or before September 12, 2013 shall follow the appeal route specified in RSA 21-I:86 as set forth in  
7 2005, 291:9.

8           II. In regard to matters filed under RSA 21-I:86 on or after September 13, 2013 and prior to  
9 the effective date of this act, the informal review and appeal processes set forth in 2013, 227 shall  
10 apply subject to paragraph III.

11           III. The elimination of the division of plant and property management effectuated by this act  
12 shall not impact the authority of any designee of the director of plant and property management to  
13 continue to hear matters which were pending before him or her under RSA 21-I:86 as of the effective  
14 date of this act. In regard to matters pending, on appeal prior to the effective date of this act, the  
15 deputy commissioner of administrative services shall have such authority as was formerly held by  
16 the director of the division of plant and property management, including but not limited to the  
17 authority to make assignments and reassignments of presiding officers or other designees.

18           327:34 Law Enforcement Memorial. Amend RSA 4:9-a, II to read as follows:

19           II.(a) The ~~[director of the]~~ ***administrator of the*** division of plant and property  
20 ~~[management]~~ ***in the department of administrative services***, subject to the direction and  
21 supervision of the commissioner of administrative services, shall act as the custodian of the law  
22 enforcement memorial, and shall have charge of all matters relating to the care, maintenance, and  
23 repair of, and additions to, the memorial. For the purpose of this section the provisions of RSA 21-I  
24 shall not apply.

25           (b) The ~~[director of the]~~ ***administrator of the*** division of plant and property  
26 ~~[management]~~ ***in the department of administrative services***, subject to the direction and  
27 supervision of the commissioner of administrative services, shall administer and disburse to the  
28 committee established in RSA 4:9-b the moneys in the special account established under RSA 4:9-b.  
29 No money other than necessary expenses prior to construction shall be disbursed until the governor  
30 and council approve and award the contract for the construction of the law enforcement memorial.

31           327:35 Committee Established. Amend RSA 4:9-b, III to read as follows:

32           III. The committee shall remain in existence upon the completion of the law enforcement  
33 memorial for the purpose of approving any changes in the memorial, such as the addition of names  
34 to the memorial. Any site changes in the memorial shall be made under the supervision of the  
35 ~~director of the]~~ ***administrator of the*** division of plant and property ~~[management]~~, ***in the***  
36 ***department of administrative services***, according to the provisions of RSA 4:9-a, II.

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1           327:36 September 11 Memorial. Amend RSA 4:9-e, II to read as follows:

2           II.(a) The ~~[director of the]~~ **administrator of the** division of plant and property  
3 ~~[management]~~ **in the department of administrative services**, subject to the direction and  
4 supervision of the commissioner of administrative services, shall act as the custodian of the  
5 September 11 memorial, and shall have charge of all matters relating to the care, maintenance,  
6 repair, and additions to the memorial.

7           (b) The ~~[director of the]~~ **administrator of the** division of plant and property  
8 ~~[management]~~ **in the department of administrative services**, subject to the direction and  
9 supervision of the commissioner of administrative services, shall administer and disburse to the  
10 committee, established in RSA 4:9-f, the moneys in the special account established under RSA 4:9-f.  
11 No money other than necessary expenses prior to construction shall be disbursed until the governor  
12 and council approve and award the contract for the construction of the September 11 memorial.

13           327:37 New Hampshire Hospital Real Estate. Amend RSA 4:39-a to read as follows:

14           4:39-a New Hampshire Hospital Real Estate. The area in the city of Concord bounded by  
15 Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and  
16 buildings, and also excluding the 2 stand-alone parcels known presently as city of Concord tax map  
17 37, block 6, lots 17 and 19 together with the buildings and other improvements situated on such  
18 parcels, and known as the main campus of the New Hampshire hospital shall remain in its entirety  
19 the property of the state of New Hampshire, except such land as determined necessary for use by the  
20 city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless  
21 RSA 227-C:6 applies. If RSA 227-C:6 applies, such land shall be conveyed in accordance with  
22 RSA 227-C:9. The commissioner of administrative services, with the approval of the long range  
23 capital planning and utilization committee, shall designate the use of and be responsible for  
24 maintaining, with the exception of the interior maintenance and maintenance of grounds of certain  
25 properties pursuant to RSA ~~[21-I:11, X]~~ **21-I:11, I(c)(1)**, and leasing any buildings on the main  
26 campus of the New Hampshire hospital in accordance with the following priorities: (1) department of  
27 health and human services and its lessees, (2) state departments, and (3) other government or  
28 nonprofit organizations performing a state-related function. RSA 10 shall not apply to the 2 stand-  
29 alone parcels known presently as city of Concord tax map 37, block 6, lots 17 and 19 or any building  
30 or other improvements situated on such parcels, and any proposed disposal of either or both of such  
31 parcels shall be subject to the provisions of RSA 4:40.

