



General Assembly

**Bill No. 2101**

October 25 Special  
Session, 2005

LCO No. 8491

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Referred to Committee on No Committee

Introduced by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

REP. AMANN, 118<sup>th</sup> Dist.

**AN ACT CONCERNING REFORM OF THE STATE CONTRACTING  
PROCESS.**

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

1 Section 1. (NEW) (*Effective from passage*) For purposes of sections 2 to  
2 10, inclusive, 14 and 15 of this act:

3 (1) "Procurement" means contracting for, buying, purchasing,  
4 renting, leasing or otherwise acquiring or disposing of, any supplies,  
5 services, including but not limited to, contracts for purchase of services  
6 and personal service agreements, interest in real property, or  
7 construction, and includes all government functions that relate to such  
8 activities, including best value selection and qualification based  
9 selection.

10 (2) "Emergency procurement" means procurement by a state agency  
11 that is made necessary by a sudden, unexpected occurrence that poses  
12 a clear and imminent danger to public safety or requires immediate  
13 action to prevent or mitigate the loss or impairment of life, health,

14 property or essential public services or in response to a court order,  
15 settlement agreement or other similar legal judgment.

16 (3) "Best value selection" means a contract selection process in which  
17 the award of a contract is based on a combination of quality and cost  
18 considerations.

19 (4) "Qualification based selection" means a contract selection process  
20 in which the award of a contract is primarily based on an assessment  
21 of contractor qualifications and on the negotiation of a fair and  
22 reasonable price.

23 (5) "State contracting agency" means any state agency or political  
24 subdivision of the state, other than the State Contracting Standards  
25 Board, as established pursuant to section 2 of this act, that is  
26 authorized by law to enter into contracts, including, but not limited to,  
27 any quasi-public agency, as defined in section 1-120 of the general  
28 statutes, and any state agency, as defined in section 4a-50 of the  
29 general statutes, that receives state funds. State contracting agency  
30 does not include the Judicial Department or the Joint Committee on  
31 Legislative Management.

32 (6) "Contractor" means any person or entity bidding on, submitting  
33 a proposal for, applying for or participating as a subcontractor for, a  
34 transaction, procurement or contract described in section 3 of this act,  
35 including, but not limited to, a small contractor, minority business  
36 enterprise, organization providing products and services by persons  
37 with disabilities, as described in section 17b-656 of the general statutes,  
38 and an individual with a disability, as defined in section 4a-60g of the  
39 general statutes.

40 (7) "Contract risk assessment" means (A) the identification and  
41 evaluation of loss exposures and risks, including, but not limited to,  
42 business and legal risks associated with the contracting process and  
43 the contracted goods and services, and (B) the identification,  
44 evaluation and implementation of measures available to minimize

45 potential loss exposures and risks.

46 (8) "Privatization contract" means an agreement or series of  
47 agreements between a state contracting agency and a person, in which  
48 such person agrees to provide services valued at five hundred  
49 thousand dollars or more over the life of the contract that are  
50 substantially similar to and in lieu of services provided, in whole or in  
51 part, by employees of such agency or by employees of another state  
52 agency for such state agency. "Privatization contract" does not include  
53 an agreement to only provide legal services, litigation support or  
54 management or financial consulting.

55 (9) "Comparative costs" means a comparison of the costs of entering  
56 into a privatization contract to the costs of the state providing the  
57 services that are the subject of the privatization contract, using a  
58 comparative costs methodology.

59 (10) "Comparative costs analysis" means an examination of all direct  
60 and indirect costs to the state and an examination of the effect of a  
61 proposed privatization contract on the public health and safety of  
62 residents of the state who may utilize such privatized service.

63 (11) "Purchase of service agreement" means any contract between a  
64 state agency and a nonprofit agency, partnership or corporation for the  
65 purchase by the state of ongoing and routine health and human  
66 services for clients of the Departments of Social Services, Children and  
67 Families, Mental Retardation, Mental Health and Addiction Services,  
68 Public Health and Correction which is overseen by the Office of Policy  
69 and Management.

70 (12) "Rebidding" means a state contracting agency's requesting of  
71 proposals or qualifications for a contract to provide goods or services  
72 that are specific to an existing facility or program provided such goods  
73 or services are being provided under a contract in effect as of the  
74 effective date of this section.

75 (13) "Established wage rate" means a minimum wage rate for  
76 employee positions with duties that are substantially similar to the  
77 duties performed by a regular agency, which rate shall be the lesser of  
78 step one of the grade or classification under which the comparable  
79 regular agency employee is paid, or the standard private sector wage  
80 rate for said position, as determined by the Labor Commissioner in  
81 accordance with section 31-57f of the general statutes and shall include  
82 a percentage representing the normal costs of health care and pension  
83 benefits for comparable state employees hired at the time of the  
84 contract.

85 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a State  
86 Contracting Standards Board that shall consist of nine members  
87 appointed as follows: Five members shall be appointed by the  
88 Governor, two members shall be appointed by the speaker of the  
89 House of Representatives and two members shall be appointed by the  
90 president pro tempore of the Senate whenever the Governor is of a  
91 different political party than that which controls both houses of the  
92 General Assembly; five members shall be appointed by the Governor  
93 and four members appointed by the highest ranking leader of the  
94 opposing party of the applicable house of the General Assembly  
95 whenever the political party of the Governor also controls only one of  
96 the houses of the General Assembly; five members shall be appointed  
97 by the Governor, two members by the minority leader of the House of  
98 Representatives and two members by the minority leader of the Senate  
99 whenever the political party of the Governor controls both houses of  
100 the General Assembly; and five members by the Governor, two  
101 members by the speaker of the House of Representatives and two  
102 members by the president pro tempore of the Senate whenever the  
103 Governor is an independent. Each member shall be appointed in  
104 accordance with the provisions of section 4-7 of the general statutes  
105 and have demonstrated sufficient knowledge by education, training or  
106 experience in several of the following enumerated areas: (1)  
107 Procurement; (2) contract negotiation, selection and drafting; (3)  
108 contract risk assessment; (4) requests for proposals and real estate

109 transactions; (5) business insurance and bonding; (6) the code of ethics;  
110 (7) federal and state statutes, policies and regulations; (8) outsourcing  
111 and privatization proposal analysis; (9) small and minority business  
112 enterprise development; (10) engineering and information  
113 technologies; and (11) personnel and labor relations. Such education,  
114 training or experience shall have been acquired over not less than a  
115 continuous five-year period and shall have been acquired within the  
116 ten-year period preceding such appointment. Nothing in this section  
117 shall be construed to prohibit an appointing authority from selecting a  
118 member of the general public who has demonstrated an interest in  
119 governmental ethics and integrity to serve on the board as such  
120 appointing authority's appointee. The chairperson of the board shall be  
121 appointed by the members of the board. The terms of the members  
122 shall be coterminous with the terms of the appointing authority for  
123 each member. If any vacancy occurs on the board, the appointing  
124 authorities having the power to make the appointment under the  
125 provisions of this subsection shall appoint a person in accordance with  
126 the provisions of this subsection.

127 (b) The State Contracting Standards Board shall be an independent  
128 body within the Executive Department.

129 (c) The chairperson of the board shall be compensated two hundred  
130 dollars per diem up to a maximum of thirty thousand dollars annually.  
131 Other members of the board shall be compensated two hundred  
132 dollars per diem up to a maximum of twenty-five thousand dollars  
133 annually. No person shall serve on the board who holds another state  
134 or municipal governmental position and no person on the board nor  
135 any spouse, child, stepchild, parent or sibling of such person shall be  
136 directly or indirectly involved in any enterprise that does business  
137 with the state.

138 (d) The Governor shall appoint an executive director who shall  
139 serve as an ex-officio, nonvoting member of the board. The executive  
140 director shall be appointed in accordance with the provisions of

141 section 4-7 of the general statutes and may be removed from office for  
142 reasonable cause, in accordance with chapter 67 of the general statutes.  
143 The board shall, annually, conduct a performance evaluation of such  
144 executive director.

145 (e) The board may employ secretaries, real estate examiners,  
146 contract specialists, forensic fraud examiners, property and  
147 procurement specialists, paralegals, attorneys and such other  
148 employees as the board deems necessary, all of whom shall be in the  
149 state classified service.

150 (f) The reasonable expenses of the State Contracting Standards  
151 Board and its employees shall be paid from the budget of the board  
152 upon the approval of the board.

153 (g) No employee of the State Contracting Standards Board shall  
154 hold another state or municipal position, nor shall any such employee  
155 or any nonclerical employee or any spouse, child, stepchild, parent or  
156 sibling of such employee of the board be directly or indirectly involved  
157 in any enterprise that does business with the state. Each member and  
158 employee of the State Contracting Standards Board shall file, with the  
159 board and with the Office of State Ethics, a financial statement  
160 indicating all sources of business income of such person in excess of  
161 one thousand dollars, and the name of any business with which such  
162 member or employee is associated, as defined in subsection (b) of  
163 section 1-79 of the general statutes. Such statement shall be a public  
164 record. Financial statements for the preceding calendar year shall be  
165 filed with the commission on or before April fifteenth of each year if  
166 such employee or member held such a position during the preceding  
167 calendar year.

168 (h) Any violation of the provisions of subsection (c) or (g) of this  
169 section shall constitute a violation of part I of chapter 10 of the general  
170 statutes and may be the subject of a complaint and investigation filed  
171 and conducted in accordance with the provisions of section 1-82 of the  
172 general statutes.

173 (i) The board shall adopt such rules as it deems necessary for the  
174 conduct of its internal affairs, in accordance with section 4-167 of the  
175 general statutes, including, but not limited to, rules of procedure for  
176 any appeal taken pursuant to section 10 of this act and any review  
177 undertaken pursuant to section 12 of this act.

178 (j) Six members of the board shall constitute a quorum which shall  
179 be required for the transaction of business by the board.

180 Sec. 3. (NEW) (*Effective January 1, 2006*) (a) On or before January 1,  
181 2007, the State Contracting Standards Board shall prepare a uniform  
182 procurement code applicable to state contracting agency expenditures,  
183 including, but not limited to, expenditures: (1) By municipalities that  
184 receive state funds, (2) involving any state contracting and  
185 procurement processes, including, but not limited to, leasing and  
186 property transfers, purchasing or leasing of supplies, materials or  
187 equipment, as defined in section 4a-50 of the general statutes,  
188 consultant or consultant services, as defined in section 4b-55 of the  
189 general statutes, personal service agreements, as defined in section 4-  
190 212 of the general statutes, purchase of service agreements or  
191 privatization contracts, and (3) relating to contracts for the  
192 construction, reconstruction, alteration, remodeling, repair or  
193 demolition of any public building. Nothing in this section shall be  
194 construed to require the application of uniform procurement code  
195 procedures when such procurement involves the expenditure of  
196 federal assistance or contract funds and federal law provides  
197 applicable procurement procedures to the extent such procedures are  
198 inconsistent with the uniform procurement code.

