



General Assembly

**Substitute Bill No. 5923**

*January Session, 2001*

**AN ACT CONCERNING STATE PURCHASES OF GOODS AND SERVICES AND COOPERATIVE PURCHASING FOR MUNICIPALITIES AND NONPROFIT INDEPENDENT HIGHER EDUCATION INSTITUTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 18-88 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (g) Each state department, agency, commission or board shall  
4 purchase its necessary products and services from the institution  
5 industries if such products and services are produced or manufactured  
6 and made available by such industries, provided such products and  
7 services are of comparable price and quality and in sufficient quantity  
8 as may be available for sale or offered for sale outside the institutions.  
9 [Except for emergency purchases made under section 4-98, the  
10 Comptroller shall not approve any purchase order or commitment for  
11 the purchase, other than from such industries, of any such supplies,  
12 materials or products as are listed in said catalog and available in  
13 sufficient quantity from such industries.]

14 Sec. 2. Section 4a-53 of the general statutes is repealed and the  
15 following is substituted in lieu thereof:

16 (a) The Commissioner of Administrative Services may join with  
17 federal agencies, other state governments, political subdivisions of this

18 state or nonprofit organizations in cooperative purchasing plans under  
19 which the commissioner makes purchases for the state, when the best  
20 interests of the state would be served thereby.

21 (b) The Commissioner of Administrative Services, in conjunction  
22 with the Department of Environmental Protection and within available  
23 appropriations, shall make known to the chief executive officer of each  
24 municipality the existence of cooperative plans under subsection (a) of  
25 this section for the purchase of recycled paper.

26 (c) The Commissioner of Administrative Services may establish, or  
27 assist in the establishment of, cooperative purchasing plans for the  
28 purchase of goods and services solely by municipalities and other  
29 political subdivisions of the state. The commissioner shall make known  
30 to the chief executive officer of each municipality the existence of any  
31 cooperative plan under this subsection.

32 (d) Any contract for the purchase of goods and services by a state  
33 agency may include provisions enabling any municipality to purchase  
34 such goods or services from the contractor at the unit price set forth in  
35 the contract. Any such municipal purchase shall be subject to the  
36 approval of the contractor for any other terms and conditions for such  
37 purchase.

38 Sec. 3. Section 4a-54 of the general statutes is repealed and the  
39 following is substituted in lieu thereof:

40 [Newington Children's Hospital] Connecticut Children's Medical  
41 Center, The American School at Hartford for the Deaf, The Connecticut  
42 Institute for the Blind, [and] any other institution or agency which  
43 receives at least sixty per cent of its funding from the state or federal  
44 government, or both, and, by contract, any independent college or  
45 university, as defined in section 10a-37, may each purchase through  
46 the Commissioner of Administrative Services such supplies, materials,  
47 equipment or contractual services as such institutions require at the  
48 cost thereof to the state.

49 Sec. 4. Section 4a-59 of the general statutes is repealed and the  
50 following is substituted in lieu thereof:

51 (a) As used in this section, (1) "lowest responsible qualified bidder"  
52 means the bidder whose bid is the lowest of those bidders possessing  
53 the skill, ability and integrity necessary to faithful performance of the  
54 work based on objective criteria considering past performance and  
55 financial responsibility, and (2) "highest scoring bidder in a multiple  
56 criteria bid" means the bidder whose bid receives the highest score for  
57 a combination of attributes, including, but not limited to, price, skill,  
58 ability and integrity necessary for the faithful performance of the work,  
59 based on multiple criteria considering quality of product, warranty,  
60 life-cycle cost, past performance, financial responsibility and other  
61 objective criteria that are established in the bid solicitation for the  
62 contract.

63 (b) All bids and proposals submitted as provided in section 4a-57  
64 shall be based on such standard specifications as may be adopted by  
65 the Commissioner of Administrative Services or [his] the  
66 commissioner's designee. Bidders shall submit with their bids essential  
67 information concerning their qualifications, in such form as the  
68 commissioner may require by specification in the bid documents. The  
69 commissioner may, after adopting the regulations required by  
70 subdivision (11) of section 4a-52, waive minor irregularities in bids and  
71 proposals if [he] the commissioner determines that such a waiver  
72 would be in the best interest of the state. The commissioner shall state  
73 the reasons for any such waiver in writing and include such statement  
74 in the contract file.

