



General Assembly

January Session, 2005

***Raised Bill No. 1012***

LCO No. 3204

\*03204\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING OVERSIGHT OF STATE CONTRACTS.***

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

1 Section 1. (NEW) (*Effective October 1, 2005*) As used in sections 2 and  
2 3 of this act:

3 (1) "State agency" means an executive office, department, division,  
4 board, commission or other office or officer in the executive branch of  
5 state government;

6 (2) "State construction" and "large procurement contracts" means  
7 any contract or amendment in excess of five hundred thousand dollars  
8 for: (A) The construction, remodeling, alteration, repair or enlargement  
9 of any building or structure; (B) the construction, alteration,  
10 reconstruction, improvement, relocation, widening or changing of the  
11 grade of sections of state highways or bridges; or (C) the purchase or  
12 lease of all supplies, materials or equipment, as defined in subdivision  
13 (2) of section 4a-50 of the general statutes; and

14 (3) "Board" means the State Properties Review Board, as established

15 in section 4b-3 of the general statutes.

16 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) The State Properties  
17 Review Board may, within available appropriations, retain the services  
18 of consultants, technical assistants, research and other personnel as it  
19 may deem necessary to assist in conducting any review pursuant to  
20 section 3 of this act.

21 (b) On or before June 30, 2006, the State Properties Review Board  
22 shall adopt regulations, in accordance with chapter 54 of the general  
23 statutes, for the implementation of this section, including, but not  
24 limited to, criteria to be used in conducting any review pursuant to  
25 subsection (a) of section 3 of this act.

26 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) Notwithstanding any  
27 provision of the general statutes, all state agencies shall submit any  
28 state construction or large procurement contract to the State Properties  
29 Review Board for the board's review and approval or disapproval, in  
30 accordance with the provisions of section 2 of this act. The State  
31 Properties Review Board shall review all proposed state construction  
32 or large procurement contracts to determine the legal sufficiency of  
33 such contracts both as to substance and to form and to ensure that the  
34 process for the selection of the vendor or construction contractor  
35 complied with state law and that such contract is cost-effective and  
36 fiscally prudent. Nothing in this section shall be construed to require  
37 the review of any contract for independent audit services of any  
38 agency.

39 (b) In conducting any review pursuant to subsection (a) of this  
40 section, the State Properties Review Board shall have access to all  
41 information, files and records, including, but not limited to, financial  
42 records, of the applicable state agency, and shall, when necessary, be  
43 entitled to the use of personnel employed by the state agency. Each  
44 state agency shall keep such information, files and records in a form  
45 and by a method that will reasonably enable the board to conduct its  
46 review. Each state agency shall make such information, files and

47 records available to the board or any authorized agent of the board,  
48 upon demand. In the event that any such information, file or record  
49 sought by the board is subject to nondisclosure pursuant to any  
50 provision of the general statutes, such nondisclosure requirement and  
51 any accompanying penalty for disclosure shall apply to members of  
52 the board and the board's authorized agents.

53 (c) Not later than thirty days after a state agency's submittal of a  
54 state construction or large procurement contract to the State Properties  
55 Review Board for review, the board shall respond in writing to such  
56 agency, either approving the contract or disapproving the contract  
57 without prejudice. In the event of a tie vote of the board's members,  
58 the proposed contract shall be deemed disapproved. In any case where  
59 the board issues a written response disapproving a proposed contract,  
60 such response shall include the grounds for disapproval. If, upon  
61 expiration of such thirty-day period a decision has not been made by  
62 the board, such contract shall be deemed to have been approved.

63 Sec. 4. Section 3-125 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2005*):

65 The Attorney General shall appoint a deputy, who shall be sworn to  
66 the faithful discharge of his duties and shall perform all the duties of  
67 the Attorney General in case of his sickness or absence. He shall  
68 appoint such other assistants as he deems necessary, subject to the  
69 approval of the Governor. The Attorney General may also appoint not  
70 more than four associate attorneys general who will serve at the  
71 pleasure of the Attorney General and will be exempt from the  
72 classified service. The Attorney General shall have general supervision  
73 over all legal matters in which the state is an interested party, except  
74 those legal matters over which prosecuting officers have direction. He  
75 shall appear for the state, the Governor, the Lieutenant Governor, the  
76 Secretary, the Treasurer and the Comptroller, and for all heads of  
77 departments and state boards, commissioners, agents, inspectors,  
78 committees, auditors, chemists, directors, harbor masters, and

79 institutions and for the State Librarian in all suits and other civil  
80 proceedings, except upon criminal recognizances and bail bonds, in  
81 which the state is a party or is interested, or in which the official acts  
82 and doings of said officers are called in question, and for all members  
83 of the state House of Representatives and the state Senate in all suits  
84 and other civil proceedings brought against them involving their  
85 official acts and doings in the discharge of their duties as legislators, in  
86 any court or other tribunal, as the duties of his office require; and all  
87 such suits shall be conducted by him or under his direction. When any  
88 measure affecting the State Treasury is pending before any committee  
89 of the General Assembly, such committee shall give him reasonable  
90 notice of the pendency of such measure, and he shall appear and take  
91 such action as he deems to be for the best interests of the state, and he  
92 shall represent the public interest in the protection of any gifts, legacies  
93 or devises intended for public or charitable purposes. All legal services  
94 required by such officers and boards in matters relating to their official  
95 duties shall be performed by the Attorney General or under his  
96 direction. All writs, summonses or other processes served upon such  
97 officers and legislators shall, forthwith, be transmitted by them to the  
98 Attorney General. All suits or other proceedings by such officers shall  
99 be brought by the Attorney General or under his direction. He shall,  
100 when required by either house of the General Assembly or when  
101 requested by the president pro tempore of the Senate, the speaker of  
102 the House of Representatives, or the majority leader or the minority  
103 leader of the Senate or House of Representatives, give his opinion  
104 upon questions of law submitted to him by either of said houses or any  
105 of said leaders. He shall advise or give his opinion to the head of any  
106 executive department or any state board or commission upon any  
107 question of law submitted to him. He may procure such assistance as  
108 he may require. Whenever a trustee, under the provisions of any  
109 charitable trust described in section 45a-514, is required by statute to  
110 give a bond for the performance of his duties as trustee, the Attorney  
111 General may cause a petition to be lodged with the probate court of the  
112 district in which such trust property is situated, or where any of the

