Rep. Schuett, Merr. 12
February 22, 2023
2023-0645h
06/05

Amendment to HB 284

Amend the title of the bill by replacing it with the following:

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.

Amend the bill by replacing all after section 2 with the following:

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 RSA 28:8-f, relative to competitive bidding in Rockingham county, is repealed.

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

28:8 Competitive Bidding on Purchases.

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

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

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

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

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

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

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

2023-0645h

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.

HB 284 - AS INTRODUCED

2023 SESSION

23-0140
06/08

HOUSE BILL ***284***

AN ACT relative to financial information regarding requests for bids and proposals.

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

ANALYSIS

This bill modifies what is prohibited from being made available to the public regarding information relative to RFB, RFP, or RFA cancellations.

- -

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.

HB 284 - AS INTRODUCED

23-0140
06/08

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.

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

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

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

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

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

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

CONSENT CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 284,

AN ACT relative to financial information regarding requests for bids and proposals. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Dianne Schuett

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Executive Departments and Administration**
Bill Number:	**HB 284**
Title:	**relative to financial information regarding requests for bids and proposals.**
Date:	**March 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0645h**

STATEMENT OF INTENT

This bill modifies what information is prohibited from being made available to the public regarding information relative to cancellation of bids, so as not to advantage or disadvantage future responses to reissued bids. The amendment increases the minimum value of county contracts subject to competitive bidding from $5,000 to $10,000 and makes this value consistent across all counties. This increase was requested by the Association of Counties on behalf of all counties in the state.

Vote 20-0.

Rep. Dianne Schuett
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 284, relative to financial information regarding requests for bids and proposals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill modifies what information is prohibited from being made available to the public regarding information relative to cancellation of bids, so as not to advantage or disadvantage future responses to reissued bids. The amendment increases the minimum value of county contracts subject to competitive bidding from $5,000 to $10,000 and makes this value consistent across all counties. This increase was requested by the Association of Counties on behalf of all counties in the state. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB284 Date: 2/16/23

Committee: ED&A

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
REP. JOHN POTUCEK		ROCK. 13		✓	
Commissioner Brian Chirichiello		Rockingham County		✓	
REP. JESS EDWARDS		ROCK 31	AS AMENDED	X	

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 284

BILL TITLE: **relative to financial information regarding requests for bids and proposals.**

DATE: **February 16, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **2:08 p.m.**

Time Adjourned: **2:40 p.m.**

Committee Members: Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, T. Dolan, Abare, Gerhard, Grote, Goley, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

Bill Sponsors:

Rep. Aron	**Rep. Potucek**	**Rep. Rollins**
Rep. Plett	**Rep. Stapleton**	

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- *Rep. Judy Aron*
  - Sullivan 4
  - Sponsor of HB284. Explained RFB, RFA and RFP and the intention of the bill and its amendment.
- Brian Chirichielllo
  - Rockingham County
  - Supports amendment.
- *Derek Ferland*
  - Sullivan County
  - Supports HB284 and amendment. Gave examples of why this bill would protect bidders. Believes there is a lack of clarity with the way the process is currently laid out.

