



General Assembly

February Session, 2004

Amendment

LCO No. 3698

HB0543303698HDO

Offered by:

REP. O'ROURKE, 32nd Dist.

To: Subst. House Bill No. 5433

File No. 408

Cal. No. 281

**"AN ACT REVISING PREQUALIFICATION REQUIREMENTS FOR
STATE CONSTRUCTION CONTRACTS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) As used in this
4 section, (1) "gift" has the same meaning as provided in section 1-79 of
5 the general statutes, except that the exclusion in subdivision (12) of
6 subsection (e) of said section 1-79 for a gift for the celebration of a
7 major life event shall not apply, (2) "quasi-public agency", "public
8 official" and "state employee" have the same meanings as provided in
9 section 1-79 of the general statutes, and (3) "participated substantially"
10 has the same meaning as provided in regulations adopted by the State
11 Ethics Commission pursuant to section 1-92 of the general statutes.

12 (b) The State Properties Review Board shall not approve a contract
13 or lease, proposed by a state agency, except for The University of
14 Connecticut, and having a cost of more than five hundred thousand
15 dollars, unless the agency submits to said board:

16 (1) An affidavit, which shall be submitted by each person, firm or
17 corporation submitting a bid or proposal for the contract or lease. The
18 affidavit shall be submitted with the bid or proposal and shall be
19 signed by the official of the person, firm or corporation who submits
20 such bid or proposal. Such affidavit shall attest to whether or not such
21 person, firm, corporation, and any official or employee of the person,
22 firm or corporation or any agent of such official, employee or person,
23 firm or corporation, who participated substantially in preparing the
24 bid or proposal, provided a gift during the five-year period preceding
25 the submission of such bid or proposal to (A) any public official or
26 state employee of the state agency soliciting bids or proposals for the
27 contract or lease, or (B) any public official or state employee of any
28 other state agency having supervisory or appointing authority over
29 such state agency, which public official or state employee participated
30 substantially in the preparation of the bid solicitation or request for
31 proposals for the contract or lease. The affidavit shall also attest that no
32 such official or employee of the person, firm or corporation or agent of
33 such official, employee or person, firm or corporation knows of any
34 action by the person, firm or corporation to circumvent the
35 requirements of this subdivision by providing for any other official,
36 employee or agent to provide a gift to any such public official or state
37 employee. If any gift described in this subdivision was provided, the
38 affidavit shall include a description of the gift and the value and
39 approximate date of the gift;

40 (2) An affidavit signed by the official of the person, firm or
41 corporation awarded the contract or lease, which shall be submitted at
42 the time the contract or lease is executed. The affidavit shall attest to
43 whether or not gifts described in subdivision (1) of this subsection
44 were provided between the date of the affidavit under subdivision (1)
45 of this subsection and the date of execution of the contract or lease to
46 public officials or state employees who participated substantially in the
47 negotiation or award of the contract or lease. If any such gift was
48 provided, the affidavit shall include a description of the gift and the
49 value and approximate date of the gift;

50 (3) An affidavit, signed by each public official or state employee
51 who participated substantially in the bid solicitation or request for
52 proposals for the contract or lease, attesting to whether or not such
53 official or employee received a gift during the five-year period
54 preceding the submission of the bid or proposal from any person, firm
55 or corporation submitting a bid or proposal, any official or employee
56 of the person, firm or corporation, or any agent of such official,
57 employee, person, firm or corporation. If any such gift was received
58 under this subdivision, the affidavit shall include a description of the
59 gift and the value and approximate date of the gift; and

60 (4) An affidavit, signed by each public official or state employee
61 who participated substantially in the negotiation or award of the
62 contract or lease, attesting to whether or not gifts described in
63 subdivision (3) of this subsection were received between the date of
64 the affidavit under subdivision (3) of this subsection and the date of
65 execution of the contract or lease. If any such gift was received, the
66 affidavit shall include a description of the gift and the value and
67 approximate date of the gift.

68 (c) No quasi-public agency or The University of Connecticut shall
69 execute a contract or lease having a cost of more than five hundred
70 thousand dollars unless the agency or said university obtains the
71 affidavits described in subsection (b) of this section.

72 (d) The provisions of subsections (b) and (c) of this section shall also
73 apply to (1) any subcontract under a contract pursuant to said
74 subsections (b) and (c), which subcontract has a cost of more than five
75 hundred thousand dollars, and (2) an amendment to a contract, lease
76 or subcontract under said subsections (b) and (c), which amendment
77 has a cost of more than five hundred thousand dollars. The affidavits
78 required for such amendments shall apply to gifts provided or
79 received during the five-year period preceding the date of execution of
80 the amendment.

81 (e) The provisions of subsections (b), (c) and (d) of this section shall

82 not apply to a contract for a grant required under the general statutes
83 to be provided in accordance with a formula.

84 (f) Each affidavit required under this section shall be sworn as true
85 to the best knowledge and belief of the person signing the affidavit,
86 subject to the penalties of false statement."