



General Assembly

January Session, 2001

Raised Bill No. 6133

LCO No. 2929

Referred to Committee on Government Administration and
Elections

Introduced by:
(GAE)

AN ACT CONCERNING MULTIPLE CRITERIA PURCHASING.

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

1 Section 1. Section 4a-59 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) As used in this section, (1) "lowest responsible qualified bidder"
4 means the bidder whose bid is the lowest of those bidders possessing
5 the skill, ability and integrity necessary to faithful performance of the
6 work based on objective criteria considering past performance and
7 financial responsibility, and (2) "highest scoring bidder in a multiple
8 criteria bid" means the bidder whose bid receives the highest score for
9 a unique combination of attributes, including, but not limited to, price,
10 skill, ability and integrity necessary for the faithful performance of the
11 work, based on multiple criteria considering quality of product,
12 warranty, life-cycle cost, past performance, financial responsibility and
13 other objective criteria to be established for the contract.

14 (b) All bids and proposals submitted as provided in section 4a-57
15 shall be based on such standard specifications as may be adopted by

16 the Commissioner of Administrative Services or his designee. Bidders
17 shall submit with their bids essential information concerning their
18 qualifications, in such form as the commissioner may require by
19 specification in the bid documents. The commissioner may, after
20 adopting the regulations required by subdivision (11) of section 4a-52,
21 waive minor irregularities in bids and proposals if he determines that
22 such a waiver would be in the best interest of the state. The
23 commissioner shall state the reasons for any such waiver in writing
24 and include such statement in the contract file.

25 (c) All open market orders or contracts shall be awarded to (1) the
26 lowest responsible qualified bidder, the qualities of the articles to be
27 supplied, their conformity with the specifications, their suitability to
28 the requirements of the state government and the delivery terms being
29 taken into consideration and, at the discretion of the Commissioner of
30 Administrative Services, life-cycle costs and trade-in or resale value of
31 the articles may be considered where it appears to be in the best
32 interest of the state, [or] (2) the highest scoring bidder in a multiple
33 criteria bid, in accordance with the criteria set forth in the bid
34 solicitation, or (3) the proposer whose proposal is deemed by the
35 awarding authority to be the most advantageous to the state, in
36 accordance with the criteria set forth in the request for proposals,
37 including price and evaluation factors. Notwithstanding any provision
38 of the general statutes to the contrary, each state agency awarding a
39 contract through competitive negotiation shall include price as an
40 explicit factor in the criteria in the request for proposals and for the
41 contract award. In considering past performance of a bidder for the
42 purpose of determining the "lowest responsible qualified bidder" or
43 the "highest scoring bidder in a multiple criteria bid", the
44 commissioner shall evaluate the skill, ability and integrity of the
45 bidder in terms of the bidder's fulfillment of past contract obligations
46 and the bidder's experience or lack of experience in delivering
47 supplies, materials, equipment or contractual services of the size or
48 amount for which bids have been solicited. In determining the lowest
49 responsible qualified bidder for the purposes of this section, the

50 commissioner may give a price preference of up to ten per cent for (A)
51 the purchase of goods made with recycled materials or the purchase of
52 recyclable or remanufactured products if the commissioner determines
53 that such preference would promote recycling or remanufacturing. As
54 used in this subsection, "recyclable" means able to be collected,
55 separated or otherwise recovered from the solid waste stream for
56 reuse, or for use in the manufacture or assembly of another package or
57 product, by means of a recycling program which is reasonably
58 available to at least seventy-five per cent of the state's population,
59 "remanufactured" means restored to its original function and thereby
60 diverted from the solid waste stream by retaining the bulk of
61 components that have been used at least once and by replacing
62 consumable components and "remanufacturing" means any process by
63 which a product is remanufactured; (B) the purchase of motor vehicles
64 powered by a clean alternative fuel; or (C) the purchase of motor
65 vehicles powered by fuel other than a clean alternative fuel and
66 conversion equipment to convert such motor vehicles allowing the
67 vehicles to be powered by either the exclusive use of clean alternative
68 fuel or dual use of a clean alternative fuel and a fuel other than a clean
69 alternative fuel. As used in this subsection, "clean alternative fuel" shall
70 mean natural gas or electricity when used as a motor vehicle fuel. All
71 other factors being equal, preference shall be given to supplies,
72 materials and equipment produced, assembled or manufactured in the
73 state and services originating and provided in the state. If any such
74 bidder refuses to accept, within ten days, a contract awarded to such
75 bidder, such contract may be awarded to the next lowest responsible
76 qualified bidder or the next highest scoring bidder in a multiple
77 criteria bid, whichever is applicable, and so on until such contract is
78 awarded and accepted. If any such proposer refuses to accept, within
79 ten days, a contract awarded to such [bidder] proposer, such contract
80 shall be awarded to the next most advantageous proposer, and so on
81 until the contract is awarded and accepted. There shall be a written
82 evaluation made of each bid. This evaluation shall identify the vendors
83 and their respective costs and prices, document the reason why any

84 vendor is deemed to be nonresponsive and recommend a vendor for
85 award. A contract valued at one million dollars or more shall be
86 awarded to a bidder other than the lowest responsible qualified bidder
87 or the highest scoring bidder in a multiple criteria bid, whichever is
88 applicable, only with written approval signed by the Commissioner of
89 Administrative Services and by the Comptroller. The commissioner
90 shall submit to the joint standing committee of the General Assembly
91 having cognizance of matters relating to government administration,
92 the State Auditors and the Comptroller, an annual report of all awards
93 made pursuant to the provisions of this section.