199 (b) The uniform procurement code described in subsection (a) of  
200 this section shall be designed to: (1) Establish uniform contracting  
201 standards and practices among the various state contracting agencies;  
202 (2) simplify and clarify the state's laws governing contracting  
203 standards and procurement policies and practices, including, but not  
204 limited to, procedures for competitive sealed bids, competitive sealed

205 proposals, small purchases, sole source procurements, emergency  
206 procurements and special procurements; (3) ensure the fair and  
207 equitable treatment of all businesses and persons who deal with the  
208 procurement system of the state; (4) include a process to maximize the  
209 use of small contractors and minority business enterprises, as defined  
210 in section 4a-60g of the general statutes; (5) provide increased economy  
211 in state procurement activities and maximize purchasing value to the  
212 fullest extent possible; (6) ensure that the procurement of supplies,  
213 materials, equipment, services, real property and construction required  
214 by any state contracting agency is obtained in a cost-effective and  
215 responsive manner; (7) preserve and maintain the existing contracting,  
216 procurement, disqualification and termination authority and discretion  
217 of any state contracting agency when such contracting and  
218 procurement procedures represent best practices; (8) include a process  
219 to improve contractor and state contracting agency accountability; (9)  
220 include standards by which state contracting agencies must evaluate  
221 proposals to privatize state or quasi-public agency services and  
222 privatization contract bid proposals. Such standards shall, at a  
223 minimum, include: (A) A requirement for a comparative costs analysis  
224 to be completed prior to any state or quasi-public agency decision to  
225 privatize services, (B) adequate notification requirements to affected  
226 employees and, where applicable, certified bargaining agents, (C) a  
227 requirement for the preparation of an employee impact statement  
228 including measures to be taken by the bidder to retain qualified state  
229 and quasi-public agency employees, (D) a provision requiring state  
230 agencies and quasi-public agencies to provide adequate information  
231 and resources to their employees for the purpose of encouraging and  
232 assisting such state or quasi-public employees to organize and submit  
233 a bid to provide the services that are the subject of such privatization  
234 contract, (E) a requirement that bidders disclose all relevant  
235 information pertaining to past performance, pending or concluded  
236 legal or regulatory proceedings or complaints, including, but not  
237 limited to, compliance with fair employment practices and  
238 nondiscrimination standards, as described in section 46a-60 of the

239 general statutes, and compliance with federal fair employment and  
240 nondiscrimination standards, (F) a requirement that where any  
241 applicable collective bargaining agreement allows layoffs resulting  
242 from privatization, the contract offer available employee positions  
243 pursuant to the contract to qualified regular employees of the agency  
244 whose state employment is terminated because of such privatization  
245 contract provided such employees satisfy the hiring criteria of the  
246 contractor, and (G) provisions for a fair wage according to objective  
247 standards, such as the established wage rate defined in section 1 of this  
248 act; (10) provide that the renewal, modification, extension or rebidding  
249 of a privatization agreement in effect on or before the effective date of  
250 this section, or reentered into after the effective date of this section,  
251 shall be subject to the procurement code on and after January 1, 2008;  
252 (11) establish standards for leases and lease-purchase agreements and  
253 for the purchase and sale of real estate; and (12) provide a process for  
254 competitive sealed bids, competitive sealed proposals, small  
255 purchases, sole source procurements, emergency procurements,  
256 special procurements, best value selection, qualification based  
257 selection and the conditions for their use.

258 (c) In preparing the uniform procurement code described in  
259 subsection (a) of this section, the State Contracting Standards Board  
260 shall conduct a comprehensive review of existing state contracting and  
261 procurement laws, regulations and practices and shall utilize existing  
262 procurement procedures and guidelines that the board deems  
263 appropriate.

264 (d) Upon request by the State Contracting Standards Board, each  
265 state contracting agency engaged in procurement shall provide the  
266 board, in a timely manner, with such procurement information as the  
267 board deems necessary. The board shall have access to all information,  
268 files and records related to any state contracting agency in furtherance  
269 of this purpose. Nothing in this section shall be construed to require  
270 the board's disclosure of documents that are exempt from disclosure  
271 pursuant to chapter 14 of the general statutes or that may be protected

272 from disclosure under claim of an attorney-client privilege.

273 (e) Such uniform procurement code shall be submitted to the  
274 General Assembly for its approval. The board shall file such code with  
275 the clerks of the House of Representatives and the Senate not later than  
276 January 15, 2007, and not later than January 20, 2007, the speaker of the  
277 House of Representatives and the president pro tempore of the Senate  
278 shall submit such code to the joint standing committee of the General  
279 Assembly having cognizance of matters relating to government  
280 administration and elections. Said committee shall hold a public  
281 hearing on such code and shall report its recommendations, including  
282 any changes thereto, to the House of Representatives and the Senate  
283 concerning the approval or rejection of the code. The General  
284 Assembly shall take a vote on such code not later than the end of the  
285 2007 regular session.

286 Sec. 4. (NEW) (*Effective July 1, 2007*) In addition to the preparation of  
287 the uniform procurement code described in section 3 of this act, the  
288 duties of the State Contracting Standards Board shall include:

289 (1) Recommending the repeal of repetitive, conflicting or obsolete  
290 statutes concerning state procurement;

291 (2) Developing, publishing and maintaining the uniform  
292 procurement code for all state contracting agencies;

293 (3) Assisting state contracting agencies in complying with the code  
294 by providing guidance, models, advice and practical assistance to state  
295 contracting agency staff relating to: (A) Buying the best service at the  
296 best price, (B) properly selecting contractors, and (C) drafting contracts  
297 that achieve state goals and protect taxpayers' interest;

298 (4) Reviewing and certifying that a state contracting agency's  
299 procurement processes are in compliance with the code;

300 (5) Triennially, recertifying each state contracting agency's  
301 procurement processes and providing agencies with notice of any

302 certification deficiency and exercising authority as provided under  
303 section 6 of this act if a determination of noncompliance is made;

304 (6) Defining the training requirements for state contracting agency  
305 procurement professionals;

306 (7) Monitoring implementation of the state contracting portal and  
307 making recommendations for improvement to the Department of  
308 Administrative Services;

309 (8) Defining the contract data retention requirements for state  
310 agencies concerning retention of information on: (A) The number and  
311 type of state contracts currently in effect state-wide, (B) the dollar  
312 value of such contracts, (C) a list of client agencies, (D) a description of  
313 services purchased under such contracts, (E) contractor names, and (F)  
314 an evaluation of contractor performance, and assuring such  
315 information is available on the state contracting portal;

316 (9) Providing the Governor and the joint standing committee of the  
317 General Assembly having cognizance of matters relating to  
318 government administration and elections with recommendations  
319 concerning the uniform procurement code; and

320 (10) Approving an ethics training course for state employees  
321 involved in procurement and for state contractors and substantial  
322 subcontractors who are prequalified pursuant to the provisions of  
323 section 4a-100 of the general statutes, as amended by this act. Such  
324 ethics training course may be developed and provided by the Office of  
325 State Ethics or by any person, firm or corporation provided such  
326 course is approved by the State Contracting Standards Board.

327 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The State Contracting  
328 Standards Board shall triennially conduct audits of state contracting  
329 agencies to ensure compliance with the uniform procurement code. In  
330 conducting such audit, the State Contracting Standards Board shall  
331 have access to all contracting and procurement records, may interview

332 personnel responsible for contracting, contract negotiation or  
333 procurement and may enter into an agreement with the State Auditors  
334 of Public Accounts to effectuate such audit.

335 (b) Upon completion of any such audit, the State Contracting  
336 Standards Board shall prepare and issue a compliance report for such  
337 state contracting agency. Such report shall identify any process or  
338 procedure that is inconsistent with the uniform procurement code and  
339 indicate those corrective measures the board deems necessary to  
340 comply with code requirements. Such report shall be issued and  
341 delivered not later than thirty days after completion of such audit and  
342 shall be a public record.

343 (c) After notice and hearing, the State Contracting Standards Board  
344 may restrict the authority of any state contracting agency to enter into  
345 any contract or procurement agreement if the board, upon a vote of  
346 two-thirds of the members of the board present and voting for such  
347 purpose, determines that such state contracting agency failed to  
348 comply with statutory contracting and procurement requirements, and  
349 evidenced a reckless disregard for applicable procedures and policy  
350 and such limitation or restriction is in the state's best interest. Such  
351 limitation or restriction shall remain in effect until such time as the  
352 board determines that such state contracting agency has implemented  
353 corrective measures and demonstrated compliance with code  
354 requirements.

355 Sec. 6. (NEW) (*Effective October 1, 2007*) For cause, the State  
356 Contracting Standards Board may review or terminate any contract or  
357 procurement agreement undertaken by any state contracting agency  
358 after providing fifteen days notice to the state contracting agency and  
359 the applicable contractor, and consulting with the Attorney General.  
360 Such termination of a contract or procurement agreement by the board  
361 may occur only upon a vote of two-thirds of the members of the board  
362 present and voting for that purpose. Such action shall be accompanied  
363 by notice to the state contracting agency and any other affected party.

364 For the purpose of this section, "for cause" means: (1) A violation of  
365 section 1-84, 1-86e or 4a-100 of the general statutes, as amended by this  
366 act, (2) wanton or reckless disregard of any state contracting and  
367 procurement process by any person substantially involved in such  
368 contract or state contracting agency, or (3) notification from the  
369 Attorney General to the state contracting agency that an investigation  
370 pursuant to section 4-61dd of the general statutes indicates that the  
371 process by which such contract was awarded was compromised by  
372 fraud, collusion or other serious ethical improprieties.

373 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) After reasonable notice, a  
374 hearing and consultation with the relevant state contracting agency  
375 and the Attorney General, the State Contracting Standards Board may  
376 disqualify any contractor, for a period of up to five years, from bidding  
377 on, applying for, or participating as a subcontractor under, contracts  
378 with the state. Such disqualification shall be upon the vote of two-  
379 thirds of the members of the board present and voting for that  
380 purpose. Such hearing shall be conducted in accordance with chapter  
381 54 of the general statutes. The board shall issue a written decision not  
382 later than ninety days after the conclusion of such hearing and state in  
383 the decision the reasons for the action taken and, if the contractor is  
384 being disqualified, the period of such disqualification. The existence of  
385 a cause for disqualification, as described in subsection (b) of this  
386 section, may not be the sole factor to be considered by the board in  
387 determining whether the contractor shall be disqualified. In  
388 determining whether to disqualify a contractor, the board shall  
389 consider the seriousness of the contractor's acts or omissions and any  
390 mitigating factors. The board shall send the decision to the contractor  
391 by certified mail, return receipt requested. The written decision shall  
392 be a final decision for purposes of sections 4-180 and 4-183 of the  
393 general statutes.