Respectfully Submitted,

Rep Shane Sirois, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB284 on 2

Support: 13 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Kivikoski, Alison	Brentwood, NH akivikoski@co.rockingham.nh.us	A Member of the Public	Myself	Support	No	Yes	
Ahern, Commissioner Omer	Wentworth, NH omer.ahern.jr@gmail.com	An Elected Official	Grafton County	Support	No	Yes	
Labore, Craig	North haverhill, NH clabore@graftoncountynh.gov	A Member of the Public	Grafton County	Support	No	Yes	
Pappas, Commissioner Toni	Manchester, NH tonipappas@aol.com	An Elected Official	Hillsborough COunty	Support	No	Yes	
Henry, Jason	Bentwood, NH jhenry@co.rockingham.nh.us	A Member of the Public	Rockingham County	Support	No	Yes	
Nickerson, Charles	Brentwood, NH cnickerson@co.rockingham.nh.us	A Member of the Public	Rockingham County	Support	No	Yes	
Cushman, Travis	Boscowen, NH tcushman@mcdoc.net	A Member of the Public	Merrimack County	Support	No	Yes	
Coates, Chris	Keene, NH ccoates@co.cheshire.nh.us	A Member of the Public	Cheshire County	Support	No	Yes	
Richardson, Shelley	Laconia, NH srichardson@belknapcounty.gov	A Member of the Public	Belknap County	Support	No	Yes	
Beede, Lynn	Berlin, NH Lynn.Beede@cooscountynh.us	A Member of the Public	Coos County	Support	No	Yes	
Shackett, Debra	Laconia, NH dshackett@belknapcounty.gov	A Member of the Public	Belknap County	Support	No	Yes	
Costanzo, Joe	Manchester, NH joseph.costanzo@hcnh.gov	A Member of the Public	Hillsborough County	Support	No	Yes	
Fish, Jen	Berlin, NH jennifer.fish@cooscountynh.us	A Member of the Public	Coos County	Support	No	Yes	

284

SULLIVAN COUNTY

Serving the communities of
Acworth, Charlestown, Claremont, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Newport, Plainfield, Springfield, Sunapee, Unity & Washington

Board of Commissioners
14 Main Street
Newport, NH 03773
(603)863-2560
Fax (603)863-9314
commissioners@sullivancountynh.gov

County Manager
14 Main Street
Newport, NH 03773
(603)863-2560
Fax (603)863-9314
manager@sullivancountynh.gov

Dept. of Corrections
103 County Farm Road
Unity, NH 03743
(603)542-8717
Fax (603)542-0239
doc@sullivancountynh.gov

Facilities & Operations
5 Nursing Home Drive
Unity, NH 03743
(603)542-9511 x230
Fax (603)542-2829
facilities@sullivancountynh.gov

Human Resources & Payroll
5 Nursing Home Drive
Unity, NH 03743
(603)542-9511 x286
Fax (603)542-9214
humanresources@sullivancountynh.gov

Natural Resources
95 County Farm Road
Unity, NH 03743
(603)542-4891
Fax (603)542-2829
naturalresources@sullivancountynh.gov

Sullivan County Health Care
5 Nursing Home Drive
Unity, NH 03743
(603)542-9511
Fax (603)542-9214
nursinghome@sullivancountynh.gov

February 16, 2023

The Honorable Carol McGuire
Chair, Executive Departments and Administration Committee
107 N Main St, Room 306
Concord NH 03303

Dear Chair McGuire and Honorable Members of the Committee,

This letter includes an attachment that provides additional background information in support of HB 284, relative to financial information regarding requests for bids and proposals.

The attachment contains excerpts of actual emails I received regarding a request for grant application (RGA) to demonstrate how RSA 21-G:37 is misinterpreted. I chose this format to avoid publicly disparaging this particular department because that is not my intent. I am more interested in a finding a common sense solution that will help all Executive Departments correctly apply RSA 21-G:37 in the future.

Thank you for your consideration of my testimony today in support of HB 284.

Sincerely,

Derek R. Ferland
Sullivan County Manager

Attachment:
Timeline with Email Excerpts Related to RGA-2020-XYZ

cc: Sullivan County Delegation
Sullivan County Board of Commissioners

ATTACHMENT: TIMELINE WITH EMAIL EXCERPTS RELATED TO RGA-2020-XYZ

1. **APRIL 30, 2020:** RGA submittals due.

2. **MAY 27, 2020:** Email from me: "I was wondering if you have any updates on the subject grant application we submitted last month."

3. **JUNE 4, 2020:** Response: "Good afternoon Derek, The Department cannot provide any information during a procurement in accordance with RSA 21-G:37."

