



State of New Hampshire

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DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

VICKI V. QUIRAM
Commissioner
(603) 271-3201

JOSEPH B. BOUCHARD
Assistant Commissioner
(603) 271-3204

August 10, 2016

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Executive Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 21-I:14, I; RSA 541-A:1, XV and RSA 4:15, the Department of Administrative Services (DAS) requests approval of an amendment to the Department of Administrative Services Manual of Procedures (“DAS MOP”), DAS MOP 1625 (“Procurement Cards”), effective upon Governor and Council approval. The text of this proposed amended chapter is found in Exhibit A to this request.

EXPLANATION

RSA 21-I:14, I provides that the Commissioner of Administrative Services is to adopt a comprehensive uniform system of state financial management described in RSA 21-I:13, XV and XVI in the form of a manual, to be updated and revised as the Commissioner deems necessary, to explain procedures applicable to all executive branch state agencies, officers and employees. Topics addressed in the Manual of Procedures include, but are not limited to, those items listed in RSA 21-I:14, I (b)(1) through (12), as well as topic areas relating to agency annual or biennial reports as described in RSA 21-I:14, IX. Pursuant to RSA 21-I: 14, I(a) and RSA 541-A: 1, XV, the Manual’s provisions are not administrative “rules” that must be adopted by way of the formal rulemaking procedures of RSA 541-A, but executive branch agencies must nonetheless abide by requirements of the MOP.

Pursuant to RSA 21-I:11, I (a)(1) and RSA 21-I:11, II (f), the Department of Administrative Services (“DAS”) Division of Procurement and Support Services is responsible for procuring services for general agency use, including contracts for credit card services. RSA 21-I: 17-c provides that (unless granted a waiver by the Commissioner of DAS), agencies shall make use of contracts which have been entered into by the Division when procuring services that are available under such contracts.

The State has a contract in place approved by Governor and Council on July 10, 2013 (Item #16) which allows approved State agencies to utilize certain credit cards in lieu of field purchase orders for the purchase of goods of \$500.00 or less under restricted and limited circumstances. A bill expanding the use of Procurement Cards to increase authorized procurement card purchases up to \$1,000.00 was enacted by the legislature and became effective on May 5, 2016 as Chapter 55 of the laws of 2016 (SB 332). RSA 21-I:17-a, I now provides that the Director of Procurement and Support Services of DAS may authorize agencies to purchase supplies and goods directly from vendors through the use of Procurement Cards, up to, but not exceeding, \$1,000.00. The current purchasing limit under MOP 1625 is \$500.00, which does not conform with newly enacted Chapter 55 of the laws of 2016 (SB 332).

The instant request seeks Governor and Executive Council approval to amend MOP 1625 to reflect this statutory change in the purchasing limit for procurement cards. Chapter 55 of the laws of 2016 changed the total expenditure amount for both field purchase orders and procurement cards (which are intended to eventually replace all field purchase orders) from \$500.00 to \$1,000.00.

Under the current Manual of Procedures Chapter 1625 (approved by the Governor and Executive Council on March 25, 2015 - Item #42), agencies seeking to utilize Procurement Cards agree to comply with the procedures outlined in the applicable Procurement Card Manual to ensure that Procurement Cards are only used in accordance with the requirements thereof. Agencies must also agree to maintain the security of and establish controls over and procedures governing Procurement Cards, as set forth in detail in the Procurement Card Manual. DAS provides instruction on the use of Procurement Cards to approved agencies and at times may issue guidance to agencies to assist them in better understanding their obligations regarding the use of Procurement Cards. Procedures set forth in the Procurement Card Manuals produced by DAS include controls for handling and restricting Procurement Card usage, reporting and payment requirements, user obligations, consequences for misuse, requirements for reporting lost or stolen Procurement Cards, and similar provisions. Pursuant to MOP 2, I, I, upon approval of amended Chapter MOP 1625, Procurement Card Manuals and their related forms, explaining the administrative details of Procurement Card use and management, will also be amended to reflect the change in purchasing limits, and will be incorporated into the Manual of Procedures by reference.