394 (b) Causes for such disqualification shall include the following:

395 (1) Conviction of, or entry of a plea of guilty or nolo contendere or

396 admission to, the commission of a criminal offense as an incident to  
397 obtaining or attempting to obtain a public or private contract or  
398 subcontract, or in the performance of such contract or subcontract;

399 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
400 admission to, the violation of any state or federal law for  
401 embezzlement, theft, forgery, bribery, falsification or destruction of  
402 records, receiving stolen property or any other offense indicating a  
403 lack of business integrity or business honesty which affects  
404 responsibility as a state contractor;

405 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
406 admission to, a violation of any state or federal antitrust, collusion or  
407 conspiracy law arising out of the submission of bids or proposals on a  
408 public or private contract or subcontract;

409 (4) Accumulation of two or more suspensions pursuant to section 8  
410 of this act within a twenty-four-month period;

411 (5) A wilful failure to perform in accordance with the terms of one  
412 or more contracts;

413 (6) A wilful violation of a statutory or regulatory provision or  
414 requirement applicable to a contract;

415 (7) A wilful or egregious violation of the ethical standards set forth  
416 in sections 1-84, 1-86e or 4a-100 of the general statutes, as amended by  
417 this act; or

418 (8) Any other cause the board determines to be so serious and  
419 compelling as to affect responsibility as a state contractor, including,  
420 but not limited to: (A) Disqualification by another state for cause, (B)  
421 the fraudulent, criminal or seriously improper conduct of any officer,  
422 director, shareholder or employee of such contractor, provided such  
423 conduct occurred in connection with the individual's performance of  
424 duties for or on behalf of such contractor and such contractor knew or  
425 had reason to know of such conduct, or (C) the existence of an

426 informal or formal business relationship with a contractor who has  
427 been disqualified from bidding on state contracts.

428 (c) Upon written request by the affected state contractor, the State  
429 Contracting Standards Board may reduce the period or extent of  
430 disqualification for a contractor if documentation supporting any of  
431 the following reasons for modification is provided to the board by the  
432 contractor:

433 (1) Newly discovered material evidence;

434 (2) Reversal of the conviction upon which the disqualification was  
435 based;

436 (3) Bona fide change in ownership or management; or

437 (4) Elimination of other causes for which the disqualification was  
438 imposed.

439 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) After reasonable notice  
440 and a hearing, conducted in accordance with the provisions of chapter  
441 54 of the general statutes, a state contracting agency may suspend any  
442 contractor for a period of not more than six months from bidding on,  
443 applying for or performing work as a subcontractor under, contracts  
444 with the agency. The commissioner or director of any such state  
445 contracting agency shall issue a written decision not later than ninety  
446 days after the conclusion of such hearing and state in the decision the  
447 reasons for the action taken and, if the contractor is being suspended,  
448 the period of such suspension. The existence of a cause for suspension,  
449 as described in subsection (b) of this section, may not be the sole factor  
450 to be considered by the agency in determining whether the contractor  
451 shall be suspended. In determining whether to suspend a contractor,  
452 the state contracting agency shall consider the seriousness of the  
453 contractor's acts or omissions and any mitigating factors. The  
454 commissioner or director of the state contracting agency shall send  
455 such decision to the contractor by certified mail, return receipt

456 requested. Such decision shall be a final decision for purposes of  
457 sections 4-180 and 4-183 of the general statutes.

458 (b) Causes for such suspension shall include the following:

459 (1) Failure without good cause to perform in accordance with  
460 specifications or within the time limits provided in the contract;

461 (2) A record of failure to perform or of unsatisfactory performance  
462 in accordance with the terms of one or more contracts, provided failure  
463 to perform or unsatisfactory performance caused by acts beyond the  
464 control of the contractor shall not be considered to be a basis for  
465 suspension;

466 (3) Any cause the state contracting agency determines to be so  
467 serious and compelling as to affect the responsibility of a state  
468 contractor, including suspension by another state contracting agency  
469 for cause; or

470 (4) A violation of the ethical standards set forth in sections 1-84, 1-  
471 86e and 4a-100 of the general statutes, as amended by this act.

472 (c) The state contracting agency may grant an exception permitting  
473 a suspended contractor to participate in a particular contract or  
474 subcontract upon a written determination by the commissioner or  
475 director of the state contracting agency that there is good cause for  
476 such exception and that such exception is in the best interest of the  
477 state.

478 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) Any bidder on a state  
479 contract may contest the solicitation or award of a contract to the  
480 commissioner of the state agency that awarded such contract. Such  
481 contest shall be submitted, in writing, not later than fourteen days after  
482 such bidder knew or should have known of the facts giving rise to  
483 such contest and shall be limited to the procedural elements of the  
484 solicitation or award process, or claims of an unauthorized or  
485 unwarranted, noncompetitive selection process.

486 (b) The commissioner or director of such state contracting agency, or  
487 the commissioner's or director's designee, shall have the authority to  
488 settle and resolve any such contest.

489 (c) In the event such contest is not resolved by mutual agreement,  
490 the commissioner or director of a state contracting agency, or the  
491 commissioner's or director's designee, shall issue a decision, in writing,  
492 not later than thirty days after receipt of any such contest. Such  
493 decision shall:

494 (1) Describe the procedure used by such agency in soliciting and  
495 awarding such contract;

496 (2) Indicate such agency's finding as to the merits of such bidder's  
497 contest; and

498 (3) Inform such bidder of the right to review, as provided in section  
499 10 of this act.

500 (d) A copy of such decision shall be provided to such bidder.

501 Sec. 10. (NEW) (*Effective October 1, 2007*) (a) Any bidder may appeal  
502 a decision issued by the commissioner or director of a state contracting  
503 agency, or the commissioner's or director's designee, pursuant to  
504 subsection (c) of section 9 of this act to the State Contracting Standards  
505 Board.

506 (b) Any such request for review shall be filed with the board not  
507 later than fourteen days after such bidder's receipt of a decision issued  
508 pursuant to subsection (c) of section 9 of this act. Such bidder shall set  
509 forth the facts supporting its claim in sufficient detail for the State  
510 Contracting Standards Board to determine whether the procedural  
511 elements of the solicitation or award failed to comply with the code or  
512 whether an unauthorized or unwarranted, noncompetitive selection  
513 process was utilized.

514 (c) Any appeal filed pursuant to subsection (b) of this section shall

515 not be deemed to prohibit the award or execution of any such  
516 contested contract.

517 (d) The State Contracting Standards Board shall create a three-  
518 member appeals review subcommittee, which shall review any request  
519 filed pursuant to subsection (b) of this section and decide whether such  
520 solicitation or award was in compliance with the code, and whether  
521 allegations of an unauthorized or unwarranted, noncompetitive  
522 selection process have been demonstrated. A unanimous vote of such  
523 subcommittee shall be dispositive of any such appeal. A split vote of  
524 such subcommittee shall result in a review of the appeal by the full  
525 membership of the board which, by a vote of two-thirds of its  
526 members present and voting for such purpose, shall decide whether  
527 the solicitation or award of such contract was in compliance with the  
528 code and whether allegations of an unauthorized or unwarranted,  
529 noncompetitive selection process have been demonstrated.

530 (e) Such appeals subcommittee shall issue a written decision or take  
531 other appropriate action on each appeal not later than ninety days after  
532 the filing of such appeal. A written copy of any such decision shall be  
533 provided to such bidder.

534 (f) In the event of an appeal review by the full board, the board shall  
535 issue a written decision or take other appropriate action on such  
536 appeal not later than ninety days after receipt of the appeal from the  
537 appeals subcommittee. A written copy of any such decision shall be  
538 provided to such bidder.

539 (g) In the event that the appeals subcommittee or the board  
540 determines that a procedural violation occurred, or that allegations of  
541 an unauthorized or unwarranted, noncompetitive selection process  
542 have been demonstrated, the board shall direct the state contracting  
543 agency to take corrective action not later than thirty days after the date  
544 of the subcommittee's or board's decision, as applicable.

545 (h) In the event such appeal is found to be frivolous by the appeals

546 review subcommittee or the full board, such frivolous appeal may  
547 serve as a basis for disqualification pursuant to section 7 of this act.

548 (i) Any three members of the board may request a full board review  
549 of any contract deliberation or award process of a state contracting  
550 agency.

551 (j) A decision issued by the board or appeals subcommittee under  
552 this section shall be final and not subject to appeal under sections 4-180  
553 and 4-183 of the general statutes.

554 Sec. 11. (NEW) (*Effective October 1, 2007*) There is established a  
555 Contracting Standards Advisory Council, which shall consist of nine  
556 state contracting agency representatives designated by the Governor,  
557 including at least one representative from each of the following: The  
558 Department of Administrative Services, the Department of  
559 Transportation and the Department of Public Works. The advisory  
560 council shall meet at least once a year to discuss problems with  
561 procurement processes and to make recommendations for  
562 improvements to the State Contracting Standards Board. The advisory  
563 council may conduct studies, research and analyses and make reports  
564 and recommendations with respect to subjects or matters within the  
565 jurisdiction of the State Contracting Standards Board.

566 Sec. 12. (NEW) (*Effective January 1, 2006*) (a) On and after October 1,  
567 2007, the powers, duties, obligations and other governmental functions  
568 of the State Properties Review Board, established under subsection (a)  
569 of section 4b-3 of the general statutes, shall transfer to the State  
570 Contracting Standards Board, established under section 2 of this act.  
571 The powers, duties, obligations and other governmental functions of  
572 the State Properties Review Board, shall thereafter vest in the State  
573 Contracting Standards Board, in accordance with the provisions of  
574 sections 4-38d and 4-39 of the general statutes.

575 (b) On or before October 1, 2007, the State Contracting Standards  
576 Board shall establish a three-member subcommittee of the board to be

577 known as the state properties review subcommittee to perform the  
578 duties described under subsection (a) of this section. The  
579 subcommittee shall perform the duties established under subsection  
580 (a) of this section in accordance with the rules and procedures  
581 established by the board pursuant to subsection (i) of section 2 of this  
582 act. The State Contracting Standards Board shall constitute a successor  
583 department to the State Properties Review Board in accordance with  
584 the provisions of sections 4-38d and 4-39 of the general statutes.

