

HB 445 - AS INTRODUCED

2021 SESSION

21-0685

10/06

HOUSE BILL **445**

AN ACT relative to competitive bidding in Carroll county.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Avellani, Carr. 5; Rep. Marsh, Carr. 8; Rep. J. Smith, Carr. 5; Rep. Nelson, Carr. 5; Rep. Crawford, Carr. 4; Rep. Bucu, Carr. 2; Rep. Deshaies, Carr. 6

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes a procedure for competitive bidding for purchases made by Carroll county.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to competitive bidding in Carroll county.

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

1 1 New Section; Counties; Competitive Bidding; Carroll County. Amend RSA 28 by inserting
2 after section 8-f the following new section:

3 28:8-g Competitive Bidding; Carroll County. Notwithstanding RSA 28:8, the procedures for
4 competitive bidding in Carroll county shall be as follows:

5 I. All purchases made by Carroll county for materials, equipment, supplies, services,
6 insurance, building repairs or any other item, in an amount exceeding \$5,000 shall be by competitive
7 bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for
8 purchases to be delivered at different times where the single delivery may be less than \$5,000, but
9 the total order exceeds that amount shall be construed as coming within the provisions of this
10 section requiring competitive bidding.

11 II. In determining "lowest responsible bidder," in addition to price, the following shall be
12 considered:

13 (a) The ability, capacity, and skill of the bidder to perform the contract or provide the
14 service required;

15 (b) Whether the bidder can perform the contract or provide the service promptly, or
16 within the time specified, without delay or interference;

17 (c) The character, integrity, reputation, judgment, experience, and efficiency of the
18 bidder;

19 (d) The quality of performance of previous contracts or services;

20 (e) The previous and existing compliance by the bidder with laws and ordinances
21 relating to the contract or service;

22 (f) The sufficiency of the financial resources and ability of the bidder to perform the
23 contract or provide the service;

24 (g) The quality, availability, and adaptability of the supplies or contractual services to
25 the particular use required;

26 (h) The ability of the bidder to provide future maintenance and service for the use of the
27 subject of the contract; and

28 (i) The number and scope of conditions attached to the bid.

29 III. If the award for a purchase is made to other than the lowest bidder, a unanimous vote of
30 the county commissioners is required. The reason for such an award shall be recorded, provided to
31 the executive committee for review, and made available to the public.

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1 IV. All bids in an amount exceeding \$5,000 sought pursuant to this section shall be subject
2 to review by the executive committee. Nothing in this chapter shall be construed to prevent the
3 executive committee from establishing further guidelines and procedures to be followed in
4 purchasing and bidding.

5 V. If the cost of the service is fixed by law, competitive bidding shall not be required.

6 VI. If the proposed purchase is manufactured by only one company as a sole source, or if it is
7 deemed advisable to make a purchase from a specific company to reduce costs of maintaining
8 additional parts, the county commissioners, at the request of the department concerned, may waive
9 competitive bidding procedures, subject to review of this decision by the executive committee.

10 VII. Competitive bidding shall not be required if items can be procured through the state of
11 New Hampshire, department of administrative services, division of procurement and support
12 services either by direct purchase or from the state supplier at the state price or other government
13 price, as provided to the executive committee for its review.

14 VIII. No agreement or contract entered into by the county shall include an automatic
15 renewal clause.

16 IX. Competitive bidding shall be interpreted to include guaranteed annual cost purchasing
17 whenever applicable whenever this factor is considered to be of value in obtaining the lowest possible
18 annual cost for the department, insofar as this is in agreement with the line item budget
19 appropriation established in the county budget.

20 X. In case of an emergency which requires immediate purchase of supplies or contractual
21 services, the department concerned may secure by open market procedure, at the lowest obtainable
22 price, any supplies or contractual services regardless of the amount of the expenditure. A full report
23 of the circumstances of the emergency purchase shall be filed with the county commissioners and
24 with the executive committee and shall be open to public inspection.

25 XI. Any person who violates any of the provisions of this section shall be guilty of a
26 misdemeanor.

27 2 Effective Date. This act shall take effect 60 days after its passage.