By approving this requested action, the Governor and Executive Council will authorize the inclusion of this amendment, attached as Exhibit A, to DAS MOP 1625 in the DAS Manual of Procedures. An annotated copy of MOP 1625, showing the changes, is attached as Exhibit B. As stated above, approval of amended DAS MOP 1625 would in turn ensure that agencies continue to abide by applicable Procurement Card Users Manuals issued by DAS, as they may from time to time be amended.

Respectfully submitted,

 Joseph B. Quiram, Asst. Comm.

for Wicki V. Quiram
Commissioner

Enclosures

EXPENDITURE CONTROLS**MOP 1625 Procurement Cards****I. Introduction**

- A. This chapter of the Department of Administrative Services (DAS) Manual of Procedures (MOP) describes the requirements applicable to State agencies when utilizing Procurement Cards authorized by DAS Division of Procurement and Support Services (DPSS). Sources other than this chapter of the Manual of Procedures, such as statutes applicable to particular agencies or particular types of purchases, as well as Executive Branch ethics laws and policies, may also apply. In addition to the documents described in this chapter, State employees utilizing State-authorized Procurement Cards must also comply with all internal agency policies related to their use.
- B. Generally, State policy requires that purchases made with Procurement Cards conform to all State purchasing requirements, including, to the extent applicable, the Adm 600 purchasing rules. Generally, Procurement Cards may be used with statewide contracted vendors or with merchants who have no contractual relationship with the state. All purchases using Procurement Cards must conform to agency policy as well as DAS Procurement Card policies as set forth in applicable DAS Procurement Card Users Manuals and other DAS guidance. Information on Procurement Cards will be available on the State of NH Sunspot intranet web page.
- C. The Department of Administrative Services will phase in the use of Procurement Cards by state agencies, using such pilot programs as it concludes are necessary to effectuate an efficient roll-out of Procurement Cards in conformity with statutes. Agencies involved in pilot programs implemented by DAS shall cooperate with DAS in establishing Procurement Card protocols and shall abide by the instructions of DAS as to the use of cards and development of internal Procurement Card processes. DAS may select agencies to be involved in such pilot programs and may terminate such agencies' involvement if DAS concludes to do so is necessary for the efficient implementation of its pilot programs. In the first instance, DAS will implement the use of Procurement Cards intended to take the place of field purchase orders (FPOs) for purchases of goods or commodities in amounts of \$1,000.00 or less. The Department of Administrative Services may develop, adopt and periodically update such Procurement Card manuals as it concludes are necessary to regulate the use of Procurement Cards by state agencies in accordance with statutes, including but not limited to RSA 21-I, the most recent versions of which manuals are incorporated herein by reference. Such manuals may be periodically produced and updated by the Department of Administrative Services without further action by the Governor and Council and shall be adhered to by state agencies as if fully set forth in the DAS MOP.

II. Statewide Contract for Procurement Cards

- A. DAS at times enters into statewide contracts to provide goods or services to executive branch agencies, and has done so to provide Procurement Cards for use by authorized State personnel. This contract enables participating agencies to utilize a Procurement Card (credit card) to purchase goods and commodities for agency use under certain circumstances and conditions. Agency heads should carefully consider whether they wish to participate in this contract and request one or more Procurement Cards from DPSS. This chapter of the DAS MOP relates to how agencies obtain and manage Procurement Cards. Participating agencies must also comply with applicable State of New Hampshire DAS Procurement Card Users Manuals.
- B. RSA 21-I: 17-c generally requires executive branch agencies to make use of statewide contracts entered into by the DPSS for more than one agency, unless a waiver is granted by the Commissioner of DAS. Accordingly, because DAS has entered into a multi-agency Procurement Card services contract, agencies may not enter into separate, individual agreements for Procurement (credit) Cards unless the agency has obtained a waiver from the Commissioner of DAS allowing them to do so. Agencies are not authorized to independently negotiate, or amend, the terms of the DAS contract with the contractor or payment brand(s), and are not authorized to enter into separate agreements relating to Procurement Card acceptance without obtaining a waiver under RSA 21-I: 17-c. As a general matter, DAS Procurement Cards shall be the only credit cards executive branch agencies are authorized to use for purchases.