585 Sec. 13. Subsection (i) of section 4b-91 of the general statutes is  
586 repealed and the following is substituted in lieu thereof (*Effective from*  
587 *passage*):

588 (i) [In the event that the] The General Assembly [approves] may  
589 approve legislation authorizing an exception to the competitive  
590 bidding process for a project, provided such legislation is approved, in  
591 whole, by a two-thirds vote of the members of each house of the  
592 General Assembly. If rejected, the legislation proposing an exception  
593 for such project shall not be valid and shall not be implemented. The  
594 legislation shall be deemed rejected if the General Assembly fails to  
595 vote to approve or reject the legislation (1) prior to the adjournment of  
596 the regular session of the General Assembly during which the  
597 legislation is filed, (2) prior to the adjournment of the next regular  
598 session of the General Assembly following the date on which the  
599 legislation is filed if the General Assembly is not in regular session on  
600 such date, or (3) prior to the adjournment of a special session convened  
601 before the next regular session of the General Assembly for the  
602 purpose of considering the legislation if the General Assembly is not in  
603 regular session on the date on which the legislation is filed. However,  
604 if the legislation is filed less than thirty days before the end of a regular  
605 session, the General Assembly may vote to approve or reject the  
606 legislation (A) not later than thirty days after the first day of a special  
607 session convened before the next regular session of the General  
608 Assembly for the purpose of considering the legislation, or (B) not later  
609 than thirty days after the first day of the next regular session of the

610 General Assembly. In the event that the General Assembly approves  
611 legislation authorizing an exception to the competitive bidding process  
612 for a project, the State Properties Review Board shall complete a  
613 review of the contract for such project and approve or disapprove such  
614 contract no later than thirty days after the Commissioner of Public  
615 Works submits such contract to the board. Such review shall be  
616 conducted in accordance with the provisions of section 4b-3. On and  
617 after October 1, 2007, such review shall be conducted by the  
618 subcommittee of the State Contracting Standards Board established  
619 under subsection (b) of section 12 of this act. In the event that such  
620 review does not occur within the thirty-day period prescribed by this  
621 subsection, such contract shall be deemed to be approved.

622 Sec. 14. (NEW) (*Effective from passage*) (a) From the effective date of  
623 this section, until the passage and signing into law of a procurement  
624 code as defined in section 1 of this act, no state agency may enter into a  
625 privatization contract other than an emergency procurement as  
626 defined in section 1 of this act, unless each of the following conditions  
627 have been met:

628 (1) Such contract is cost effective and fiscally prudent taking into  
629 consideration comparative costs including all direct and indirect costs  
630 to the state and the impact of such privatization contract on the public  
631 health and safety and the residents of Connecticut who use the services  
632 that are the subject of the privatization contract.

633 (2) Such agency has complied with the provisions of subsection (b)  
634 of this section.

635 (3) Prior to any state agency's solicitation of bids for a privatization  
636 contract, such agency shall prepare an analysis of the costs and  
637 benefits to the agency of (A) privatizing services, and (B) continuing to  
638 provide such services using state employees of the state agency. Such  
639 analysis shall include, but not be limited to: (i) An examination of all  
640 direct and indirect costs to the state, including health insurance,  
641 pension costs of state employees, unemployment compensation costs

642 of state employees terminated as a result of the privatization contract,  
643 gain or loss of income tax and sales tax revenue to the state, and (ii) an  
644 examination of the effect of such proposed privatization on the quality  
645 of service, the public health and safety and residents of the state who  
646 may utilize such privatized service. In determining the cost of  
647 privatizing services, pursuant to this subsection, the state agency shall  
648 calculate labor costs for each employee position at a rate no less than  
649 the middle range salary of a state employee job class substantially  
650 similar to such employee position, or the average salary of employees  
651 who would be displaced by the proposed privatization, whichever is  
652 higher and shall assume comparable benefit costs. Additionally, the  
653 state agency shall include in such cost analysis any costs or penalties  
654 the state may incur if such contract is terminated by the state prior to  
655 the termination date contained in such contract. Each state agency  
656 shall transmit such analysis to the Secretary of the State who shall  
657 maintain copies of each such proposed contract and analysis as public  
658 records and to the Auditors of Public Accounts who may review and  
659 comment on such analysis.

660 (4) At least sixty days prior to publishing any notice soliciting bids  
661 for a privatization contract, a state agency shall notify each collective  
662 bargaining organization representing employees of the agency of such  
663 planned solicitation. After consulting with the potentially affected  
664 bargaining units, if any, the agency shall provide adequate resources  
665 for the purpose of encouraging and assisting present agency  
666 employees to organize and submit a bid to provide the services that  
667 are the subject of the privatization contract. In determining what  
668 resources are adequate for this purpose, the agency shall refer to an  
669 existing collective bargaining agreement of a similar employee  
670 organization whose members perform the subject services, if available,  
671 which agreement provides similar resources in the same or other  
672 agencies. If no such collective bargaining agreement exists, the agency  
673 shall refer to any existing collective bargaining agreements providing  
674 such resources, and shall provide such resources at the minimum level  
675 of assistance provided in such agreements. The state agency shall also

676 provide to the state employees its analysis and any report of the  
677 Auditors of Public Accounts prepared in accordance with this act. The  
678 agency shall consider any such employee bid on the same basis as all  
679 other bids. An employee bid may be made as a joint venture with other  
680 persons.

681 (b) The state agency soliciting bids for a privatization contract shall  
682 require the bidders to include the following information in their bid  
683 submission:

684 (1) The wage rate or annual salary for each employee or, if not  
685 known, each position covered by the privatization contract;

686 (2) An agreement by the bidder or contractor to offer available  
687 employee positions pursuant to the contract to qualified regular  
688 employees of the state agency whose state employment is terminated  
689 because of the privatization contract and who satisfy the hiring criteria  
690 of the contractor;

691 (3) An agreement by the bidder or the contractor to refrain from  
692 engaging in discriminatory employment practices, as defined in  
693 section 46a-51 of the general statutes, and to take affirmative steps to  
694 provide such equal opportunity for all such persons;

695 (4) A report on the length of continuous employment of current  
696 employees of the contractor by job classification, without providing  
697 individually identifiable information on such employees and  
698 information detailing the relevant prior experience of current  
699 employees within each job classification. If the positions identified by  
700 the bidder are newly created positions, the bid shall identify the  
701 minimum requirements for prospective applicants for each such  
702 position;

703 (5) The annual rate of employee turnover;

704 (6) Any legal or administrative proceedings pending or concluded  
705 adversely against the applicant or any of the applicant's principals or

706 key personnel within the past five years that relate to the procurement  
707 or performance of any public or private construction contract,  
708 employee safety and health, labor relations or other employment  
709 requirements and whether the applicant is aware of any investigation  
710 pending against the applicant or any principal or key personnel. Such  
711 information shall specify the date of the complaint, citation, court  
712 finding or administrative finding, the enforcement agency, rule, law or  
713 regulation involved and any additional information the contractor  
714 elects to submit;

715 (7) Any collective bargaining agreements or personnel policies  
716 covering the employees that will provide services to the state; and

717 (8) Any political contributions made by the bidder or any employee  
718 of the bidder who participated substantially in the preparation of the  
719 bid, to any elected officer of the state or member of the General  
720 Assembly during the four years prior to the due date of the bid. For  
721 purposes of this section, "participated substantially" means  
722 participation that was direct, extensive and substantive, not peripheral,  
723 clerical or ministerial.

724 (c) Any state agency selecting a bidder for a privatization contract  
725 shall develop a contract that is acceptable to the bidder and the state  
726 agency provided such contract shall include the following terms:

727 (1) Where any applicable collective bargaining agreement allows  
728 layoffs as a result of privatization, the contractor shall be required to  
729 offer available employee positions pursuant to the contract to qualified  
730 regular employees of the agency whose state employment is  
731 terminated because of the privatization contract and who satisfy the  
732 hiring criteria of the contractor;

733 (2) The contractor shall be prohibited from engaging in  
734 discriminatory employment practices, as defined in section 46a-51 of  
735 the general statutes, and shall take affirmative steps to provide such  
736 equal opportunity for all such persons;

737 (3) The contractor shall be required to submit to performance audits  
738 of such contract by the Auditors of Public Accounts on a periodic  
739 basis, as determined by the Auditors of Public Accounts;

740 (4) The contractor shall pay a minimum wage rate no lower than the  
741 established wage under this act; and

742 (5) Such contract shall not become effective until the contractor and  
743 state agency have complied with the provisions of this section.

744 (d) Upon signing such contract, the state agency shall submit such  
745 contract to the Secretary of the State who shall maintain such contract  
746 as a public document. Concomitantly, the state agency shall submit to  
747 the Secretary of the State the following information:

748 (1) A certification that the state agency has complied with all the  
749 requirements of the state agency contained in the provisions of this  
750 section;

751 (2) The state agency analysis prepared in accordance with this  
752 section and a report by the state agency explaining any changes in  
753 such analysis and report as a result of the terms of the proposed  
754 privatization contract;

755 (3) A state agency analysis of the quality of the services to be  
756 provided by the designated bidder and whether such services are  
757 equal to or exceed the quality of services that are provided by regular  
758 agency employees;

759 (4) A certification by the designated bidder that the bidder and its  
760 supervisory employees, while in the employ of the designated bidder,  
761 have no adjudicated record of repeated wilful noncompliance with any  
762 relevant federal or state regulatory law including, but not limited to,  
763 laws concerning labor relations, occupational safety and health,  
764 nondiscrimination and affirmative action, environmental protection  
765 and conflicts of interest; and

766 (5) A description of why the proposed privatization contract is in  
767 the public interest.

768 (e) Until January 1, 2008, (1) a privatization contract with a  
769 nonprofit contractor shall not be covered by this section provided such  
770 contract does not result in the layoff, transfer or reassignment of any  
771 state employee; and (2) the renewal, modification, extension or  
772 rebidding of a privatization agreement in effect on or before the  
773 effective date of this section shall not be covered by this section.

774 (f) Any employees, or collective bargaining agent of any employee  
775 adversely affected by any proposed privatization contract may file a  
776 motion for an order to show cause in the superior court for the judicial  
777 district of Hartford claiming that such contract fails to comply with the  
778 substantive or procedural requirements of this act. A ruling on any  
779 such motion may: (1) Deny the motion, if the court finds that all  
780 procedural and substantive provisions of this act have been complied  
781 with; (2) grant the motion if the court finds that the proposed contract  
782 would substantively violate the provisions of this act; or (3) stay the  
783 effective date of the contract until any procedural or substantive defect  
784 found by the court has been corrected.

785 (g) No funds paid to any contractor as a result of any privatization  
786 contract may be used for purposes of lobbying, as defined in section 1-  
787 91 of the general statutes.

