



## States' Biofuels Statutes

### STATE OF NEW HAMPSHIRE

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the New Hampshire General Assembly.*

#### **21-I:11 Division of Plant and Property Management.**

There is hereby established the division of plant and property management under the supervision of an unclassified director of plant and property management who shall be responsible for the following functions, in accordance with applicable law:

I. With reference to the division of plant and property management and the rulemaking authority of the commissioner in this area, the following definitions shall apply:

- (a) "Supplies" shall mean all materials, equipment, printing, furniture, furnishings, and books, of every name and nature, including computer hardware, software, related licenses, media, and documentation, and support and maintenance services, excluding any systems that collect or store data off-site.
- (b) "Agency" shall mean any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.
- (c) "Purchase" shall mean all contracts for the purchase of supplies or services, as well as the act of purchasing.
- (d) "Emergency" shall mean any situation requiring the immediate purchase of supplies arising from any unavoidable casualty or disaster.
- (e) "Governing board" shall mean the board, commission, board of trustees, department head or other administrative body responsible for the conduct of any agency.
- (f) "Services" shall mean services provided for general agency use including, but not restricted to, the following: credit card agreements, elevator maintenance, hazardous waste testing and removal, janitorial services, laboratory services, rubbish removal, recycled materials pickup, security services,

snow removal, soil testing, transportation, office machine maintenance, vehicle repair, vehicle rental and leasing, and warehousing. "Services" shall not mean services provided solely to one agency.

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

(a) [Repealed.]

(b) [Repealed.]

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

II-b. Purchasing biodiesel fuel blends for the department of transportation in accordance with RSA 228:24-a, II.

III. Requiring competitive bidding before making any purchase for the state pursuant to the laws of the state applicable to the director of plant and property management, except:

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

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

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

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

III-a. [Repealed.]

IV. Except where competitive bidding has been employed, no purchase involving an expenditure of more than \$10,000 or purchase in an approved class may be made by the director of plant and property

management without the written approval of the commissioner. In requesting such approval, the director shall first state in writing his reasons for not employing competitive bidding.

V. Promptly furnishing to any agency and to the comptroller, a copy of any purchase order executed by him for supplies for the said agency.

VI. Having custody of all state owned or rented real property not specifically charged to some other department and all personal property not specifically charged to some other department.

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

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

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

VIII. Recommend to the commissioner fair and equitable charges to be assessed according to rules adopted pursuant to RSA 21-I:14, XI, against any recipients receiving any donated surpluses from the surplus distribution section which shall:

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

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

IX. Provide the text of any rule adopted pursuant to RSA 21-I:14, XI, to each recipient of donated commodities or surpluses distributed by the surplus distribution section.

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of the state house, legislative office building, state house annex, state library, and, with the exception of interior maintenance of the acute psychiatric services building, the Anna Philbrook center, the Tobey School building, and all transitional housing buildings including the Howard recreation building, all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well as the grounds connected with each of the foregoing properties, and have charge of all matters relating to the care, maintenance and repair of said property.

X-a. Provide the American Legion Department of New Hampshire, a private nonprofit organization, office space, free of charge, in the state-owned building located at 25 Capitol Street in Concord, New Hampshire or another state-owned building located in Concord.

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

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

XIII. Reviewing disputes arising from the activities of the bureau of public works design and construction prior to the appeal of disputes to the commissioner under RSA 21-I:86.

XIV. Coordinating with the department the activities of the division relative to the capital budget overview process and communicating with the legislature regarding that process as it relates to public works.

XV. Coordinating with the department long range capital planning relative to public works design and construction to meet the needs of the state.

XVI. Supervising the activities of the bureaus and functions within the division.