4. **JULY 10, 2020:** "Good afternoon Derek, The Department is ready to begin the scoring process for RGA-2020-XYZ. Please confirm your continued interest by the morning of Monday, July 13th, 2020." **[Note: I edited the RGA number shown above.]**

5. **AUGUST 14, 2020:** Email from me: "Good afternoon (_____), I was wondering if you had any information on the timeline for when scoring process will be complete? Thanks for your time. Have a great weekend."

6. **AUGUST 14, 2020:** Response: "Derek, We continue to review applications. I am unable to provide a timeline."

7. **DECEMBER 18, 2020:** RGA is cancelled.

8. **JANUARY 8, 2021:** Email from me: "Good afternoon, I noticed addendum 5 was released on 18 December and the RFP has been cancelled. I had a few questions I was hoping you could answer.
First, why was it cancelled?
Second, what will happen with the funding?
Third, will there be another RFP (or RGA) issued later in 2021?
And fourth, if the answer to previous question is yes, will the 9 applications be automatically submitted or will we have to resubmit?"

9. **JANUARY 8, 2021:** Response: "Hi Derek, (____) forwarded me your inquiry. Unfortunately I am unable to directly answer your questions as State Law restricts us from commenting on any cancelled solicitations. **Specifically, RSA 21-G:37, VI., prohibits the Department from providing any "information, other than a notification of the cancellation or termination"** to the public or to the members of the general court after cancelling a solicitation for a period of two years. For the full text, please see: http://www.gencourt.state.nh.us/rsa/html/I/21-G/21-G-37.htm Best Regards, (____)."

TITLE I
THE STATE AND ITS GOVERNMENT

CHAPTER 21-G
ORGANIZATION OF EXECUTIVE BRANCH

Financial Information Regarding Requests for Bids and Proposals

Section 21-G:37

21-G:37 Financial Information Regarding Requests for Bids or Requests for Proposals. –
I. In order to protect the integrity of the bidding process, notwithstanding RSA 91-A:4, no information shall be available to the public, or to the members of the general court or its staff concerning specific responses to requests for bids (RFBs), requests for proposals (RFPs), requests for applications (RFAs), or similar requests for submission for the purpose of procuring goods or services or awarding contracts from the time the request is made public until the closing date for responses.
II. On the closing date for responses, the agency shall:
(a) In the case of an RFB, hold a public bid opening at which it shall disclose the name of the bidders which submitted timely bids and the prices offered.
(b) In the case of an RFP, RFA, or similar request for submission, post the number of responses received on the agency website.
III. Notwithstanding RSA 91-A:4, no information other than that specified in paragraph II shall be available to the public or to the members of the general court or its staff concerning specific RFBs, RFPs, RFAs, or similar requests for submission made by any state agency from the closing date for responses until the contract is approved by the governor and executive council, or, if the contract does not require approval from the governor and executive council, until the contract has been actually awarded as determined by the issuing agency, except:
(a) In the case of an RFB that requires approval from the governor and executive council, the issuing agency shall, at least 5 business days prior to submitting the contract to the department of administrative services, post the vendors' names and respective prices for each responding vendor on its website.
(b) In the case of an RFB that does not require approval from the governor and executive council, the issuing agency shall, at minimum, post the vendors' names and respective prices for each responding vendor on its website at the time that the RFB is awarded.
(c) In the case of an RFP, RFA, or similar request for submission that requires approval from the governor and executive council, the issuing agency shall, at least 5 business days prior to submitting the proposed contract to the department of administrative services, post the rank or score for each responding vendor on its website.
(d) In the case of an RFP, RFA, or similar request for submission that does not require approval from the governor and executive council, the issuing agency shall, at least 5 business days before final approval of the proposed contract by the appropriate agency authority, post the rank or score for each responding vendor on its website.
IV. A bidder questioning an agency's identification of the selected vendor may request that the agency review its selection process. Such request shall be made in writing and be received by the agency within 5 business days after the rank or score is posted on the agency website. The request shall specify all points on which the bidder believes the agency erred in its process and shall contain such argument in support of its position as the bidder seeks to present. In response, the issuing agency shall review the process it followed for evaluating responses and, within 5 business days of receiving the request for review, issue a written response either affirming its initial selection of a vendor or canceling the bid. In its request for review, a bidder shall not submit, and an agency shall not accept nor consider, any substantive information that was not included by the bidder in its original bid response. No hearing shall be held in conjunction with a review. The outcome of the agency's review shall not be subject to appeal.

