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State of New Hampshire

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Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

MOP Change Request

Pursuant to RSA 21-I:14, I(b)(10); RSA 541-A:1, XV; and RSA 4:15, the Department of Administrative Services requests approval of an amendment to chapter MOP 150 Section V.A.3. and the addition of MOP 150 Section V.C.3. and MOP 150 Section VII.B.4. to the Department of Administrative Services Manual of Procedures ("DAS MOP") to be effective upon approval by the Governor and Executive Council.

Amend the following provisions as follows:

MOP 150 V. A.

3. Enter into service contracts in the amount of \$10,000 or more covering any type of service, except in cases of successive invoices for auto repairs that cumulatively breach said threshold but do not reach \$25,000 in total and said accumulation cannot reasonably be foreseen (See MOP 150 V. C. 3. for further explanation.)

Underlined words added.

Add the following provisions:

MOP 150 V. C.

3. Agencies may engage in service contracts with auto repair businesses that inadvertently exceed the \$10,000 threshold in accordance with the exception in MOP 150.V.A.3. but if a single vendor accumulates invoices totaling \$25,000 or more, then the exception no longer applies and agencies must submit a Governor and Council request for payments to be honored.

MOP 150 VII. B.

3. Report to the Governor and Executive Council on all vehicle repair costs incurred by state agencies. Each agency shall submit all vehicle repair totals on a monthly basis to the Fleet manager at DAS to facilitate said reporting.

EXPLANATION

The Governor and Council has historically viewed successive contracts for services (or invoices when contracts are not required in advance) with a single vendor to require Executive Council approval once the sum of those expenditures has gone over \$10,000 regardless of how small the individual invoices were. Because of contrary provisions in administrative purchasing rules, individual automobile repair invoices have not been consistently treated the same way.

In June of 2024, the Department of Safety requested a so-called waiver of MOP 150 V.A.3. in order to pay invoices from individual automobile repair vendors which had accumulated invoices totaling more than \$10,000. By granting the waiver, the Governor and Council effectively amended MOP 150. Our preparation of an amendment to codify this change and apply it to all agencies generated much discussion and proposed alteration. This amendment would allow all agencies to use this automobile repair exception but limit the exception to a threshold of \$25,000. In addition, it would impose a quarterly reporting requirement. The new provision would apply in the same way to all agencies including the previously excepted Department of Safety.

Respectfully submitted,



Charles M. Arlinghaus
Commissioner