III. DAS Procurement Card Users Manuals and Related Documents

- A. For the protection of the State, it is important that agencies understand and adhere to the requirements associated with the use of Procurement Cards set forth in applicable Procurement Card Users Manuals produced by DAS as well as the various attachments to those manuals, the most recent versions of which are incorporated herein by reference. These materials are intended to assist in fostering an understanding of agency obligations at all levels when utilizing Procurement Cards, and to provide an accessible source of information regarding processes associated with the acceptance and issuance of Procurement Cards. As a general matter, the topics that one may find in such documents include, but are not limited to, general requirements and information on Procurement Cards; general policy statements and policies relating to processing payments; agency and cardholder responsibilities; and guidelines on monitoring the use and security of Procurement Cards used for various purposes. Agencies are encouraged to review these items in detail and to submit any questions to the DAS Procurement Card Manager at prchweb@nh.gov.
- B. The most recent versions of the State of New Hampshire (DAS) Procurement Card Users Manual(s), including the most recent version of all forms and other attachments

thereto, which are incorporated into this Manual of Procedures by reference, may be found in the directory at:

<http://sunspot.nh.gov/DASManualProcedures/Incorporated.aspx>

The DAS Procurement Card Users manuals and their attachments may be updated or revised by DAS as circumstances require, and agencies shall make certain that they utilize the most recent version of the applicable Users Manual.

IV. Policy on Procurement Card Use in Lieu of Field Purchase Orders

- A.** It is the policy of the State of New Hampshire to utilize Procurement Cards only in limited circumstances. The general policy is that purchases of goods or commodities by state agencies conform with the requirements of RSA 21-I, Adm 600, and that purchases be made from statewide contracted vendors, where applicable. If an agency is authorized by DAS to use Procurement Cards for purchases of goods and commodities of \$1,000.00 or less that would otherwise be purchased by means of a field purchase order, those items may be purchased using a Procurement Card, provided the item(s) purchased are solely for state use, the purchase of the item(s) is preapproved by the agency that has been issued the card(s), and that purchases comply with all provisions of the Procurement Card Users Manual and DAS-approved agency policies on Procurement Card use. DAS may also specify other circumstances in which the use of Procurement Cards is authorized as it phases in a statewide Procurement Card program in conformity with statutory provisions that may in the future be adopted.
- B.** Procurement Cards may be used by an authorized State employee in lieu of field purchase orders only when he or she is preapproved to make the purchase by the agency employing the cardholder, and:
1. The total dollar amount of the purchase is less than \$1,000.00;
 2. The purchase is made from a Statewide Contractor, if the goods or commodities purchased are offered for sale by a Statewide Contractor that accepts credit card payment for the goods or commodities;
 3. The purchase is documented with a receipt indicating the item(s) purchased, date of purchase, merchant name and address, cost of each item purchased, the quantity of each item purchased, the total purchase price, and the name of the employee making the purchase;
 4. The purchase is solely for state purposes, and not for personal use; and
 5. Purchases comply with agency and DAS policies on Procurement Card use, and all applicable statutes, rules and executive orders concerning purchasing,

including any freezes on purchasing, limits on the amounts appropriated, and fiscal year-end closing requirements.

- C. Agency authority for purchases utilizing Procurement Cards in lieu of field purchase orders is limited to \$1,000.00 per expenditure. In addition, agencies are prohibited from making sequential purchases as a means to avoid the \$1,000.00 cap on field purchase orders and Procurement Cards set forth in RSA 21-I: 17-a.
- D. Agencies and cardholders are prohibited from using Procurement Cards to purchase motor vehicle, aircraft or other fuel. In this regard, see MOP 1626 relative to fuel cards.

V. Obtaining, Using and Managing Procurement Cards

- A. Agencies shall follow the processes outlined below in Section VI, as well as the applicable DAS Procurement Card Users Manual, in order to obtain a Procurement Card (or multiple Procurement Cards), and must complete the appropriate forms contained in the applicable Procurement Card Users Manual in order to request Procurement Cards.
- B. State-issued Procurement Cards may be used solely to make purchases of goods or commodities for State use.
- C. Agencies and employees must adhere to all procedures discussed in the applicable Procurement Card Users Manual, including those related to issuance, management, security, recordkeeping and payment of charges incurred with Procurement Cards, and to the agency's DAS-approved internal policies and procedures for Procurement Card use.