75 (c) All open market orders or contracts shall be awarded to (1) the  
76 lowest responsible qualified bidder, the qualities of the articles to be  
77 supplied, their conformity with the specifications, their suitability to  
78 the requirements of the state government and the delivery terms being  
79 taken into consideration and, at the discretion of the Commissioner of  
80 Administrative Services, life-cycle costs and trade-in or resale value of  
81 the articles may be considered where it appears to be in the best

82 interest of the state, [or] (2) the highest scoring bidder in a multiple  
83 criteria bid, in accordance with the criteria set forth in the bid  
84 solicitation for the contract, or (3) the proposer whose proposal is  
85 deemed by the awarding authority to be the most advantageous to the  
86 state, in accordance with the criteria set forth in the request for  
87 proposals, including price and evaluation factors. Notwithstanding  
88 any provision of the general statutes to the contrary, each state agency  
89 awarding a contract through competitive negotiation shall include  
90 price as an explicit factor in the criteria in the request for proposals and  
91 for the contract award. In considering past performance of a bidder for  
92 the purpose of determining the "lowest responsible qualified bidder"  
93 or the "highest scoring bidder in a multiple criteria bid", the  
94 commissioner shall evaluate the skill, ability and integrity of the  
95 bidder in terms of the bidder's fulfillment of past contract obligations  
96 and the bidder's experience or lack of experience in delivering  
97 supplies, materials, equipment or contractual services of the size or  
98 amount for which bids have been solicited. In determining the lowest  
99 responsible qualified bidder for the purposes of this section, the  
100 commissioner may give a price preference of up to ten per cent for (A)  
101 the purchase of goods made with recycled materials or the purchase of  
102 recyclable or remanufactured products if the commissioner determines  
103 that such preference would promote recycling or remanufacturing. As  
104 used in this subsection, "recyclable" means able to be collected,  
105 separated or otherwise recovered from the solid waste stream for  
106 reuse, or for use in the manufacture or assembly of another package or  
107 product, by means of a recycling program which is reasonably  
108 available to at least seventy-five per cent of the state's population,  
109 "remanufactured" means restored to its original function and thereby  
110 diverted from the solid waste stream by retaining the bulk of  
111 components that have been used at least once and by replacing  
112 consumable components and "remanufacturing" means any process by  
113 which a product is remanufactured; (B) the purchase of motor vehicles  
114 powered by a clean alternative fuel; or (C) the purchase of motor  
115 vehicles powered by fuel other than a clean alternative fuel and  
116 conversion equipment to convert such motor vehicles allowing the

117 vehicles to be powered by either the exclusive use of clean alternative  
118 fuel or dual use of a clean alternative fuel and a fuel other than a clean  
119 alternative fuel. As used in this subsection, "clean alternative fuel" shall  
120 mean natural gas or electricity when used as a motor vehicle fuel. All  
121 other factors being equal, preference shall be given to supplies,  
122 materials and equipment produced, assembled or manufactured in the  
123 state and services originating and provided in the state. If any such  
124 bidder refuses to accept, within ten days, a contract awarded to such  
125 bidder, such contract may be awarded to the next lowest responsible  
126 qualified bidder or the next highest scoring bidder in a multiple  
127 criteria bid, whichever is applicable, and so on until such contract is  
128 awarded and accepted. If any such proposer refuses to accept, within  
129 ten days, a contract awarded to such [bidder] proposer, such contract  
130 shall be awarded to the next most advantageous proposer, and so on  
131 until the contract is awarded and accepted. There shall be a written  
132 evaluation made of each bid. This evaluation shall identify the vendors  
133 and their respective costs and prices, document the reason why any  
134 vendor is deemed to be nonresponsive and recommend a vendor for  
135 award. A contract valued at one million dollars or more shall be  
136 awarded to a bidder other than the lowest responsible qualified bidder  
137 or the highest scoring bidder in a multiple criteria bid, whichever is  
138 applicable, only with written approval signed by the Commissioner of  
139 Administrative Services and by the Comptroller. The commissioner  
140 shall submit to the joint standing committee of the General Assembly  
141 having cognizance of matters relating to government administration,  
142 the State Auditors and the Comptroller, an annual report of all awards  
143 made pursuant to the provisions of this section.

144 (d) When, in the opinion of the commissioner, the best interest of  
145 the state will be served thereby, [he] the commissioner may order that  
146 any or all bids or proposals may be rejected. If all bids or proposals are  
147 so rejected, the commissioner shall advertise again for bids or  
148 proposals and such bids or proposals shall be opened, awarded and  
149 approved in like manner as provided in this section and section 4a-57.  
150 If all bids or proposals received on a pending contract are for the same

151 unit price or total amount and no distinction can be made in favor of  
152 supplies, materials and equipment produced, assembled or  
153 manufactured in the state or services originating and provided in the  
154 state, the commissioner shall have authority to order the rejection of all  
155 bids or proposals and to order the purchase of the required supplies,  
156 materials, equipment or contractual services in the open market,  
157 provided the price paid in the open market shall not exceed the bid or  
158 proposal price.