32           327:38 Building and Facilities. Amend RSA 5:32 to read as follows:

33           5:32 Building and Facilities. The state records and archives shall control all space in the state  
34 records and archives center. The **department of administrative services**, division of plant and  
35 property ~~[management]~~ shall maintain the state records and archives center in suitable repair and  
36 condition for use by the division of archives and records management.

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1           327:39 Dedicated Fund Reference. Amend RSA 6:12, I(b)(92) to read as follows:

2                   (92) Moneys deposited in the surplus distribution section administrative  
3 assessments fund under RSA ~~[21-I:11, VIII]~~ **21-I:11, I(a)(6)(B)**.

4           327:40 Capital Expenditure Requests. Amend RSA 9:3-a, IV-VI to read as follows:

5           IV. There shall be a governor’s advisory committee on the capital budget consisting of the  
6 following, or their designees: commissioner of administrative services, ~~[administrator of the bureau]~~  
7 **the manager of the division** of public works design and construction ~~[in the division of plant and~~  
8 ~~property management,]~~ **in the** department of administrative services, chairperson of the senate  
9 capital budget committee, and chairperson of the house public works and ~~[highway]~~ **highways**  
10 committee. Members of the advisory committee may attend the hearings on capital budget requests,  
11 question those testifying, and contribute their opinions.

12           V. The governor shall select those projects which the governor considers worthy of further  
13 evaluation, and send the requests for the selected projects to the commissioner of administrative  
14 services no later than August 1. The governor may hold additional hearings on capital requests at  
15 the time of the operating budget hearings. If any additional hearing is held after election day, the  
16 governor shall invite the governor-elect to attend.

17           VI. The department of administrative services through its ~~[bureau]~~ **division** of public works  
18 design and construction shall prepare schematic drawings, cost estimates, and program descriptions  
19 and the commissioner of administrative services shall present these, along with any  
20 recommendations, to the governor no later than December 1.

21           327:41 State Government Waste Reduction. Amend RSA 9-C:1 to read as follows:

22           9-C:1 Purpose. State government has an obligation to put into practice, as part of its own  
23 operations, the interdependent principles of waste reduction, recycling, and recycled products  
24 purchase. State agencies shall strive to maximize the application of these principles in their normal  
25 operations. This chapter shall apply to all state agencies, as defined in RSA 9-C:2, V, whether or not  
26 they are required to make purchases through the division of ~~[plant and property management]~~  
27 **procurement and support services in the department of administrative services**.

28           327:42 Definition of Division. Amend RSA 9-C:2, II to read as follows:

29           II. “Division” means the **department of administrative services**, division of ~~[plant and~~  
30 ~~property management]~~ **procurement and support services**.

31           327:43 Reporting. Amend RSA 9-C:10, II(a) to read as follows:

32                   (a) The waste materials that were either recycled or otherwise disposed of by state  
33 agencies during the prior fiscal year by type, quantity, ~~[disposal cost or sales revenue,]~~ and agency.

34           327:44 Fees and Assessments in State Credit Card Contracts. Amend RSA 9-D:1 to read as  
35 follows:

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1           9-D:1 Fees and Assessments in State Credit Card Contracts. Notwithstanding any law to the  
2 contrary, fees, charges, assessments, penalties, and other costs incurred by the state in accordance  
3 with contracts entered into by the department of administrative services for credit card services  
4 under RSA ~~[21-I:11, I(f)]~~ **21-I:11, II(f)** may be paid by the state from revenue to be received under  
5 these contracts.

6           327:45 Clean Air Required. Amend RSA 10-B:2 to read as follows:

7           10-B:2 Clean Air Required.