113 trustees reside, for the fixing, accepting and approving of a bond to the  
114 state, conditioned for the proper discharge of the duties of such trust,  
115 which bond shall be filed in the office of such probate court. The  
116 Attorney General shall prepare a topical and chronological cross-index  
117 of all legal opinions issued by the office of the Attorney General and  
118 shall, from time to time, update the same. Nothing in this section shall  
119 be construed to require the Attorney General to determine the legal  
120 sufficiency either as to substance or as to form of any proposed state  
121 construction or large procurement contract, as defined in section 1 of  
122 this act.

123 Sec. 5. Subsection (e) of section 4a-59 of the general statutes is  
124 repealed and the following is substituted in lieu thereof (*Effective*  
125 *October 1, 2005*):

126 (e) Each bid or proposal, with the name of the bidder, or proposer,  
127 shall be entered on a record, and each record, with the successful bid  
128 or proposal indicated thereon, shall, after the award of the order or  
129 contract, be open to public inspection. All large procurement and state  
130 construction contracts, as defined in section 1 of this act, shall be  
131 approved or disapproved by the State Properties Review Board and  
132 any other contracts shall be approved as to form by the Attorney  
133 General and a copy of each contract shall be filed with the  
134 Comptroller.

135 Sec. 6. Subsection (i) of section 4b-23 of the general statutes is  
136 repealed and the following is substituted in lieu thereof (*Effective from*  
137 *passage*):

138 (i) As used in this subsection, (1) "project" means any state program,  
139 except the downtown Hartford higher education center project, as  
140 defined in subsection (l) of section 4b-55, requiring consultant services  
141 if (A) the cost of such services is estimated to exceed fifty thousand  
142 dollars or, in the case of a constituent unit of the state system of higher  
143 education, the cost of such services is estimated to exceed three  
144 hundred thousand dollars, or (B) (i) the construction costs in

145 connection with such program are estimated to exceed five hundred  
146 thousand dollars or, in the case of a constituent unit of the state system  
147 of higher education, other than The University of Connecticut, the  
148 construction costs in connection with such program are estimated to  
149 exceed two million dollars, and (ii) the cost of a consultant services  
150 contract for such program exceeds twenty thousand dollars or the cost  
151 of an amendment to a consultant services contract makes the total cost  
152 of the amendment, all previous amendments to such contract and the  
153 contract exceed twenty thousand dollars for the first time; (2)  
154 "consultant" means "consultant" as defined in section 4b-55, as  
155 amended by this act; and (3) "consultant services" means "consultant  
156 services" as defined in section 4b-55, as amended by this act. In no  
157 instance shall the estimated costs of consultant services or the  
158 estimated construction costs in connection with such program be  
159 divided into units for the purpose of decreasing such estimated costs.  
160 Any consultant selected by the commissioner, and any contracts  
161 entered into by the commissioner with any consultants for  
162 employment, on any project under the provisions of this section, shall  
163 be subject to the approval of the State Properties Review Board prior to  
164 the employment of said consultant or consultants by the  
165 commissioner. The State Properties Review Board shall, within thirty  
166 days, approve or disapprove the selection of or contract with any  
167 consultant made by the Commissioner of Public Works pursuant to  
168 sections 4b-1 and 4b-55 to 4b-59, inclusive, as amended by this act. If  
169 upon the expiration of the thirty-day period a decision has not been  
170 made, the State Properties Review Board shall be deemed to have  
171 approved such selection or contract.

172 Sec. 7. Subsection (g) of section 4b-55 of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective from*  
174 *passage*):

175 (g) "Project" means any state program requiring consultant services  
176 if (1) the cost of such services is estimated to exceed fifty thousand  
177 dollars or, in the case of a constituent unit of the state system of higher

178 education, the cost of such services is estimated to exceed three  
179 hundred thousand dollars, provided such estimated consultant  
180 services costs are divided into units for the purpose of decreasing such  
181 estimated consultant services costs, and (2) the construction costs in  
182 connection with such program are estimated to exceed five hundred  
183 thousand dollars; or, in the case of a constituent unit of the state  
184 system of higher education, other than The University of Connecticut,  
185 the construction costs in connection with such program are estimated  
186 to exceed two million dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	3-125
Sec. 5	<i>October 1, 2005</i>	4a-59(e)
Sec. 6	<i>from passage</i>	4b-23(i)
Sec. 7	<i>from passage</i>	4b-55(g)

**Statement of Purpose:**

To require the State Properties Review Board to approve or reject any large state construction or procurement contract and prohibit the splitting of contracts in order to avoid such review.

*[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.]*