788 Sec. 15. (NEW) (*Effective January 1, 2006*) The Office of Policy and  
789 Management shall establish procedures for use by state agencies when  
790 entering purchase of service agreements that shall provide for the  
791 payment of fifty per cent of any unexpended funds allocated for such  
792 contract to the contracting nonprofit agency, partnership or  
793 corporation at the end of such contract, provided the services rendered  
794 under such contract meet the contracted requirements for number,  
795 type and quality of services and there is either an agreed upon price  
796 for such services, a set cost for such services or a flat grant for an  
797 agreed upon level of services.

798 Sec. 16. (NEW) (*Effective from passage*) (a) Notwithstanding any  
799 provision of the general statutes, any contract for legal services  
800 between a state agency and any person, firm or corporation that is  
801 entered into on or after July 1, 2006, and that will or that can  
802 reasonably be expected to result in attorney's fees, including, but not  
803 limited to, contingent fees paid to such person, firm or corporation in  
804 the amount of two hundred fifty thousand dollars or more shall be  
805 subject to requests for proposals or requests for qualifications and  
806 negotiation procedures.

807 (b) Not later than May 1, 2006, the Attorney General shall establish  
808 requests for proposals or requests for qualifications and negotiation  
809 procedures for use by the office of the Attorney General or any state  
810 agency pursuant to section 3-125 of the general statutes to enter into a  
811 contract described in subsection (a) of this section.

812 Sec. 17. Section 4a-100 of the general statutes is repealed and the  
813 following is substituted in lieu thereof (*Effective January 1, 2006*):

814 (a) As used in this section: (1) "Prequalification" means  
815 prequalification issued by the Commissioner of Administrative  
816 Services to bid on a contract for the construction, reconstruction,  
817 alteration, remodeling, repair or demolition of any public building for  
818 work by the state or a municipality or to perform work under such a  
819 contract as a substantial subcontractor; (2) "subcontractor" means a  
820 person who performs work with a value in excess of twenty-five  
821 thousand dollars for a contractor pursuant to a contract for work for  
822 the state or a municipality which is estimated to cost more than five  
823 hundred thousand dollars; (3) "principals and key personnel" includes  
824 officers, directors, shareholders, members, partners and managerial  
825 employees; (4) "aggregate work capacity rating" means the maximum  
826 amount of work an applicant is capable of undertaking for any and all  
827 projects; [and] (5) "single project limit" means the highest estimated  
828 cost of a single project that an applicant is capable of undertaking; (6)  
829 "substantial subcontractor" means a person who performs work with a

830 value in excess of five hundred thousand dollars for a contractor  
831 pursuant to a contract for work for the state or a municipality which is  
832 estimated to cost more than five hundred thousand dollars.

833 (b) (1) Any person may apply for prequalification to the Department  
834 of Administrative Services. Such application shall be made on such  
835 form as the Commissioner of Administrative Services prescribes and  
836 shall be accompanied by a nonrefundable application fee as set forth in  
837 subdivision (2) of this subsection. The application shall be signed  
838 under penalty of false statement.

839 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

840 (c) The application form shall, at a minimum, require the applicant  
841 to supply information concerning:

842 (1) The applicant's form of organization;

843 (2) The applicant's principals and key personnel and any names  
844 under which the applicant, principals or key personnel conducted  
845 business during the past five years;

846 [(3) The applicant's experience on public and private construction  
847 projects over the past five years, or on the applicant's ten most  
848 recently-completed projects and the names of any subcontractors used  
849 on the projects;]

850     ~~[(4)]~~ (3) Any legal or administrative proceedings pending or  
851 concluded adversely against the applicant or any of the applicant's  
852 principals or key personnel within the past five years which relate to  
853 the procurement or performance of any public or private construction  
854 contract and whether the applicant is aware of any investigation  
855 pending against the applicant or any principal or key personnel;

856     ~~[(5)]~~ (4) The nature of any financial, personal or familial relationship  
857 between the applicant and any public or private construction project  
858 owner listed on the application as constituting construction experience;

859     ~~[(6)]~~ (5) A statement of whether (A) the applicant has been  
860 disqualified pursuant to section 4b-95, this section or section 31-57c or  
861 31-57d, (B) the applicant is on the list distributed by the Labor  
862 Commissioner pursuant to section 31-57a, (C) the applicant is  
863 disqualified or prohibited from being awarded a contract pursuant to  
864 section 31-57b, (D) the applicant has been disqualified by another state,  
865 (E) the applicant has been disqualified by a federal agency or pursuant  
866 to federal law, (F) the applicant's registration has been suspended or  
867 revoked by the Department of Consumer Protection pursuant to  
868 section 20-341gg, (G) the applicant has been disqualified by a  
869 municipality, and (H) the matters that gave rise to any such  
870 disqualification, suspension or revocation have been eliminated or  
871 remedied; and

872     ~~[(7)]~~ (6) Other information as the commissioner deems relevant to  
873 the determination of the applicant's qualifications and responsibilities.

874     (d) The applicant shall include a statement of financial condition  
875 prepared by a certified public accountant which includes information  
876 concerning the applicant's assets and liabilities, plant and equipment,  
877 bank and credit references, bonding company and maximum bonding  
878 capacity, and other information as the commissioner deems relevant to  
879 an evaluation of the applicant's financial capacity and responsibility.

880     (e) Information contained in the application shall be current as of

881 the time of filing except that the statement of financial condition shall  
882 pertain to the applicant's most recently-completed fiscal year.

883 (f) The commissioner shall determine whether to prequalify an  
884 applicant on the basis of the application and on relevant past  
885 performance according to procedures and criteria set forth in  
886 regulations which the commissioner shall adopt on or before October  
887 1, 2005, in accordance with chapter 54. Such criteria shall include, at a  
888 minimum, the record of the applicant's performance, including, but  
889 not limited to, written evaluations of the applicant's performance on  
890 public or private projects, [within the past five years,] the applicant's  
891 past experience on projects of various size and type, the skill, ability  
892 and integrity of the applicant and any subcontractors used by the  
893 applicant, the experience and qualifications of supervisory personnel  
894 employed by the applicant, the maximum amount of work the  
895 applicant is capable of undertaking as demonstrated by the applicant's  
896 financial condition, bonding capacity, size of past projects and present  
897 and anticipated work commitments, and any other relevant criteria  
898 that the commissioner prescribes. Such regulations shall also (1)  
899 provide that the criteria considered shall be assigned separate  
900 designated numerical values and weights and that the applicant shall  
901 be assigned an overall numerical rating on the basis of all criteria, and  
902 (2) establish prequalification classifications, aggregate work capacity  
903 ratings and single project limits. Such prequalification classifications  
904 shall be used to establish the types of work a contractor or substantial  
905 subcontractor is qualified to perform and the aggregate work capacity  
906 ratings shall be used to establish the maximum amount of work a  
907 contractor or substantial subcontractor is capable of undertaking.

908 (g) (1) The applicant shall indicate the prequalification  
909 classifications, aggregate work capacity ratings and single project  
910 limits that are sought. The commissioner may issue a certificate of  
911 prequalification to any applicant who meets the requirements of this  
912 section. Such certificate shall be effective for one year from the date  
913 issued and shall indicate the contractor's or substantial subcontractor's

914 prequalification classifications, aggregate work capacity ratings and  
915 single project limits. The commissioner may cause the initial certificate  
916 of prequalification to be effective for a period not to exceed two years  
917 and may require the applicant to remit payment of the application fee,  
918 as set forth in subsection (b) of this section, for the first twelve months  
919 of certification as well as a prorated application fee, as described in  
920 subdivision (3) of this subsection, for any additional period of  
921 certification beyond the first twelve months.

922 (2) A prequalified contractor or substantial subcontractor may apply  
923 at any time for additional prequalification classifications, aggregate  
924 work capacity ratings or single project limits by submitting the  
925 applicable increase in fee, a completed update statement, and other  
926 information the commissioner requires.

927 (3) The commissioner may renew a prequalification certificate upon  
928 receipt of a completed update statement, any other material the  
929 commissioner requires and a nonrefundable fee in an amount [equal  
930 to] not less than one-half of the application fee for the applicable  
931 aggregate work capacity rating as set forth in subsection (b) of this  
932 section. [, except that in no event shall such fee be less than six  
933 hundred dollars.]

934 (h) Not later than sixty days after receiving a completed application,  
935 the commissioner shall mail or send by electronic mail a notice to the  
936 applicant concerning the commissioner's preliminary determination  
937 regarding the conditions of the prequalification certification, a denial  
938 of certification, a reduction in the level of certification sought or  
939 nonrenewal of certification. Any applicant aggrieved by the  
940 commissioner's preliminary determination may request copies of the  
941 information upon which the commissioner relied in making the  
942 preliminary determination, provided such request is made not later  
943 than ten days after the date the notice was mailed or sent by electronic  
944 mail to the applicant. Not later than twenty days after the date the  
945 notice was mailed or sent by electronic mail, the applicant may submit

946 additional information to the commissioner with a request for  
947 reconsideration. The commissioner shall issue a final determination  
948 regarding the application not later than ninety days after the date the  
949 commissioner mailed or sent by electronic mail the notice of the  
950 preliminary determination, which ninety-day period may be extended  
951 for an additional period not to exceed ninety days if (1) the  
952 commissioner gives written notice to the applicant that the  
953 commissioner requires additional time, and (2) such notice is mailed or  
954 sent by electronic mail during the initial ninety-day period.

955 (i) The commissioner may not issue a prequalification certificate to  
956 any contractor or substantial subcontractor (1) who is disqualified  
957 pursuant to section 31-57c or 31-57d, (2) who has a principal or key  
958 personnel who, within the past five years, has a conviction or has  
959 entered a plea of guilty or nolo contendere for or has admitted to  
960 commission of an act or omission that reasonably could have resulted  
961 in disqualification pursuant to any provision of subdivisions (1) to (3),  
962 inclusive, of subsection (d) of section 31-57c or subdivisions (1) to (3),  
963 inclusive, of subsection (d) of section 31-57d, as determined by the  
964 commissioner.

965 (j) The commissioner may revoke a contractor's or substantial  
966 subcontractor's prequalification or reduce the contractor's or  
967 substantial subcontractor's prequalification classification or aggregate  
968 work capacity ratings, after an opportunity for a hearing, if the  
969 commissioner receives additional information that supports such  
970 revocation or reduction or if such contractor is suspended from  
971 bidding on a state contract pursuant to the provisions of section 8 of  
972 this act.