8           I. The ~~[director of]~~ **administrator of the division of** plant and property ~~[management,~~  
9 ~~department of administrative services]~~, **department of administrative services**, or any other state  
10 agency authorized to build, acquire, or lease building space, shall require that the following facilities  
11 meet clean air standards before they may be used as office space:

12                   (a) After January 1, 1989, any new state building, any existing building acquired by the  
13 state, any building space leased by the state for the first time, or any building bequeathed to the state;

14                   (b) After January 1, 1996, any building space leased by the state either in an original or  
15 renewal lease; and

16                   (c) After January 1, 2000, any building addition or building renovation to a state  
17 building.

18           II. The department of health and human services, shall be responsible for certification in  
19 writing to the ~~[director of]~~ **administrator of the division of** plant and property ~~[management]~~ **in**  
20 **the department of administrative services**, or other appropriate state agency head that the  
21 buildings listed under paragraph I meet the clean air standards. Notwithstanding any provision of  
22 this chapter, the department may establish testing requirements for building space previously  
23 certified under this chapter which are less stringent than testing for building space not previously  
24 certified. Similar less stringent testing requirements may also be established for very small or short-  
25 term leases or both.

26           III. If the state enters into a lease for any building listed under paragraph I which does not  
27 meet the clean air standards, the state may terminate such lease.

28           327:46 Clean Indoor Air in State Buildings; Rules. Amend the introductory paragraph of RSA  
29 10-B:3, I to read as follows:

30           I. The ~~[director of plant and property management shall]~~ **commissioner of the**  
31 **department of administrative services may** adopt rules, under RSA 541-A, relative to:

32                   327:47 Exceptions. Amend RSA 10-B:4, II to read as follows:

33           II. The governor and council, upon recommendation by the ~~[director of]~~ **administrator of**  
34 **the division of** plant and property ~~[management]~~ **in the department of administrative services**  
35 or other state agency authorized to build, acquire, or lease office space, may suspend the enforcement

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1 of all or part of this chapter or any rule adopted under it upon finding that an emergency or hardship  
2 exists which makes compliance with the provisions of this chapter unreasonable.

3 327:48 Capital Budget Overview Committee; Duties. Amend RSA 17-J:4 to read as follows:

4 17-J:4 Duties. The capital budget overview committee shall review the status of capital budget  
5 projects both during and between legislative sessions. Each state agency with capital budget  
6 projects shall report to the department of administrative services, in the format the department of  
7 administrative services prescribes, for the quarters ending September 30, December 31, March 31,  
8 and June 30. The department of administrative services shall combine these reports and present the  
9 summarized report to the capital budget overview committee for review quarterly on the first of  
10 November, February, May, and August. The department of administrative services, ~~bureau~~  
11 **division** of public works **design and construction** shall, within 90 days of the approval of funding  
12 for any capital budget project, submit a timeline or schedule for such project to the capital budget  
13 overview committee for review.

14 327:49 Department of Information Technology; Duties of Commissioner. Amend RSA 21-R:4,  
15 XII to read as follows:

16 XII. Developing, in concert with the department of administrative services, ~~director of plant~~  
17 ~~and property management~~ **division of procurement and support services**, specifications for the  
18 procurement of computer hardware, software, related licenses, media, documentation, support and  
19 maintenance services, and other related services.

20 327:50 Purchasing Policy. Amend RSA 21-R:8-a, II to read as follows:

21 II. For purposes of this section, "agency" shall have the meaning defined in RSA ~~21-I:11,~~  
22 ~~I(b)]~~ **21-I:11, II(b)**, but shall not include those agencies exempt under RSA 21-I:18 from the  
23 provisions of RSA 21-I.

24 327:51 Hillsborough County Competitive Bidding. Amend RSA 28:8-e, VI to read as follows:

25 VI. Competitive bidding by a department shall not be required if items can be procured  
26 through the ~~division of purchase and property~~ **state of New Hampshire, department of**  
27 **administrative services, division of procurement and support services** either by direct  
28 purchase or from the state supplier at the state price, provided the department files a full report  
29 with the county commissioners and with the executive committee.