V. The head of the issuing agency may waive the requirements of paragraphs II through IV in the event of an emergency situation or to prevent the loss of federal or other funds subject to recapture. Each agency shall adopt rules, pursuant to RSA 541-A, relative to circumstances constituting an emergency or loss of funding under this paragraph. In the event that contract negotiations have not concluded in the 5 business days prior to submission of the proposed contract to the department of administrative services, the head of the issuing agency may waive the requirements of subparagraphs III(a) and (c), provided that the agency:

(a) Posts a notification at least 5 days prior to the applicable department of administrative services deadline for governor and executive council submissions notifying the public that negotiations are ongoing and the anticipated date of the governor and executive council meeting where the contract will be reviewed; and

(b) Posts on its website the information required pursuant to subparagraphs III(a) and (c) upon the conclusion of contract negotiations.

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

(b) If, within 2 years following the cancellation, termination, or other non-selection, a new RFB, RFP, RFA, or similar request for submissions is issued, which the issuing agency determines is substantially related to the original RFB, RFP, RFA, or similar request for submission, information concerning the original bid or proposal shall, if requested and upon payment of any costs established pursuant to RSA 91-A:4, IV, be made available only after selection of a bidder on the new request for submission, but only to the extent that such information is not exempt from disclosure under RSA 91-A:5 or other law.

VII. Requests for grant applications or proposals shall not be subject to the requirements set forth in paragraphs I-V. Notwithstanding RSA 91-A:4, information relating to grant applications or proposals shall remain confidential until the grant contract is approved by the governor and executive council, or, if the grant contract does not require approval from the governor and executive council, until the effective date of the grant contract as determined by the issuing agency.

Source. 2015, 185:1, eff. Jan. 1, 2016. 2016, 55:1, eff. May 5, 2016. 2017, 50:1, eff. July 11, 2017.

284

Executive Departments and Administration Committee 2/16/23
HB284 - relative to financial information regarding requests for bids and proposals.

Dear Executive Departments and Administration Committee Members,

I am here today to introduce HB284. This bill modifies, and clarifies, what is prohibited from being made available to the public regarding information relative to RFB, RFP, or RFA cancellations. (RFB-Request For Bid RFP-Request For Proposal RFA-Request For Application).

Constituents of mine have been having difficulty getting basic information about these cancellations, and agencies are not answering ANY questions about RFB, RFP and RFA's in general. This seeks to clarify that basic questions can be answered. I had this happen to me as well, when I was seeking information about an RFP regarding broadband expansion. The agency handling the RFP would not give me any information about the bidding process and status, or when a decision was going to be made regarding the broadband granting process.

My bill inserts new language to the RSA stating that it is OK to provide information about an RFP, RFB, RFA, termination, cancellation on non-selection as long as it isn't information related to other bids or bidders.

For far too long, agencies have avoided giving out any information to bidders about the cancellation process or status of a bid by hiding behind parts of this statute (RSA 21-G:37). Clarification is therefore needed because state agencies most likely misinterpret this RSA, or merely use it as a reason not to answer questions at all.

Examples of questions that have been denied based on this RSA include questions about when an award might be made, the reasons why a solicitation was canceled, if a new solicitation might be reissued later on, etc.