973 (k) (1) Any materially false statement in the application or any  
974 update statement may, in the discretion of the awarding authority,  
975 result in termination of any contract awarded the applicant by the  
976 awarding authority. The awarding authority shall provide written  
977 notice to the commissioner of such false statement not later than thirty

978 days after discovering such false statement. The commissioner shall  
979 provide written notice of such false statement to the Commissioner of  
980 Public Works and the Commissioner of Consumer Protection not later  
981 than thirty days after discovering such false statement or receiving  
982 such notice.

983 (2) The commissioner shall revoke the prequalification of any  
984 person, after an opportunity for hearing, if the commissioner finds that  
985 the person has included any materially false statement in such  
986 application or update statement, has been convicted of a crime related  
987 to the procurement or performance of any public or private  
988 construction contract has been disqualified by the State Contracting  
989 Standards Board from bidding on state contracts pursuant to section 7  
990 of this act or, within the past five years or has otherwise engaged in  
991 fraud in obtaining or maintaining prequalification. Any person whose  
992 prequalification has been revoked pursuant to this subsection shall be  
993 disqualified for a period of two years after which the person may  
994 reapply for prequalification, except that a person whose  
995 prequalification has been revoked on the basis of conviction of a crime  
996 or engaging in fraud shall be disqualified for a period of five years  
997 after which the person may reapply for prequalification and a person  
998 whose prequalification has been revoked on the basis of  
999 disqualification by the State Contracting Standards Board shall be  
1000 disqualified for the same length of time as the disqualification period  
1001 imposed by the State Contracting Standards Board pursuant to section  
1002 7 of this act. The commissioner shall not prequalify a person whose  
1003 prequalification has been revoked pursuant to this subdivision until  
1004 the expiration of said [two or] two-year, five-year, or other applicable  
1005 disqualification period and the commissioner is satisfied that the  
1006 matters that gave rise to the revocation have been eliminated or  
1007 remedied.

1008 (l) The commissioner shall provide written notice of any revocation,  
1009 disqualification, reduction in classification or capacity rating or  
1010 reinstated prequalification to the Commissioner of Public Works and

1011 the Commissioner of Consumer Protection not later than thirty days  
1012 after any final determination.

1013 (m) The provisions of this section and section 4a-101 shall not apply  
1014 to subcontractors.

1015 (n) The commissioner shall establish an update statement for use by  
1016 bidders and substantial subcontractors for purposes of renewing or  
1017 upgrading a prequalification certificate and for purposes of submitting  
1018 a bid pursuant to section 4b-91, as amended by this act.

1019 (o) Any applicant aggrieved by the commissioner's final  
1020 determination concerning a preliminary determination, a denial of  
1021 certification, a reduction in prequalification classification or aggregate  
1022 work capacity rating or a revocation or nonrenewal of certification  
1023 may appeal to the Superior Court in accordance with section 4-183.

1024 (p) Not later than one hundred twenty days after becoming  
1025 prequalified, any contractor or substantial subcontractor prequalified  
1026 under the provisions of this section shall participate in an ethics  
1027 training course approved by the State Contracting Standards Board  
1028 pursuant to section 4 of this act.

1029 (q) The commissioner shall adopt regulations, in accordance with  
1030 chapter 54, to establish a schedule of application fees for substantial  
1031 subcontractors.

1032 Sec. 18. Section 4a-101 of the general statutes is repealed and the  
1033 following is substituted in lieu thereof (*Effective January 1, 2006*):

1034 (a) On or before October 1, 2005, the Commissioner of  
1035 Administrative Services shall adopt regulations, in accordance with  
1036 chapter 54, to establish a standard contractor evaluation form. Such  
1037 form shall include, at a minimum, the following evaluation criteria: (1)  
1038 Timeliness of performance; (2) quality of performance; (3) cost  
1039 containment, including, but not limited to, the contractor's ability to  
1040 work within the contract's allotted cost, the accuracy of the contractor's

1041 billing, and the number and cause of change orders and the manner in  
1042 which the contractor determined the price on the change orders; (4)  
1043 safety; (5) the quality of the contractor's working relationship with the  
1044 agency and the quality of the contractor's supervision of the work area;  
1045 (6) communication with the agency; (7) the quality of the contractor's  
1046 required documentation; (8) the performance of the contractor's  
1047 subcontractors and substantial subcontractors, to the extent known by  
1048 the official who completes the evaluation; and (9) the contractor's and  
1049 any subcontractor's compliance with part III of chapter 557, or chapter  
1050 558, or the provisions of the federal Davis-Bacon Act, 40 USC, Sections  
1051 276a to 276a-5, inclusive, as from time to time amended, to the extent  
1052 known by the official who completes the evaluation.

1053 (b) Each public agency shall compile evaluation information during  
1054 the performance of the contract and complete and submit the  
1055 evaluation form to the commissioner after completion of a building  
1056 project under the agency's control if the building project is funded, in  
1057 whole or in part, by state funds. Such evaluation information shall be  
1058 available to any public agency for purposes of assessing the  
1059 responsibility of the contractor during a bid selection and evaluation  
1060 process. The designated official from such agency shall certify that the  
1061 information contained in the evaluation form represents, to the best of  
1062 the certifying official's knowledge, a true and accurate analysis of the  
1063 contractor's performance record on the contract. The commissioner  
1064 shall include the evaluation in the contractor's prequalification file. The  
1065 official shall mail a copy of the completed evaluation form to the  
1066 contractor. Any contractor who wishes to contest any information  
1067 contained in the evaluation form may submit a written response to the  
1068 commissioner not later than thirty days after the date the form was  
1069 mailed as indicated by the postmark on the envelope. Such response  
1070 shall set forth any additional information concerning the building  
1071 project or the oversight of the contract by the public agency that may  
1072 be relevant in the evaluation of the contractor's performance on the  
1073 project. The commissioner shall include any such response in the  
1074 contractor's prequalification file.

1075 (c) As used in this section, "public agency" means a public agency,  
1076 as defined in section 1-200, but does not include The University of  
1077 Connecticut with respect to any project, as defined in subdivision (16)  
1078 of section 10a-109c, that is undertaken and controlled by the  
1079 university, and "subcontractor" means a person who performs work  
1080 with a value in excess of twenty-five thousand dollars for a contractor  
1081 pursuant to a contract for work for the state or a municipality which is  
1082 estimated to cost more than five hundred thousand dollars.

1083 (d) Upon fifty per cent completion of any building project under a  
1084 public agency's control, the agency shall advise the contractor in  
1085 writing of the agency's preliminary evaluation of the contractor's  
1086 performance on the project.

1087 (e) No public agency, employee of a public agency or certifying  
1088 official of a public agency shall be held liable to any contractor for any  
1089 loss or injury sustained by such contractor as the result of the  
1090 completion of an evaluation form, as required by this section, unless  
1091 such agency, employee or official is found by a court of competent  
1092 jurisdiction to have acted in a wilful, wanton or reckless manner.

1093 (f) Any public agency that fails to submit a completed evaluation  
1094 form, as required by this section, not later than seventy days after the  
1095 completion of a project, shall be ineligible for the receipt of any public  
1096 funds disbursed by the state for the purposes of the construction,  
1097 reconstruction, alteration, remodeling, repair or demolition of any  
1098 public building or any public works project until such completed  
1099 evaluation form is submitted.

1100 (g) Notwithstanding the provisions of subsection (a) of this section,  
1101 any political subdivision of the state, when evaluating the performance  
1102 of a contractor's subcontractors or substantial subcontractors, to the  
1103 extent known, may rely on an evaluation of such subcontractors or  
1104 substantial subcontractors that is conducted by the contractor.

1105 Sec. 19. Section 4b-91 of the general statutes is amended by adding

1106 subsection (j) as follows (*Effective January 1, 2006*):

1107 (NEW) (j) On and after January 1, 2006, no person whose  
1108 subcontract exceeds five hundred thousand dollars in value may  
1109 perform work as a subcontractor, except for a project described in  
1110 subdivision (2) of subsection (a) of this section, for the construction,  
1111 reconstruction, alteration, remodeling, repair or demolition of any  
1112 public building for work by the state or a municipality, which is  
1113 estimated to cost more than five hundred thousand dollars and is paid  
1114 for, in whole or in part, with state funds, unless the person is  
1115 prequalified in accordance with section 4a-100, as amended by this act.

1116 Sec. 20. Section 4b-56 of the general statutes is repealed and the  
1117 following is substituted in lieu thereof (*Effective from passage*):

1118 (a) There shall be established within the Department of Public  
1119 Works [a] State Construction Services Selection [Panel] Panels which  
1120 shall consist of five members. Four of such members shall be  
1121 appointed by the commissioner, shall be current or retired employees  
1122 of the Department of Public Works and shall serve for [terms of one  
1123 year from July first] deliberations involving the project for which such  
1124 member was appointed. The remaining member shall be appointed by  
1125 the head or acting head of the user agency and shall serve only for  
1126 deliberations involving the project for which [he] such member was  
1127 appointed. [If any vacancy occurs on the panel, the commissioner shall  
1128 appoint a person for the unexpired term in accordance with the  
1129 provisions of this subsection.]

1130 (b) The selection panel shall not be deemed to be a board or  
1131 commission within the meaning of section 4-9a.

1132 (c) There shall be established within the Department of Public  
1133 Works [a] Connecticut Health and Education Facilities Authority  
1134 Construction Services [Panel] Panels which shall consist of five  
1135 members: Three of whom shall be appointed by the Commissioner of  
1136 Public Works, who shall serve only for deliberations involving the

1137 project for which such member was appointed and shall be current  
1138 employees of the Department of Public Works; and the remaining  
1139 members shall be appointed by the head or acting head of the user  
1140 agency and shall serve only for deliberations involving the project for  
1141 which such member was appointed. [The members of the selection  
1142 panel appointed by the Commissioner of Public Works shall serve for  
1143 terms of one year from July first. If any vacancy occurs on the panel,  
1144 the Commissioner of Public Works or the head or acting head of the  
1145 user agency, as appropriate, shall appoint a person for the unexpired  
1146 term in accordance with the provisions of this subsection.]

1147 (d) The panel established pursuant to subsection (c) of this section  
1148 shall not be deemed to be a board or commission within the meaning  
1149 of section 4-9a. Such panel shall be the selection panel only for  
1150 Connecticut Health and Education Facilities Authority projects  
1151 pursuant to section 10a-89b.

1152 Sec. 21. Subsections (a) and (b) of section 4b-100a of the general  
1153 statutes are repealed and the following is substituted in lieu thereof  
1154 (*Effective from passage*):

1155 (a) The Department of Public Works shall establish construction  
1156 services award panels which shall each consist of six members: Three  
1157 of whom shall be appointed by the Commissioner of Public Works,  
1158 [and shall] be current employees of the Department of Public Works  
1159 and serve only for deliberations involving the project for which such  
1160 member was appointed; two of whom shall be appointed by the  
1161 department head of the user agency; and one of whom who shall be a  
1162 neutral party appointed by the commissioner. [The members of each  
1163 award panel appointed by the Commissioner of Public Works shall  
1164 serve for terms of one year from July first. If any vacancy occurs on the  
1165 panel, the Commissioner of Public Works or the head or acting head of  
1166 the user agency, as appropriate, shall appoint a person for the  
1167 unexpired term in accordance with the provisions of this subsection.]