VI. Procedures for Agencies Utilizing Procurement Cards

A. Agency Procurement Card Administrator

All agencies requesting Procurement Cards must designate an Agency Procurement Card Administrator (PCA), who shall be responsible for managing all aspects of Procurement Cards for the agency, including but not limited to:

- Developing internal policies related to Procurement Card use in consultation with the agency head and the DAS Procurement Card Manager, that conform to the requirements of the applicable Procurement Card Users Manual, laws and rules;
- Issuing cards and maintaining records of agency Procurement Card Users;
- Ensuring prompt payment of Procurement Card invoices;
- Monitoring Procurement Card use and reporting any issues that may arise to the DAS Procurement Card Manager;
- Reviewing and analyzing Procurement Card use reports to improve efficiencies;

- Maintaining and retaining all receipts and records documenting Procurement Card transactions;
- Resolving disputed charges on Procurement Cards; and
- Any other related duties as prescribed by DAS and/or the specific agency.

B. Authorized Agency Procurement Card Users

Procurement Card Users must use the appropriate forms contained in the applicable Users Manual to seek approval for the use of Procurement Cards, and must agree to abide by the provisions of the Procurement Card Users Manual, Procurement Card Cardholder Agreement and all applicable statutes, rules and policies.

C. Procurement Card Payment Process

The Agency Procurement Card Administrator must follow the invoice review and payment processes of NH First as described in MOP 2700 found at <http://sunspot.nh.gov/DASManualProcedures/index.asp>, and in the appropriate NH First user instructions at <http://sunspot.nh.gov/erp/index.asp>. The payment process will be paperless and invoices must be paid within the period specified in the Procurement Card vendor contract.

D. Relinquishing Current Procurement Cards

As discussed in II. B. above, agencies are not authorized to have separate Procurement Card agreements or use any Procurement Cards other than those issued through DAS DPSS. All State agencies must terminate any other existing procurement or credit card agreements effective immediately.

VII. Other Sources and Information

A. Statutes:

RSA 21-I: 11 (Division of Procurement and Support Services purchasing authority)

RSA 21-I: 17-a (Delegation of Purchasing Authority; Procurement Card authority)

RSA 21-I: 17-c (Contracts for Use by More Than One Agency)

B. Rules:

1. Adm 600 Plant and Property Management Rules

http://www.gencourt.state.nh.us/rules/state_agencies/adm600.html

C. Website Information:

1. The Department of Administrative Services website:

<http://admin.state.nh.us/>

2. Department of Administrative Services Sunspot Statewide Contracting pages:

http://www.admin.state.nh.us/purchasing/contracts_posteddte.asp?sort=cna

<http://sunspot.nh.gov/StateContracting/default.aspx>

3. As an additional resource for State agencies, State contracting materials, training and reference guides, and other resources are located on the State's "Sunspot" intranet website:

<http://sunspot.nh.gov/>

D. DAS Manual of Procedures Provisions

See Manual index at:

<http://sunspot.nh.gov/DASManualProcedures/index.asp>

and incorporated documents index at:

<http://sunspot.nh.gov/DASManualProcedures/Incorporated.aspx>

1. MOP 1600 – Purchasing Requirements
2. MOP 2700 – NH FIRST Implementation, Utilization and Policies

E. Other

1. DAS Division of Procurement and Support Services can provide hard copies of Procurement Card materials and answer questions relating to the use of Procurement Cards. The Division of Procurement and Support Services may be contacted at:

Division of Procurement and Support Services
ATTN: Procurement Card Manager
Department of Administrative Services - State House Annex
25 Capitol Street
Concord, NH 03301
Email: prchweb@nh.gov

