

CHAPTER 126
HB 284 - FINAL VERSION

16Mar2023... 0645h

2023 SESSION

23-0140
06/08

HOUSE BILL

284

AN ACT relative to financial information regarding requests for bids and proposals and to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding.

SPONSORS: Rep. Aron, Sull. 4; Rep. Potucek, Rock. 13; Rep. Rollins, Sull. 3; Rep. Plett, Hills. 29; Rep. Stapleton, Sull. 6

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill modifies what is prohibited from being made available to the public regarding information relative to RFB, RFP, or RFA cancellations. This bill also increases the minimum value of county contracts subject to competitive bidding and makes this value consistent across all counties.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to financial information regarding requests for bids and proposals and to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding.

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

1 126:1 Organization of Executive Branch; Financial Information Regarding Requests for Bids and
2 Proposals. Amend RSA 21-G:37, VI(a) to read as follows:

3 VI.(a) When an agency cancels an RFB, RFP, RFA, or similar request for submission, terminates
4 the selection process, or otherwise does not select a bidder, no information, other than a notification of the
5 cancellation or termination ***and information unrelated to the other bids or bidders***, shall be available to the
6 public or to the members of the general court or its staff concerning the RFB, RFP, RFA, or similar request
7 for submission, notwithstanding the provisions of RSA 91-A:4, for a period of 2 years following the
8 cancellation, termination, or other non-selection, subject to subparagraph (b).

9 126:2 New Paragraph; Organization of Executive Branch; Financial Information Regarding Requests
10 for Bids and Proposals. Amend RSA 21-G:37 by inserting after paragraph VII the following new
11 paragraph:

12 VIII. Nothing in this chapter shall be construed as a justification to avoid answering questions
13 posed by the public or members of the general court that are unrelated to information regarding other bids
14 or bidders to an RFB, RFP, RFA, or similar submission.

15 126:3 Repeal. RSA 28:8-f, relative to competitive bidding in Rockingham county, is repealed.

16 126:4 Competitive Bidding on Purchases. Amend RSA 28:8 to read as follows:

17 28:8 Competitive Bidding on Purchases.

18 ***I. The provisions of this section shall apply to all counties in the state and the offices of county***
19 ***sheriff, county attorney, county treasurer, and register of deeds.***

20 ***II.*** Any purchase of equipment or materials made by a county in an amount exceeding [\$5,000]
21 ***\$10,000*** shall be by competitive bidding, provided that the county commissioners by unanimous vote may
22 waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be
23 recorded in their offices with a statement of the reason therefor and such record shall be open to public
24 inspection. Orders for equipment or material to be delivered at different times where the single delivery
25 may be less than [\$5,000] ***\$10,000***, but the total order exceeds that amount shall be construed as coming
26 within the provisions hereof requiring competitive bidding.

27 126:5 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, I to read as follows:

28 I. All purchases made by Hillsborough County for materials, equipment, supplies, services,
29 insurance, building repairs or any other item, in an amount exceeding [\$5,000] ***\$10,000*** shall be by
30 competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders
31 for purchases to be delivered at different times where the single delivery may be less than [\$5,000]

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1 ***\$10,000***, but the total order exceeds that amount shall be construed as coming within the provisions of
2 this section requiring competitive bidding.

3 126:6 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, III to read as follows:

4 III. All bids in an amount exceeding [~~\$5,000~~] ***\$10,000*** sought pursuant to this section shall be
5 subject to review by the executive committee. Nothing in this chapter shall be construed to prevent the
6 executive committee from establishing further guidelines and procedures to be followed in purchasing and
7 bidding.

 126:7 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 30, 2023

Effective Date: August 29, 2023