30 327:52 Amount of Coverage. Amend RSA 93-B:3 to read as follows:

31 93-B:3 Amount of Coverage. The ~~director of the~~ **department of administrative services,**  
32 ~~division of purchase and property~~ **procurement and support services** shall purchase such  
33 blanket bond or bonds as required under this chapter or as otherwise specified by law.

34 327:53 State Facilities. Amend RSA 135-C:4, I-a to read as follows:

35 I-a. The commissioner shall have charge of the interior maintenance and grounds of the  
36 acute psychiatric services building, ~~the Anna Philbrook center, the Tobey School building,~~ and all

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1 transitional buildings including the Howard recreation building, located on the campus of the  
2 New Hampshire hospital as described in RSA 4:39-a.

3 327:54 Liquor Commission; State Stores. Amend RSA 177:1 to read as follows:

4 177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state,  
5 such stores, state-owned warehouses, supplies as defined in RSA ~~[21-I:11, I(a)]~~ **21-I:11, II(a)**, and  
6 other materials, goods, and services as are necessary for, incidental to, or related to the operation of  
7 the liquor commission retail and wholesale operations. The commission may lease, in the name of  
8 the state, space in state stores for the purpose of installing automated teller machines. No newly  
9 established state store shall be operated within 200 feet of any public or private school, church,  
10 chapel, or parish house.

11 327:55 Purchases. Amend RSA 206:22-b to read as follows:

12 206:22-b Purchases. The executive director may purchase such merchandise for resale and such  
13 operating supplies and materials as may be necessary for the operation of the department. Items for  
14 resale may be purchased in accordance with RSA 21-I:18, I(k). All operating supplies and materials  
15 shall be purchased through the ~~[director of plant and property management]~~ **department of**  
16 **administrative services, division of procurement and support services**. Such purchases shall  
17 be a charge upon the revolving fund established in RSA 206:22-a

18 327:56 Procuring Insurance. Amend RSA 218:6 to read as follows:

19 218:6 Procuring Insurance. The director of the division of parks and recreation, subject to the  
20 approval of the commissioner of resources and economic development, shall have power to protect  
21 merchandise purchased for resale situated in the forestry and recreation building at Franconia  
22 Notch, Franconia, New Hampshire, against fire and water damage, and such insurance shall be  
23 purchased through the ~~[director of purchase and property]~~ **department of administrative**  
24 **services, division of procurement and support services**.

25 327:57 State Reservations; Purchases. Amend RSA 219:21, I to read as follows:

26 I. The commissioner of resources and economic development may purchase such  
27 merchandise for resale and such operating supplies and materials as may be necessary for the  
28 operation of the department of resources and economic development. Items for resale may be  
29 purchased in accordance with RSA 21-I:18, V. All operating supplies and materials shall be  
30 purchased through the ~~[director of plant and property management]~~ **department of**  
31 **administrative services, division of procurement and support services**. Such purchases shall  
32 be a charge upon an inventory account established upon recommendation of the commissioner of  
33 administrative services and approved by the governor and council. The commissioner shall report  
34 monthly to the commissioner of administrative services the value of issues out of inventory and the  
35 appropriation account to be charged therefor. The inventory account shall be credited with issues  
36 out of inventory. Such purchases shall be a charge upon an inventory account maintained in the

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1 office of the commissioner of administrative services and the state treasurer, upon presentation by  
2 the commissioner of administrative services of manifests covering such merchandise, supplies and  
3 materials, is authorized to pay the same from any money in the treasury not otherwise appropriated.

4 327:58 Insurance. Amend RSA 227:2 to read as follows:

5 227:2 Insurance. The department shall procure liability insurance through the [~~director of~~  
6 ~~purchase and property~~] **department of administrative services, division of procurement and**  
7 **support services.**

8 327:59 Department of Transportation. Amend RSA 228:6, IV to read as follows:

9 IV. Upon request of the [~~director of plant and property management~~] **department of**  
10 **administrative services, division of procurement and support services**, inspect and test, and  
11 advise the acceptance or rejection of, all materials and supplies purchased by the [~~division of plant~~  
12 ~~and property management~~] **division of procurement and support services.**

13 327:60 Inventory Fund. Amend RSA 228:24 to read as follows:

14 228:24 Inventory Fund. There is hereby established a department of transportation inventory  
15 fund not to exceed \$2,000,000, which sum is hereby not otherwise appropriated. The commissioner  
16 of transportation may purchase, through the [~~division of property and plant management~~]  
17 **department of administrative services, division of procurement and support services**, such  
18 operating materials and supplies as may be necessary for the operation of the department which  
19 shall be a charge against said fund. Materials or supplies requisitioned therefrom by a division of  
20 the department or by other state departments shall upon delivery be a charge against the funds of  
21 such division or other state department. All sales of materials and supplies from the inventory shall  
22 be credited to the inventory fund and are hereby appropriated to and made available for  
23 expenditures from the inventory fund. The commissioner shall transfer from the inventory fund to  
24 the highway fund the total amount paid by divisions of his department or other state departments  
25 into said fund in excess of the cost of any materials or supplies purchased therefrom.

26 327:61 Motor Fuel Inventory Fund. Amend RSA 228:24-a, I to read as follows:

27 I. There is hereby established a motor fuel inventory fund not to exceed \$1,000,000, which  
28 sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not  
29 otherwise appropriated. The commissioner of transportation may purchase, through the [~~division of~~  
30 ~~property and plant management~~] **department of administrative services, division of**  
31 **procurement and support services**, such amounts of motor fuels as may be necessary for the  
32 operation of an automated state fleet fuel distribution and records management system. The  
33 commissioner is further authorized to sell motor fuel from the motor fuel inventory to all  
34 departments and institutions of the state, political subdivisions of the state, eligible nonprofit  
35 corporations operating transportation under contract with the department of transportation for  
36 elderly or disabled persons, or for the general public and agencies of the federal government. The

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1 commissioner is authorized to assess a fair and equitable charge with respect to the sale of motor  
2 fuel sufficient to defray all administrative, transportation, storage, amortization, and other costs  
3 incurred by the department in administering this account sufficient to fully reimburse the inventory  
4 fund.

5 327:62 Equipment Inventory Fund. Amend RSA 228:24-b, II to read as follows:

6 II. The commissioner of transportation, through the [~~division of property and plant~~  
7 ~~management~~] **department of administrative services, division of procurement and support**  
8 **services**, may purchase such equipment as is necessary for the operation of the department's motor  
9 vehicle fleet and construction equipment fleet.

10 327:63 Inventory Fund. Amend RSA 228:25, IV to read as follows:

11 IV. If the state prison shop is unable to manufacture or deliver reflectorized motor vehicle  
12 plates in a timely manner because of an emergency interruption resulting from a riot or other  
13 unforeseen cause, as determined by the commissioner of corrections or the commissioner of safety,  
14 the commissioners shall submit a written report to the governor and council and shall request that  
15 an outside vendor be retained to manufacture said plates. If at any time the commissioner of safety  
16 or the commissioner of corrections determines that the prison cannot produce number plates at a  
17 competitive price or meet reasonable delivery schedules, the commissioner of safety shall report to  
18 the fiscal committee of the general court and the governor and council, and shall request that an  
19 outside vendor be retained to manufacture the plates. Upon approval of the governor and council,  
20 the commissioner of safety shall request the [~~director of plant and property management~~]  
21 **department of administrative services, division of procurement and support services** to  
22 select an outside vendor in accordance with RSA 8:19.

23 327:64 Unemployment Compensation Fund. Amend RSA 282-A:104, III to read as follows:

24 III. The benefit account shall consist of all moneys requisitioned from this state's account in  
25 the unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and  
26 benefit accounts may be deposited by the treasurer in any bank or public depository in which general  
27 funds of the state may be deposited; but no public deposit insurance charge or premium shall be paid  
28 out of said fund. The treasurer shall give a bond conditioned upon the faithful performance of his  
29 duties, including those as custodian of the fund, in the amount of \$300,000. Premiums for said bond  
30 shall be paid from the unemployment compensation and employment service administration fund.  
31 Said bond shall be purchased by the [~~division of purchase and property~~] **department of**  
32 **administrative services, division of procurement and support services**.

33 327:65 Bonds. Amend RSA 282-A:111 to read as follows:

34 282-A:111 Bonds. The commissioner and the deputy commissioner shall each give a bond in the  
35 amount of \$150,000 conditioned upon the faithful performance of his duties under this chapter.  
36 Premiums for such bonds shall be paid from the unemployment compensation and employment

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1 service administration fund and purchased by the department of administrative services, division of  
2 ~~[plant and property management]~~ **procurement and support services**.