Phone: (603)271-2201 or 6899
Fax: (603)271-2700

2. NH FIRST User Instructions:

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- C. The Department of Administrative Services will phase in the use of Procurement Cards by state agencies, using such pilot programs as it concludes are necessary to effectuate an efficient roll-out of Procurement Cards in conformity with statutes. Agencies involved in pilot programs implemented by DAS shall cooperate with DAS in establishing Procurement Card protocols and shall abide by the instructions of DAS as to the use of cards and development of internal Procurement Card processes. DAS may select agencies to be involved in such pilot programs and may terminate such agencies' involvement if DAS concludes to do so is necessary for the efficient implementation of its pilot programs. In the first instance, DAS will implement the use of Procurement Cards intended to take the place of field purchase orders (FPOs) for purchases of goods or commodities in amounts of ~~[\$500]~~ **1,000.00** or less. The Department of Administrative Services may develop, adopt and periodically update such Procurement Card manuals as it concludes are necessary to regulate the use of Procurement Cards by state agencies in accordance with statutes, including but not limited to RSA 21-I, the most recent versions of which manuals are incorporated herein by reference. Such manuals may be periodically produced and updated by the Department of Administrative Services without further action by the Governor and Council and shall be adhered to by state agencies as if fully set forth in the DAS MOP.

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- B. Procurement Cards may be used by an authorized State employee in lieu of field purchase orders only when he or she is preapproved to make the purchase by the agency employing the cardholder, and:
1. The total dollar amount of the purchase is less than \$~~500~~ **1,000.00**;
 2. The purchase is made from a Statewide Contractor, if the goods or commodities purchased are offered for sale by a Statewide Contractor **that accepts credit card payment for the goods or commodities**;
 3. The purchase is documented with a receipt indicating the item(s) purchased, date of purchase, merchant name and address, cost of each item purchased, the quantity of each item purchased, the total purchase price, and the name of the employee making the purchase;
 4. The purchase is solely for state purposes, and not for personal use; and
 5. Purchases comply with agency and DAS policies on Procurement Card use, and all applicable statutes, rules and executive orders concerning purchasing,

including any freezes on purchasing, **limits on the amounts appropriated,** and fiscal year-end closing requirements.

- C. Agency authority for purchases utilizing Procurement Cards in lieu of field purchase orders is limited to \$~~[500]~~ **1,000.00** per expenditure. In addition, agencies are prohibited from making sequential purchases as a means to avoid the \$~~[500]~~ **1,000.00** cap on field purchase orders and Procurement Cards set forth in RSA 21-I: 17-a.
- D. Agencies and cardholders are prohibited from using Procurement Cards to purchase motor vehicle, aircraft or other fuel. In this regard, see MOP 1626 relative to fuel cards.

V. Obtaining, Using and Managing Procurement Cards

- A. Agencies shall follow the processes outlined below in Section VI, as well as the applicable DAS Procurement Card Users Manual, in order to obtain a Procurement Card (or multiple Procurement Cards), and must complete the appropriate forms contained in the applicable Procurement Card Users Manual in order to request Procurement Cards.
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- Reviewing and analyzing Procurement Card use reports to improve efficiencies;

- Maintaining and retaining all receipts and records documenting Procurement Card transactions;
- Resolving disputed charges on Procurement Cards; and
- Any other related duties as prescribed by DAS and/or the specific agency.

B. Authorized Agency Procurement Card Users

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D. Relinquishing Current Procurement Cards

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VII. Other Sources and Information

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http://www.gencourt.state.nh.us/rules/state_agencies/adm600.html

C. Website Information:

1. The Department of Administrative Services website:

<http://admin.state.nh.us/>

2. Department of Administrative Services Sunspot Statewide Contracting pages:

http://www.admin.state.nh.us/purchasing/contracts_posteddte.asp?sort=cna

<http://sunspot.nh.gov/StateContracting/default.aspx>

3. As an additional resource for State agencies, State contracting materials, training and reference guides, and other resources are located on the State's "Sunspot" intranet website:

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Division of Procurement and Support Services
ATTN: Procurement Card Manager
Department of Administrative Services - State House Annex
25 Capitol Street
Concord, NH 03301
Email: prchweb@nh.gov

DAS MANUAL OF PROCEDURES

Exhibit B
Annotated

Phone: (603)271-2201 or 6899
Fax: (603)271-2700

2. NH FIRST User Instructions:

<http://sunspot.nh.gov/erp/CourseMaterials.asp>