159 (e) Each bid or proposal, with the name of the bidder, or proposer,  
160 shall be entered on a record, and each record, with the successful bid  
161 or proposal indicated thereon, shall, after the award of the order or  
162 contract, be open to public inspection. All contracts shall be approved  
163 as to form by the Attorney General and a copy of each contract shall be  
164 filed with the Comptroller.

165 (f) Not later than February 1, 2002, the Commissioner of  
166 Administrative Services shall adopt regulations, in accordance with the  
167 provisions of chapter 54, indicating the types of objective criteria that  
168 the commissioner may use in determining the highest scoring bidder  
169 in a multiple criteria bid under this section. Said commissioner shall  
170 submit a report on said date, concerning the status of the adoption of  
171 said regulations by the commissioner, to the joint standing committee  
172 of the General Assembly having cognizance of matters relating to  
173 government administration.

174 Sec. 5. Subsections (f) and (g) of section 2-71p of the general statutes  
175 are repealed and the following is substituted in lieu thereof:

176 (f) As used in this section, (1) "lowest responsible qualified bidder"  
177 means the bidder whose bid is the lowest of those bidders possessing  
178 the skill, ability and integrity necessary to faithful performance of the  
179 work based on objective criteria considering past performance and  
180 financial responsibility, and (2) "highest scoring bidder in a multiple  
181 criteria bid" means the bidder whose bid receives the highest score for  
182 a combination of attributes, including, but not limited to, price, skill,

183 ability and integrity necessary for the faithful performance of the work,  
184 based on multiple criteria considering quality of product, warranty,  
185 life-cycle cost, past performance, financial responsibility and other  
186 objective criteria that are established in the bid solicitation for the  
187 contract. Bidders shall submit with their bids essential information  
188 concerning their qualifications, in such form as the committee may  
189 require by specification in the bid documents. The committee may  
190 waive minor irregularities in bids and proposals if it determines that  
191 such a waiver would be in the best interest of the state. As used in this  
192 subsection, the term "minor irregularities" shall not include variations  
193 in the quality, unit price or date of delivery or completion of supplies,  
194 materials, equipment or contractual services, or exceptions to  
195 programs required under the general statutes. The committee shall  
196 state the reasons for any such waiver in writing and include such  
197 statement in the contract file.

198 (g) All open market orders or contracts shall be awarded to (1) the  
199 lowest responsible qualified bidder, the qualities of the articles to be  
200 supplied, their conformity with the specifications, their suitability to  
201 the requirements of the state government and the delivery terms being  
202 taken into consideration and, at the discretion of the committee,  
203 life-cycle costs and trade-in or resale value of the articles may be  
204 considered where it appears to be in the best interest of the  
205 department, [or] (2) the highest scoring bidder in a multiple criteria  
206 bid, in accordance with the criteria set forth in the bid solicitation, or  
207 (3) the proposer whose proposal is deemed by the committee to be the  
208 most advantageous to the department, in accordance with the criteria  
209 set forth in the request for proposals, including price and evaluation  
210 factors. In considering past performance of a bidder for the purpose of  
211 determining the "lowest responsible qualified bidder" or the "highest  
212 scoring bidder in a multiple criteria bid", the committee shall evaluate  
213 the skill, ability and integrity of the bidder in terms of the bidder's  
214 fulfillment of past contract obligations and [his] the bidder's  
215 experience or lack of experience in delivering supplies, materials,  
216 equipment or contractual services of the size or amount for which bids

217 have been solicited. If any such bidder refuses to accept, within ten  
218 days, a contract awarded to [him] such bidder, such contract may be  
219 awarded to the next lowest responsible qualified bidder or the next  
220 highest scoring bidder in a multiple criteria bid, whichever is  
221 applicable, and so on until such contract is awarded and accepted. If  
222 any such proposer refuses to accept, within ten days, a contract  
223 awarded to [him] such proposer, such contract shall be awarded to the  
224 next most advantageous proposer, and so on until the contract is  
225 awarded and accepted. There shall be a written evaluation made of  
226 each bid. This evaluation shall: Identify the vendors and their  
227 respective costs and prices; document the reason why any vendor is  
228 deemed to be nonresponsive; and recommend a vendor for award. The  
229 committee shall submit to the Auditors of Public Accounts an annual  
230 report of all awards made pursuant to the provisions of this section.

231 Sec. 6. Sections 2-71w and 4a-57c of the general statutes are  
232 repealed.

233 Sec. 7. This act shall take effect July 1, 2001.

**ED** Joint Favorable Subst.

**LM** Joint Favorable