3 327:66 Insurance Authorized. Amend RSA 284:21-hh to read as follows:

4 284:21-hh Insurance Authorized. The commission is hereby authorized to purchase such  
5 insurance as it may deem necessary or desirable to insure itself, the state of New Hampshire and its  
6 ticket sales agents against any claims which may arise out of the acts or omissions of any such agent  
7 in connection with or in any way related to the sale of tickets. Such insurance shall be purchased on  
8 behalf of the commission by the ~~[division of purchase and property pursuant to RSA 8:10, IX]~~  
9 **department of administrative services, division of procurement and support services**.

10 327:67 Property Held in State Agency Storage Rooms. Amend RSA 471-C:14 to read as follows:

11 471-C:14 Property Held in State Agency Storage Rooms. Notwithstanding any other law to the  
12 contrary, all noncontraband abandoned or lost property having a value of less than \$250 which has  
13 been held in a state agency storage room for a period of at least 60 days may be disposed of by the  
14 state agency after the agency has made a good faith effort to return the property to the owner, if  
15 known. If the owner cannot be determined or the property cannot be returned for any other reason,  
16 the property shall be transferred to the ~~[division of plant and property management]~~ **department of**  
17 **administrative services, division of procurement and support services** to be sold at public  
18 auction with the proceeds to be turned over to the state treasurer. The state shall be free of all  
19 liability for any claim thereafter arising or made with respect to property disposed of under this  
20 section.

21 327:68 Coastal Risk and Hazards Commission. Amend RSA 483-E:2, I(e) to read as follows:

22 (e) The administrator of the ~~[bureau]~~ **division** of public works design and construction  
23 **in the department of administrative services**, or designee.

24 327:69 Insurance. Amend RSA 485-A:53 to read as follows:

25 485-A:53 Insurance. The department shall purchase insurance, including extended coverage  
26 insurance, to protect the pollution control facilities administered under this subdivision against fire,  
27 vandalism, and malicious mischief, and to provide liability, general and pollution, protection for the  
28 facilities. Such insurance shall be purchased through the ~~[director of plant and property management]~~  
29 **department of administrative services, division of procurement and support services**, after  
30 consultation with the attorney general as to the amount of coverage, the cost of which shall be included  
31 in the user fee. If the department determines that any of the foregoing insurance is unavailable or  
32 uneconomical, it may request the governor and council to waive the provisions of this section. Any  
33 waiver granted pursuant to this section shall apply only to the fiscal year in which such waiver is  
34 granted. Nothing in this section shall be construed as a waiver of the state's sovereign immunity  
35 regardless of the department's ability to procure the types of insurance described in this section.

36 327:70 Provision of Products for State Agencies. Amend RSA 622:28 to read as follows:

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1           622:28 Provision of Products for State Agencies. No articles or supplies, except printing, such as  
2 are manufactured at the state prisons or for the state prisons in accordance with arrangements with  
3 other prison systems shall be purchased from any other source for the state or its departments or  
4 institutions if ~~[the director of plant and property management]~~ **the division of procurement and**  
5 **support services in the department of administrative services** determines that such purchases  
6 may be made at fair market value. The commissioner of corrections will advise the ~~[director of plant~~  
7 ~~and property management]~~ **division of procurement and support services in the department of**  
8 **administrative services** as to what articles or supplies are available for purchase and their current  
9 prices.

10           327:71 Transfer Authority; Construction of Prior Laws, Contracts, and Rules.

11           I. All provisions of chapter law that remain in effect and refer to the department of  
12 administrative services' division of plant and property management shall be construed so as to apply  
13 to the appropriate division described in this act. All provisions of chapter law that remain in effect  
14 and refer to the division of plant and property management's bureau of public works design and  
15 construction, including but not limited to 2005, 291:1, V, shall be construed so as to apply to the  
16 department of administrative services' division of public works design and construction.

