

§1824-B. State Procurement Review Committee

The State Procurement Review Committee, referred to in this section as "the committee," is established to oversee, subject to the provisions of section 1825-B, subsection 2, the purchase of services subject to this chapter that cost \$1,000,000 or more. The purchase of services that cost less than \$1,000,000 may be subject to this section at the discretion of the chair of the committee. [PL 2021, c. 332, §4 (NEW).]

1. Membership. The membership of the committee includes:

- A. A member of the Governor's staff, appointed by the Governor; [PL 2021, c. 332, §4 (NEW).]
- B. The Chief Procurement Officer of the Office of Procurement Services within the Department of Administrative and Financial Services or the officer's designee; [PL 2023, c. 516, Pt. B, §16 (AMD).]
- C. The State Budget Officer or the State Budget Officer's designee; [PL 2021, c. 332, §4 (NEW).]
- D. The State Controller or the State Controller's designee; and [PL 2021, c. 332, §4 (NEW).]
- E. The Attorney General or the Attorney General's designee, serving as a nonvoting member. [PL 2021, c. 332, §4 (NEW).]

The Chief Information Officer or the Chief Information Officer's designee is a committee member when the services to be purchased by a department or agency are within the Chief Information Officer's responsibilities and duties under chapter 163. [PL 2023, c. 516, Pt. B, §16 (AMD).]

2. Chair. The Chief Procurement Officer of the Office of Procurement Services within the Department of Administrative and Financial Services or the officer's designee shall serve as chair of the committee. [PL 2023, c. 516, Pt. B, §17 (AMD).]

3. Unanimous consent. A decision by the committee requires unanimous consent. [PL 2021, c. 332, §4 (NEW).]

4. Requests for review. Prior to issuing a request for proposals, executing a contract or grant or renewing, extending, amending or otherwise altering an existing contract or grant to purchase services that cost \$1,000,000 or more, a department or agency shall submit a request for review to the chair of the committee. The department or agency shall submit to the chair the request for proposals, proposed contract, contract amendment and related contract bid documents, as appropriate. The committee may request additional information and documentation from the department or agency. [PL 2021, c. 332, §4 (NEW).]

5. Attorney General review. If the cost of the request for proposals, contract or grant or renewal, extension, amendment or other alteration to an existing contract or grant is likely to equal or exceed \$3,000,000, the department or agency shall give the Attorney General the opportunity to review the proposal, contract or grant or the renewal, extension, amendment or other alteration to an existing contract or grant prior to submitting a request for review pursuant to subsection 4. The Attorney General, or the Attorney General's designee, may review the terms of the proposal, contract or grant or the renewal, extension, amendment or other alteration to an existing contract or grant and notify the department or agency of any concerns with the terms. [PL 2021, c. 332, §4 (NEW).]

6. Duties. The committee may approve a request to issue a request for proposals, execute a contract or grant or renew, extend, amend or otherwise alter an existing contract or grant subject to this section if the committee finds that:

A. The service to be provided under the contract or grant cannot be economically provided by a department or agency; [PL 2021, c. 332, §4 (NEW).]

B. The contract or grant is the most economical, effective and appropriate means of providing the service; [PL 2021, c. 332, §4 (NEW).]

C. The contract or grant will not impair the ability of a department or agency to meet its statutory duties and responsibilities under state or federal laws, rules or regulations; and [PL 2021, c. 332, §4 (NEW).]

D. The contract or grant will not diminish the impact of statewide or other budgetary cost-saving initiatives. [PL 2021, c. 332, §4 (NEW).]
[PL 2021, c. 332, §4 (NEW).]

7. Rules; forms. The Department of Administrative and Financial Services may prescribe forms and adopt rules to carry out the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.
[PL 2021, c. 332, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 332, §4 (NEW). PL 2023, c. 516, Pt. B, §§16, 17 (AMD).

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