When a bidder asks for simple and basic information they are met with the phrase: "State Law restricts us from commenting on any cancelled solicitations", and are quoted the link to RSA 21-G:37. So for instance, the following questions can never get a response:
What's the timeline or status of this RFP?
Why was the RFP cancelled?
What happens to the funding for this RFP now that this is cancelled?
What are future plans for this RFP? Will they plan to reopen it again at another time?
Do we have to resubmit the application if the RFP is reinstated?
Will my application be automatically resubmitted if this RFP is reinstated?

These questions have nothing to do with other bids or bidders and do not give anyone an unfair advantage in the bidding process to the questioner, so why is information being prohibited from being provided by the agency to the bidder asking the question(s)?

My new language changes this and allows for basic information about the process, plans and status of an RFP, RFB, or RFA so that the bidder can at least get an idea of where the process is and what the agency is planning for the RFP, RFB or RFA. This assists the bidder to plan accordingly, or at least know what is going on.

I also added a section to this statute that inserts the following new paragraph:
"Nothing in this chapter shall be construed as a justification to avoid answering questions posed by the public or members of the general court that are unrelated to information regarding other bids or bidders to an RFB, RFP, RFA, or similar submission." This further clarifies that an agency cannot use this statute as justification to not answer questions unrelated to other bids or bidders.

I believe that in the interest of common sense and governmental transparency, that these changes need to be made to this RSA. I hope that you will agree and support this change to statute.

Thank you,

Judy Aron
NH State Representative
Sullivan County District 4
Acworth, Goshen. Langdon, Lempster, Washington
266 Forest Rd., South Acworth, NH 03607
603-843-5908

COUNTY OF MERRIMACK

333 DANIEL WEBSTER HIGHWAY, SUITE 2
BOSCAWEN, NEW HAMPSHIRE 03303-2415
(603) 796-6800 FAX: (603) 796-6840
www.merrimackcounty.net

COMMISSIONERS

TARA REARDON, Chair, Concord
STUART D. TRACHY, Vice Chair, Franklin
DAVID M. LOVLIEN JR., Clerk, Pembroke

COUNTY ADMINISTRATOR
ROSS L. CUNNINGHAM

February 16, 2023

Re: Competitive Bidding Bill HB 284

Dear Representative Edwards and Legislative Members,

In 2022 the Merrimack County Purchasing Department completed 37 formal bid requests of which 6 (16.2%) fell between $5,000 and $10,000.

The cumulative hours involved to complete a bid process can vary widely depending on the circumstances for each project. On average the estimated hours involved for each request process ranges between approximately 20 to 30 hours.

The following is included but not limited to areas addressed within the above estimated hours:

- Specifying product and/or developing a scope of service
- Drafting the request
- Locating and distributing to interested parties
- Fielding questions
- Drafting and distributing addendum(s)
- Receiving and opening
- Distributing for evaluation
- Evaluating
- Conducting the approval process

Recurring requests that just need updating can be done in a timelier manner, however requests larger in size and those requiring more intricate details can take a much longer period of time to complete.

Sincerely,

Ross L. Cunningham
County Administrator

Hillsborough County Nursing Home

400 Mast Road
Goffstown, NH 03045

David J. Ross
Administrator
Telephone
(603) 627-5540

Fax
(603) 627-5547

February 16, 2023

Re: HB 284

Honorable Chair McGuire and Honorable Committee Members:

I request your support of HB 284 as amended to include an increase in minimum threshold for Competitive Bidding under RSA 28:8 from $5,000 to $10,000.

Unilateral price increases now require us to issue RFP's and engage competitive bidding processes for a substantial volume of purchases at our facility. The RFP process is both labor intensive and time consuming. It requires time for our team to prepare and issue the RFP, time to allow prospective vendors to respond, and then time to review proposals and issue bid awards. This is impactful to the flow of business operations for purchases that not considered to be "substantial", disposable cups and wash cloths for example.

Many of our traditional vendors see purchases of less than $10,000 to be nominal in value in their own operations and will not dedicate their own resources to even respond to RFP requests. It is not uncommon for us to have no responders to issued RFP's at this level which is a frustrated effort. More concerning is when only one (1) response is received, and it is higher than traditional market rates.