1168 (b) A panel established pursuant to this section shall not be deemed

1169 to be a board or commission within the meaning of section 4-9a. Such  
1170 panels shall be the award panels for any contract for the construction,  
1171 reconstruction, alteration, remodeling, repair or demolition of any  
1172 public building for the state pursuant to [sections 4b-91 to 4b-100,  
1173 inclusive, and] section 4b-24 and subsection (g) of section 4b-91.

1174 Sec. 22. Subsection (b) of section 4b-91 of the general statutes is  
1175 repealed and the following is substituted in lieu thereof (*Effective from*  
1176 *passage*):

1177 (b) The Commissioner of Public Works, the joint committee or the  
1178 constituent unit, as the case may be, shall determine the manner of  
1179 submission and the conditions and requirements of such bids, and the  
1180 time within which the bids shall be submitted, consistent with the  
1181 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be  
1182 made within [sixty] one hundred twenty days after the opening of  
1183 such bids. If the general bidder selected as the general contractor fails  
1184 to perform the general contractor's agreement to execute a contract in  
1185 accordance with the terms of the general contractor's general bid and  
1186 furnish a performance bond and also a labor and materials or payment  
1187 bond to the amount specified in the general bid form, an award shall  
1188 be made to the next lowest responsible and qualified general bidder.  
1189 No employee of the Department of Public Works, the joint committee  
1190 or a constituent unit with decision-making authority concerning the  
1191 award of a contract and no public official, as defined in section 1-79,  
1192 may communicate with any bidder prior to the award of the contract if  
1193 the communication results in the bidder receiving information about  
1194 the contract that is not available to other bidders, except that if the  
1195 lowest responsible and qualified bidder's price submitted is in excess  
1196 of funds available to make an award, the Commissioner of Public  
1197 Works, the Joint Committee on Legislative Management or the  
1198 constituent unit, as the case may be, may negotiate with such bidder  
1199 and award the contract on the basis of the funds available, without  
1200 change in the contract specifications, plans and other requirements. If  
1201 the award of a contract on said basis is refused by such bidder, the

1202 Commissioner of Public Works, the Joint Committee on Legislative  
1203 Management or the constituent unit, as the case may be, may negotiate  
1204 with other contractors who submitted bids in ascending order of bid  
1205 prices without change in the contract, specifications, plans and other  
1206 requirements. In the event of negotiation with general bidders as  
1207 provided in this section, the general bidder involved may negotiate  
1208 with subcontractors on the same basis, provided such general bidder  
1209 shall negotiate only with subcontractors named on such general  
1210 bidder's general bid form.

1211 Sec. 23. (NEW) (*Effective January 1, 2006*) (a) This section shall be  
1212 known as the "Anthony J. Tercyak Act".

1213 (b) The Department of Administrative Services shall require any  
1214 publicly traded corporation that seeks to do business with the state to  
1215 certify in an affidavit that such company is not a company that: (1)  
1216 Conducted business in the United States, (2) was previously  
1217 incorporated within the United States' territorial limits, (3)  
1218 reincorporated outside the United States' territorial limits on or after  
1219 July 1, 2005, and (4) as a result of such reincorporation outside the  
1220 United States' territorial limits, has received a reduction in federal or  
1221 Connecticut tax liability.

1222 (c) The state may not enter into any contract with any publicly  
1223 traded company that does not deny such reincorporation in a sworn  
1224 affidavit, except that the Attorney General may waive such prohibition  
1225 if the services sought by the state are not available from a company  
1226 that is incorporated in the United States or if waiver of such  
1227 prohibition is in the best interest of the state.

1228 Sec. 24. (NEW) (*Effective July 1, 2006*) (a) As used in this section:

1229 (1) "Fixture" means the assembly that holds a lamp and may include  
1230 an assembly housing, a mounting bracket or pole socket, a lamp  
1231 holder, a ballast, a reflector or mirror and a refractor or lens;

1232 (2) "Full cut-off luminaire" means a luminaire that allows no direct  
1233 light emissions above a horizontal plane through the luminaire's  
1234 lowest light-emitting part;

1235 (3) "Glare" means direct light emitting from a luminaire that causes  
1236 reduced vision or momentary blindness;

1237 (4) "Illuminance" means the level of light measured at a surface;

1238 (5) "Lamp" means the component of a luminaire that produces the  
1239 light;

1240 (6) "Light trespass" means light emitted by a luminaire that shines  
1241 beyond the boundaries of the property on which the luminaire is  
1242 located;

1243 (7) "Lumen" means a unit of measurement of luminous flux;

1244 (8) "Luminaire" means the complete lighting unit, including the  
1245 lamp and the fixture;

1246 (9) "Permanent outdoor luminaire" means any luminaire or system  
1247 of luminaires that is outdoors and intended to be used for seven days  
1248 or longer; and

1249 (10) "State funds" means any bond revenues or any money  
1250 appropriated or allocated by the General Assembly.

1251 (b) Except as provided in subsection (c) of this section, no state  
1252 funds shall be used to install or replace a permanent outdoor luminaire  
1253 for lighting on the grounds of any state building or facility unless (1)  
1254 the luminaire is designed to maximize energy conservation and to  
1255 minimize light pollution, glare and light trespass, (2) the luminaire's  
1256 illuminance is equal to the minimum illuminance adequate for the  
1257 intended purpose of the lighting, and (3) for a luminaire with a rated  
1258 output of more than one thousand eight hundred lumens, such  
1259 luminaire is a full cut-off luminaire.

1260 (c) The provisions of subdivision (3) of subsection (b) of this section  
1261 shall not apply to luminaires located on the grounds of any  
1262 correctional institution or facility administered by the Commissioner of  
1263 Correction, required by federal regulations, required for storm  
1264 operation activities performed by the Department of Transportation, or  
1265 in a lighting plan for a Department of Transportation facility where  
1266 less than twenty-five per cent of the luminaires are to be replaced. The  
1267 Commissioner of Public Works, or the commissioner's designee, may  
1268 waive the provisions of subdivision (3) of subsection (b) of this section  
1269 with respect to luminaires on the grounds of any other state building  
1270 or facility when, after a request for such a waiver has been made and  
1271 reviewed, the commissioner or the commissioner's designee  
1272 determines that such a waiver is necessary for the lighting application.  
1273 Requests for such a waiver shall be made to the commissioner or the  
1274 commissioner's designee in such form as the commissioner shall  
1275 prescribe and shall include, without limitation, a description of the  
1276 lighting plan, a description of the efforts that have been made to  
1277 comply with the provisions of subdivision (3) of subsection (b) of this  
1278 section and the reasons such a waiver is necessary. In reviewing a  
1279 request for such a waiver, the commissioner or the commissioner's  
1280 designee shall consider design safety, costs and other factors deemed  
1281 appropriate by the commissioner or the commissioner's designee.

1282 (d) The provisions of this section shall not apply to the installation  
1283 or replacement of luminaires for which the Secretary of the Office of  
1284 Policy and Management (1) conducts a life-cycle cost analysis of one or  
1285 more luminaires that meet the requirements set forth in subsection (b)  
1286 of this section and one or more luminaires that do not meet such  
1287 requirements, and (2) certifies that a luminaire which meets such  
1288 requirements is not cost effective and is not the most appropriate  
1289 alternative based on the life-cycle cost analysis.

1290 Sec. 25. Subsection (d) of section 13a-143d of the general statutes is  
1291 repealed and the following is substituted in lieu thereof (*Effective July*  
1292 *1, 2006*):

1293 (d) [Any] All luminaire in violation of any provision of subsection  
1294 (b) or (c) of this section operating prior to October 1, [2003] 2004, shall  
1295 be brought into compliance with the requirements in subsection (b) of  
1296 this section [no later than October 1, 2005] in accordance with the  
1297 following schedule: Approximately twenty per cent by October 1, 2006,  
1298 approximately forty per cent by October 1, 2007, approximately sixty  
1299 per cent by October 1, 2008, approximately eighty per cent by October  
1300 1, 2009, and one hundred per cent by October 1, 2010.

1301 Sec. 26. Subdivision (1) of section 1-92 of the general statutes is  
1302 repealed and the following is substituted in lieu thereof (*Effective from*  
1303 *passage*):

1304 (1) Adopt regulations in accordance with chapter 54 to carry out the  
1305 purposes of this part. Not later than January 1, 1992, the commission  
1306 shall adopt regulations which further clarify the meaning of the terms  
1307 "directly and personally received" and "major life event", as used in  
1308 subsection (e) of section 1-79 and subsection (g) of section 1-91. The  
1309 commission shall adopt regulations that further clarify the meaning of  
1310 the term "directly or indirectly involved in any enterprise", as used in  
1311 section 2 of this act.

1312 Sec. 27. (NEW) (*Effective January 1, 2006*) (a) On or before January 1,  
1313 2007, the Judicial Branch shall prepare a procurement code applicable  
1314 to its contracting expenditures, including, but not limited to,  
1315 expenditures: (1) Involving its contracting and procurement processes,  
1316 including, but not limited to, purchasing or leasing of supplies,  
1317 materials or equipment, consultant or consultant services, personal  
1318 service agreements or purchase of service agreements, and (2) relating  
1319 to contracts for the renovation, alteration or repair of any Judicial  
1320 Branch facility in accordance with section 4b-1 of the general statutes.

1321 (b) The procurement code described in subsection (a) of this section  
1322 shall be designed to: (1) Establish uniform contracting standards and  
1323 practices; (2) simplify and clarify contracting standards and  
1324 procurement policies and practices, including, but not limited to,

1325 procedures for competitive sealed bids, competitive sealed proposals,  
1326 small purchases, sole source procurements, emergency procurements  
1327 and special procurements; (3) ensure the fair and equitable treatment  
1328 of all businesses and persons who deal with the procurement system;  
1329 (4) include a process to maximize the use of small contractors and  
1330 minority business enterprises, as defined in section 4a-60g of the  
1331 general statutes; (5) provide increased economy in procurement  
1332 activities and maximize purchasing value to the fullest extent possible;  
1333 (6) ensure that the procurement of supplies, materials, equipment,  
1334 services, real property and construction is obtained in a cost-effective  
1335 and responsive manner; (7) include a process to ensure contractor and  
1336 Judicial Department accountability; and (8) provide a process for  
1337 competitive sealed bids, competitive sealed proposals, small  
1338 purchases, sole source procurements, emergency procurements,  
1339 special procurements, best value selection, qualification based  
1340 selection and the conditions for their use.

