

HB 559-FN – AS INTRODUCED

2005 SESSION

05-0579

05/10

HOUSE BILL 559-FN

AN ACT establishing a preference for New Hampshire vendors in state procurement contracts.

SPONSORS: Rep. Hinkle, Hills 19; Rep. Cloutier, Sull 4

COMMITTEE: Public Works and Highways

ANALYSIS

This bill establishes a state procurement preference for purchases of materials, equipment, supplies, and services by the director of the division of plant and property management.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 New Section; Department of Administrative Services; Certain State Contracts; State Procurement Preference. Amend RSA 21-I by inserting after section 21 the following new section:

21-I:21-a State Procurement Preference.

I. When evaluating proposals for contracts for the purchase of materials, equipment, supplies, and services under RSA 21-I:11, the director of the division of plant and property management shall give a preference to vendors, suppliers, and contractors who have a significant presence in the state if the total value of the contract is \$100,000 or more or the value of the supplies and products to be purchased is \$10,000 or more. A single purchase may not be divided into multiple lots, bids, or deliveries expressly for the purpose of reducing the cost to less than \$10,000, thereby exempting the purchase from this section. In determining whether a vendor, supplier, or contractor has a significant presence in the state, the director of the division of plant and property management shall consider whether the vendor, supplier, or contractor has a physical address and place of business in the state, pays the business profits tax or business enterprise tax, and meets such additional criteria as the commissioner may establish.

II. In the case of services provided in connection with a project of \$100,000 or more, the vendor shall provide written certification that the work shall be performed by citizens of the United States who reside in the United States, or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States; provided, that they do not constitute more than 20 percent of the work force employed in providing such services to the state.

III. The director shall apply a 5 percent preference to the bid price of vendors, suppliers, and contractors who meet the criteria established in paragraph I and, if applicable, paragraph II. For proposals or bids of more than \$35,000, if the provider certifies that the products, supplies, or equipment are assembled, processed, produced, mined, grown, or manufactured in New Hampshire, a 10 percent preference shall be applied.

IV. The director also shall apply a reciprocal preference policy in considering the bid price of out-of-state vendors, suppliers, and contractors. The director shall add the same percentage to such bids as would be given to an out-of-state vendor, supplier, or contractor that would be applied to an out-of-state bid in its home state.

V. If there is a tie, when price, quality, availability, and other factors are equivalent, the contract shall be awarded to the in-state bidder.

2 New Paragraph; Department of Administrative Services; Rulemaking Authority; State Procurement Preference. Amend RSA 21-I:14 by inserting after paragraph XV the following new paragraph:

XVI. Standards and procedures governing the state procurement preference established in RSA 21-I:21-a.

3 Effective Date. This act shall take effect July 1, 2005.

LBAO

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