RSA 28:8-e is specific to Competitive Bidding in Hillsborough County. This section of the statute details the specific requirements for competitive bidding and award selection criteria. It requires that awards be made to the lowest responsible bidder. As amended, this bill does not remove that important criterion. We retain fiduciary responsibility to be frugal stewards of our allocated resources.

In addition to the changes within this amendment, I would suggest that $5,000 threshold identified in RSA 28:8-e III also be increased from $5,000 to $10,000 for consistency of language and to avoid conflicting guidance within the RSA.

This threshold was last increased 25 years ago. According to the US Bureau of Labor Statistics, prices for household paper products have increased 125% over that same period.

To be clear, this amendment does NOT increase spending. Budgets remain the same. It simply raises the threshold for the Competitive Bidding Process to a reasonable market level.

Respectfully submitted,

President
Wendy Piper
Grafton County Commissioner

Vice President
Cathy Stacey
Rockingham Register of Deeds

At Large Member
Toni Pappas
Hillsborough County Commissioner

At Large Member
Ross Cunningham
Merrimack County Administrator



11 South Main Ste. 200
Concord, NH 03301

info@nhcouties.org

www.nhcounties.org

Immediate Past President
Chuck Weed
Cheshire County Commissioner

Treasurer
Charles Nickerson
Rockingham Finance Director

Bylaws Chair
Chris Coates
Cheshire County Administrator

February 16, 2023

The Honorable Carol McGuire
Chair
House Executive Departments & Administration Committee
NH State House
Concord, NH 03301

Chairman McGuire and Members of the House Executive Departments & Administration Committee,

The NH Association of Counties would like to express support for amendment 2023-0320h, 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.

The amendment would raise the threshold of competitive bidding for counties looking to purchase equipment or materials from $5,000 to $10,000. This threshold has not been raised since the mid 1990's and rising inflation over the last 30 years no longer make the $5,000 threshold adequate. By raising the threshold, it will put county governments on the same level that the Governor and Council use for competitive bidding. This will save time and money for county government from unnecessarily going out to bid.

The Association would ask that you support amendment 2023-0320h to HB 284. If you have any questions, please contact Kate Horgan at KHorgan@dupontgorup.com.

Sincerely,

Wendy Piper

Wendy Piper
President
NH Association of Counties

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 284

BILL TITLE: relative to financial information regarding requests for bids and proposals.

DATE: March 8, 2023

LOB ROOM: 306-308

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Schuett	Seconded by Rep. C. McGuire	AM Vote: 20-0

Amendment # 2023-0645h

Moved by Rep. Schuett	Seconded by Rep. Goley	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM
Roll Call Committee Registers Report

2023 SESSION

Executive Departments and Administration

Bill #: 284 Motion: OTPA AMENDMENT 2023-0645 AM #: _____ Exec Session Date: 3-8-23

Members	YEAS	Nays	NV
McGuire, Carol M. Chairman	✓		
Simon, Matthew J. Vice Chairman	✓	✓	
Lekas, Tony	✓	✓	
Bailey, Glenn	✓	✓	
Santonastaso, Matthew	✓	✓	
True, Chris	✓	✓	
Dolan, Tom	✓	✓	
Abare, Kimberly L	✓	✓	
Gerhard, Jason	✓	✓	
Sirois, Shane A	✓	✓	
Grote, Jaci L.	✓	✓	
Schmidt, Peter B.	✓	✓	
Goley, Jeffrey P.	✓	✓	
Schuett, Dianne E.	✓	✓	
O'Brien, Michael B.	✓	✓	
~~Wilhelm, Matthew B.~~ SOUCY	✓	✓	
Davis, Fred E.	✓	✓	
Fitzpatrick, Daniel W	✓	✓	
Gould, Sherry L	✓	✓	
~~Smith, Juliet L~~ TREALE VAN	✓	✓	
TOTAL VOTE:			

20-0
20-0