17           II. Rules and procedures which relate to the division of plant and property management  
18 shall be construed so as to apply to the appropriate divisions described in this act. Subject to the  
19 foregoing, administrative rules adopted by the commissioner of administrative services as to  
20 functions performed by, within, or through the division of plant and property management shall  
21 remain in effect and continue in effect until repealed, amended, replaced, expired, or superseded by  
22 rules adopted by the commissioner of administrative services.

23           III. Any and all documents entered into by the division of plant and property management  
24 or any of its subunits, including but not limited to contracts, agreements, requests for proposals,  
25 requests for bids, requests for quotes, purchase orders, and other items shall be construed to apply to  
26 the appropriate division established under this act.

27           327:72 Transfer of Authority under RSA 21-I:11 and RSA 21-I:12. Pursuant to RSA 21-I:11 and  
28 RSA 21-I:12, as repealed and reenacted in sections 6 and 10 of this act, all powers, duties, and  
29 obligations of the division of plant and property management, and all bureaus or other subunits  
30 within the division, shall be transferred to the newly established divisions and their subunits  
31 without interruption or delay on the effective date of this act. The transfer shall include, but not be  
32 limited to, all personnel, equipment, and funding of the former division of plant and property  
33 management and its subunits. The department of administrative services may make such changes to  
34 the accounting structure and budgetary allocations for the biennium ending June 30, 2015 as it  
35 concludes are necessary or appropriate to effectuate and accommodate the changes made by this act.

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1           327:73 Renovation of Littleton Readiness Center. Notwithstanding the provisions of RSA 21-  
2 I:85 or any provision of law to the contrary, in the event federal funds available to the adjutant  
3 general for project number 80731R for the renovation of the Littleton Readiness Center for project  
4 design and oversight are not sufficient to reimburse the department of administrative services,  
5 division of public works design and construction, the adjutant general may enter into the federal  
6 procurement process for the design and construction of said project.

7           327:74 Adjutant General's Department; Transfers Authorized. For the biennium ending June  
8 30, 2015, notwithstanding the provisions of RSA 9:16-a, RSA 9:17, RSA 9:17-a, RSA 9:17-c, or any  
9 other law to the contrary, the commissioner of administrative services, upon the request of the  
10 adjutant general and with the approval of the fiscal committee of the general court, is authorized to  
11 transfer from any and all accounting units and class codes of the budget of the adjutant general into  
12 any utilities class line in the budget of the adjutant general, regardless of funding source or mix,  
13 sufficient funds to cover obligations for utilities.

14           327:75 Division of Accounting Services. Amend the introductory paragraph of RSA 21-I:8 to  
15 read as follows:

16 There is hereby established within the department the division of accounting services under the  
17 supervision of an unclassified director of accounting services, who shall also be known as the  
18 comptroller. The comptroller shall direct the state's accounting functions, using generally accepted  
19 accounting principles and taking full advantage of all benefits of automated data processing  
20 applications, to the end that the fiscal affairs of all state agencies and departments will be  
21 adequately and uniformly serviced and that periodic financial and management reports will be  
22 available to serve the various needs of all state agencies and the executive and legislative branches  
23 in their decision making processes. [~~The commissioner of administrative services may authorize~~  
24 ~~deviations from generally accepted accounting principles if the commissioner deems it is in the best~~  
25 ~~interest of the state, provided that the explanation for the deviation is provided in the annual report~~  
26 ~~required by subparagraph II(a).~~] ***If the commissioner of administrative services and the***  
27 ***respective state agencies are unable to generate any required information that, in***  
28 ***accordance with generally accepted accounting principles, should be provided with the***  
29 ***comprehensive annual financial report and any stand-alone financial statements***  
30 ***identified in subparagraphs II(b) and II(c), the commissioner shall communicate this***  
31 ***deviation in advance to the legislative budget assistant as soon as the deviation is known.***

32 The division shall include the following internal organizational units:

33           327:76 Division of Accounting Services; Reporting Requirements. Amend RSA 21-I:8, II(b) to  
34 read as follows:

35                   (b) ***Assisting the department of transportation turnpike system, liquor***  
36 ***commission, and lottery commission in the completion of separate, stand-alone financial***