94 (d) When, in the opinion of the commissioner, the best interest of
95 the state will be served thereby, he may order that any or all bids or
96 proposals may be rejected. If all bids or proposals are so rejected, the
97 commissioner shall advertise again for bids or proposals and such bids
98 or proposals shall be opened, awarded and approved in like manner as
99 provided in this section and section 4a-57. If all bids or proposals
100 received on a pending contract are for the same unit price or total
101 amount and no distinction can be made in favor of supplies, materials
102 and equipment produced, assembled or manufactured in the state or
103 services originating and provided in the state, the commissioner shall
104 have authority to order the rejection of all bids or proposals and to
105 order the purchase of the required supplies, materials, equipment or
106 contractual services in the open market, provided the price paid in the
107 open market shall not exceed the bid or proposal price.

108 (e) Each bid or proposal, with the name of the bidder, or proposer,
109 shall be entered on a record, and each record, with the successful bid
110 or proposal indicated thereon, shall, after the award of the order or
111 contract, be open to public inspection. All contracts shall be approved
112 as to form by the Attorney General and a copy of each contract shall be
113 filed with the Comptroller.

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

116 (f) As used in this section, (1) "lowest responsible qualified bidder"
117 means the bidder whose bid is the lowest of those bidders possessing
118 the skill, ability and integrity necessary to faithful performance of the
119 work based on objective criteria considering past performance and
120 financial responsibility, and (2) "highest scoring bidder in a multiple
121 criteria bid" means the bidder whose bid receives the highest score for
122 a unique combination of attributes, including, but not limited to, price,
123 skill, ability and integrity necessary for the faithful performance of the
124 work, based on multiple criteria considering quality of product,
125 warranty, life-cycle cost, past performance, financial responsibility and
126 other objective criteria to be established for the contract. Bidders shall
127 submit with their bids essential information concerning their
128 qualifications, in such form as the committee may require by
129 specification in the bid documents. The committee may waive minor
130 irregularities in bids and proposals if it determines that such a waiver
131 would be in the best interest of the state. As used in this subsection, the
132 term "minor irregularities" shall not include variations in the quality,
133 unit price or date of delivery or completion of supplies, materials,
134 equipment or contractual services, or exceptions to programs required
135 under the general statutes. The committee shall state the reasons for
136 any such waiver in writing and include such statement in the contract
137 file.

138 (g) All open market orders or contracts shall be awarded to (1) the
139 lowest responsible qualified bidder, the qualities of the articles to be
140 supplied, their conformity with the specifications, their suitability to
141 the requirements of the state government and the delivery terms being
142 taken into consideration and, at the discretion of the committee,
143 life-cycle costs and trade-in or resale value of the articles may be
144 considered where it appears to be in the best interest of the
145 department, [or] (2) the highest scoring bidder in a multiple criteria
146 bid, in accordance with the criteria set forth in the bid solicitation, or
147 (3) the proposer whose proposal is deemed by the committee to be the
148 most advantageous to the department, in accordance with the criteria
149 set forth in the request for proposals, including price and evaluation

150 factors. In considering past performance of a bidder for the purpose of
151 determining the "lowest responsible qualified bidder" or the "highest
152 scoring bidder in a multiple criteria bid", the committee shall evaluate
153 the skill, ability and integrity of the bidder in terms of the bidder's
154 fulfillment of past contract obligations and his experience or lack of
155 experience in delivering supplies, materials, equipment or contractual
156 services of the size or amount for which bids have been solicited. If any
157 such bidder refuses to accept, within ten days, a contract awarded to
158 [him] such bidder, such contract may be awarded to the next lowest
159 responsible qualified bidder or the next highest scoring bidder in a
160 multiple criteria bid, whichever is applicable, and so on until such
161 contract is awarded and accepted. If any such proposer refuses to
162 accept, within ten days, a contract awarded to [him] such proposer,
163 such contract shall be awarded to the next most advantageous
164 proposer, and so on until the contract is awarded and accepted. There
165 shall be a written evaluation made of each bid. This evaluation shall:
166 Identify the vendors and their respective costs and prices; document
167 the reason why any vendor is deemed to be nonresponsive; and
168 recommend a vendor for award. The committee shall submit to the
169 Auditors of Public Accounts an annual report of all awards made
170 pursuant to the provisions of this section.

171 Sec. 3. Sections 2-71w and 4a-57c of the general statutes are
172 repealed.

173 Sec. 4. This act shall take effect July 1, 2001.

Statement of Purpose:

To provide for greater flexibility and efficiency in state purchasing by making permanent the pilot program for the award of state contracts for supplies, materials, equipment and contractual services on the basis of multiple criteria bids.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]