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1 *statements for the preceding fiscal year that detail the financial condition and operation*  
2 *of each entity in a manner consistent with generally accepted accounting principles. The*  
3 *statements shall be available no later than 90 days after the close of the fiscal year, unless*  
4 *the governor and council for good cause shall extend such period. One or more of the*  
5 *statements may be subsequently audited by the legislative budget assistant, who may*  
6 *designate a certified public accountant not employed in state service to conduct the audit*  
7 *and may accept the findings and report of the certified public accountant as fulfilling the*  
8 *provisions of this subparagraph; provided that in either case the audits shall be conducted*  
9 *in accordance with prevailing standards and practices of governmental auditing specified*  
10 *by authoritative national standard setting bodies. Any audited statements shall be*  
11 *completed and available to the public by December 31 of each year unless for good cause*  
12 *the fiscal committee of the general court shall extend such period. If the department of*  
13 *transportation turnpike system, liquor commission, or lottery commission elect to use the*  
14 *statements as the basis for a comprehensive annual financial report, the report shall be*  
15 *reviewed and approved by the department of administrative services prior to issuance.*

16 (c) *Cooperating with the office of legislative budget assistant by assisting, as*  
17 *necessary, any state department, board, institution, commission, or agency, in the*  
18 *preparation of financial statements in a manner consistent with generally accepted*  
19 *accounting principles when such entity is subject to an audit performed by the audit*  
20 *division of the office of legislative budget assistant pursuant to RSA 14:31-a, I.*

21 (d) Producing periodic reports and analysis of government revenues and expenditures.

22 327:77 Department of Information Technology; Position of Deputy Commissioner Established.  
23 Amend RSA 21-R:3 to read as follows:

24 21-R:3 Commissioner; ***Deputy Commissioner***; Directors; Compensation.

25 I. The commissioner of the department of information technology shall be appointed by the  
26 governor, with the advice and consent of the council, and shall serve for a term of 4 years. The  
27 commissioner shall be academically and technically qualified to hold the position, and shall be  
28 known as the chief information officer. A vacancy shall be filled for the remainder of the unexpired  
29 term in the same manner as the original appointment.

30 ***I-a. The commissioner of the department of information technology shall nominate***  
31 ***for appointment by the governor, with the consent of the executive council, a deputy***  
32 ***commissioner of the department of information technology, who shall serve for a term of 4***  
33 ***years and shall be qualified to hold that position by reason of education and experience.***  
34 ***The deputy commissioner shall perform such duties as may be assigned by the***  
35 ***commissioner, which may include, but not be limited to, the authority and power with***

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1 *approval of the commissioner to direct and supervise the operation and administration of*  
2 *any division of the department.*

3 II.(a) The commissioner shall nominate the following division directors for appointment by  
4 the governor, with the consent of the council:

- 5 (1) The director of operations.
- 6 (2) The director of technical support services.
- 7 (3) The director of web support.
- 8 (4) The director of agency software.

9 (b) Division directors shall serve for a term of 4 years and shall be qualified by reason of  
10 professional competence, education, and experience.

11 III. The salaries of the commissioner, *deputy commissioner*, and division directors shall be  
12 as specified in RSA 94:1-a.

13 327:78 Salary of Deputy Commissioner of the Department of Information Technology. The  
14 salary of the deputy commissioner of the department of information technology established in section  
15 77 of this act shall be determined after assessment and review of the appropriate temporary letter  
16 grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d  
17 and RSA 14:14-c. Upon completion of this action and appointment of the deputy commissioner,  
18 position 9U451 shall be abolished to allow for the transition of this unclassified position with its  
19 available appropriations into the unclassified position of deputy commissioner.

20 327:79 Applicability. Section 77 of this act shall take effect upon the abolition of position 9U451,  
21 the transfer of funding and appropriation to the unclassified position and the initial appointment of  
22 the deputy commissioner of the department of information technology, as certified by the  
23 commissioner of the department of information technology to the director of legislative services.

24 327:80 Effective Date.

25 I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

26 II. Section 77 of this act shall take effect as provided in section 79 of this act.

27 III. The remainder of this act shall take effect upon its passage.

28 Approved: Enacted in accordance with Part II, Article 44 of the N.H. Constitution, without the  
29 signature of the Governor, August 2, 2014

30  
31 Effective Date: I. Sections 2 and 3 shall take effect as provided in section 4.

32 II. Section 77 shall take effect as provided in section 79.

33 III. Remainder shall take effect August 2, 2014.