1341 (c) On or before February 1, 2007, the Judicial Branch shall submit  
1342 such procurement code for review and approval to the joint standing  
1343 committee of the General Assembly having cognizance of matters  
1344 relating to the Judicial Branch.

1345 (d) Notwithstanding the provisions of subsections (a) and (b) of this  
1346 section, the Judicial Branch shall be subject to the requirements of  
1347 section 14 of this act.

1348 Sec. 28. Section 1-210 of the general statutes, as amended by section  
1349 26 of public act 05-287, is repealed and the following is substituted in  
1350 lieu thereof (*Effective from passage*):

1351 (a) Except as otherwise provided by any federal law or state statute,  
1352 all records maintained or kept on file by any public agency, whether or  
1353 not such records are required by any law or by any rule or regulation,  
1354 shall be public records and every person shall have the right to (1)  
1355 inspect such records promptly during regular office or business hours,  
1356 (2) copy such records in accordance with subsection (g) of section 1-

1357 212, or (3) receive a copy of such records in accordance with section 1-  
1358 212. Any agency rule or regulation, or part thereof, that conflicts with  
1359 the provisions of this subsection or diminishes or curtails in any way  
1360 the rights granted by this subsection shall be void. Each such agency  
1361 shall keep and maintain all public records in its custody at its regular  
1362 office or place of business in an accessible place and, if there is no such  
1363 office or place of business, the public records pertaining to such agency  
1364 shall be kept in the office of the clerk of the political subdivision in  
1365 which such public agency is located or of the Secretary of the State, as  
1366 the case may be. Any certified record hereunder attested as a true copy  
1367 by the clerk, chief or deputy of such agency or by such other person  
1368 designated or empowered by law to so act, shall be competent  
1369 evidence in any court of this state of the facts contained therein. Each  
1370 such agency shall make, keep and maintain a record of the proceedings  
1371 of its meetings.

1372 (b) Nothing in the Freedom of Information Act shall be construed to  
1373 require disclosure of:

1374 (1) Preliminary drafts or notes provided the public agency has  
1375 determined that the public interest in withholding such documents  
1376 clearly outweighs the public interest in disclosure;

1377 (2) Personnel or medical files and similar files the disclosure of  
1378 which would constitute an invasion of personal privacy;

1379 (3) Records of law enforcement agencies not otherwise available to  
1380 the public which records were compiled in connection with the  
1381 detection or investigation of crime, if the disclosure of said records  
1382 would not be in the public interest because it would result in the  
1383 disclosure of (A) the identity of informants not otherwise known or the  
1384 identity of witnesses not otherwise known whose safety would be  
1385 endangered or who would be subject to threat or intimidation if their  
1386 identity was made known, (B) signed statements of witnesses, (C)  
1387 information to be used in a prospective law enforcement action if  
1388 prejudicial to such action, (D) investigatory techniques not otherwise

1389 known to the general public, (E) arrest records of a juvenile, which  
1390 shall also include any investigatory files, concerning the arrest of such  
1391 juvenile, compiled for law enforcement purposes, (F) the name and  
1392 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
1393 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
1394 impairing of morals under section 53-21, or of an attempt thereof, or  
1395 (G) uncorroborated allegations subject to destruction pursuant to  
1396 section 1-216;

1397 (4) Records pertaining to strategy and negotiations with respect to  
1398 pending claims or pending litigation to which the public agency is a  
1399 party until such litigation or claim has been finally adjudicated or  
1400 otherwise settled;

1401 (5) (A) Trade secrets, which for purposes of the Freedom of  
1402 Information Act, are defined as information, including formulas,  
1403 patterns, compilations, programs, devices, methods, techniques,  
1404 processes, drawings, cost data, or customer lists that (i) derive  
1405 independent economic value, actual or potential, from not being  
1406 generally known to, and not being readily ascertainable by proper  
1407 means by, other persons who can obtain economic value from their  
1408 disclosure or use, and (ii) are the subject of efforts that are reasonable  
1409 under the circumstances to maintain secrecy; and

1410 (B) Commercial or financial information given in confidence, not  
1411 required by statute;

1412 (6) Test questions, scoring keys and other examination data used to  
1413 administer a licensing examination, examination for employment or  
1414 academic examinations;

1415 (7) The contents of real estate appraisals, engineering or feasibility  
1416 estimates and evaluations made for or by an agency relative to the  
1417 acquisition of property or to prospective public supply and  
1418 construction contracts, until such time as all of the property has been  
1419 acquired or all proceedings or transactions have been terminated or

1420 abandoned, provided the law of eminent domain shall not be affected  
1421 by this provision;

1422 (8) Statements of personal worth or personal financial data required  
1423 by a licensing agency and filed by an applicant with such licensing  
1424 agency to establish the applicant's personal qualification for the  
1425 license, certificate or permit applied for;

1426 (9) Records, reports and statements of strategy or negotiations with  
1427 respect to collective bargaining;

1428 (10) Records, tax returns, reports and statements exempted by  
1429 federal law or state statutes or communications privileged by the  
1430 attorney-client relationship;

1431 (11) Names or addresses of students enrolled in any public school or  
1432 college without the consent of each student whose name or address is  
1433 to be disclosed who is eighteen years of age or older and a parent or  
1434 guardian of each such student who is younger than eighteen years of  
1435 age, provided this subdivision shall not be construed as prohibiting the  
1436 disclosure of the names or addresses of students enrolled in any public  
1437 school in a regional school district to the board of selectmen or town  
1438 board of finance, as the case may be, of the town wherein the student  
1439 resides for the purpose of verifying tuition payments made to such  
1440 school;

1441 (12) Any information obtained by the use of illegal means;

1442 (13) Records of an investigation or the name of an employee  
1443 providing information under the provisions of section 4-61dd;

1444 (14) Adoption records and information provided for in sections 45a-  
1445 746, 45a-750 and 45a-751;

1446 (15) Any page of a primary petition, nominating petition,  
1447 referendum petition or petition for a town meeting submitted under  
1448 any provision of the general statutes or of any special act, municipal

1449 charter or ordinance, until the required processing and certification of  
1450 such page has been completed by the official or officials charged with  
1451 such duty after which time disclosure of such page shall be required;

1452 (16) Records of complaints, including information compiled in the  
1453 investigation thereof, brought to a municipal health authority pursuant  
1454 to chapter 368e or a district department of health pursuant to chapter  
1455 368f, until such time as the investigation is concluded or thirty days  
1456 from the date of receipt of the complaint, whichever occurs first;

1457 (17) Educational records which are not subject to disclosure under  
1458 the Family Educational Rights and Privacy Act, 20 USC 1232g;

1459 (18) Records, the disclosure of which the Commissioner of  
1460 Correction, or as it applies to Whiting Forensic Division facilities of the  
1461 Connecticut Valley Hospital, the Commissioner of Mental Health and  
1462 Addiction Services, has reasonable grounds to believe may result in a  
1463 safety risk, including the risk of harm to any person or the risk of an  
1464 escape from, or a disorder in, a correctional institution or facility under  
1465 the supervision of the Department of Correction or Whiting Forensic  
1466 Division facilities. Such records shall include, but are not limited to:

1467 (A) Security manuals, including emergency plans contained or  
1468 referred to in such security manuals;

1469 (B) Engineering and architectural drawings of correctional  
1470 institutions or facilities or Whiting Forensic Division facilities;

1471 (C) Operational specifications of security systems utilized by the  
1472 Department of Correction at any correctional institution or facility or  
1473 Whiting Forensic Division facilities, except that a general description  
1474 of any such security system and the cost and quality of such system  
1475 may be disclosed;

1476 (D) Training manuals prepared for correctional institutions and  
1477 facilities or Whiting Forensic Division facilities that describe, in any  
1478 manner, security procedures, emergency plans or security equipment;

1479 (E) Internal security audits of correctional institutions and facilities  
1480 or Whiting Forensic Division facilities;

1481 (F) Minutes or recordings of staff meetings of the Department of  
1482 Correction or Whiting Forensic Division facilities, or portions of such  
1483 minutes or recordings, that contain or reveal information relating to  
1484 security or other records otherwise exempt from disclosure under this  
1485 subdivision;

1486 (G) Logs or other documents that contain information on the  
1487 movement or assignment of inmates or staff at correctional institutions  
1488 or facilities; and

1489 (H) Records that contain information on contacts between inmates,  
1490 as defined in section 18-84, and law enforcement officers;

1491 (19) Records when there are reasonable grounds to believe  
1492 disclosure may result in a safety risk, including the risk of harm to any  
1493 person, any government-owned or leased institution or facility or any  
1494 fixture or appurtenance and equipment attached to, or contained in,  
1495 such institution or facility, except that such records shall be disclosed  
1496 to a law enforcement agency upon the request of the law enforcement  
1497 agency. Such reasonable grounds shall be determined (A) with respect  
1498 to records concerning any executive branch agency of the state or any  
1499 municipal, district or regional agency, by the Commissioner of Public  
1500 Works, after consultation with the chief executive officer of the agency;  
1501 (B) with respect to records concerning Judicial Department facilities,  
1502 by the Chief Court Administrator; and (C) with respect to records  
1503 concerning the Legislative Department, by the executive director of the  
1504 Joint Committee on Legislative Management. As used in this section,  
1505 "government-owned or leased institution or facility" includes, but is  
1506 not limited to, an institution or facility owned or leased by a public  
1507 service company, as defined in section 16-1, a certified  
1508 telecommunications provider, as defined in section 16-1, a water  
1509 company, as defined in section 25-32a, or a municipal utility that  
1510 furnishes electric, gas or water service, but does not include an

1511 institution or facility owned or leased by the federal government, and  
1512 "chief executive officer" includes, but is not limited to, an agency head,  
1513 department head, executive director or chief executive officer. Such  
1514 records include, but are not limited to:

1515 (i) Security manuals or reports;

1516 (ii) Engineering and architectural drawings of government-owned  
1517 or leased institutions or facilities;

1518 (iii) Operational specifications of security systems utilized at any  
1519 government-owned or leased institution or facility, except that a  
1520 general description of any such security system and the cost and  
1521 quality of such system, may be disclosed;

1522 (iv) Training manuals prepared for government-owned or leased  
1523 institutions or facilities that describe, in any manner, security  
1524 procedures, emergency plans or security equipment;

1525 (v) Internal security audits of government-owned or leased  
1526 institutions or facilities;

1527 (vi) Minutes or records of meetings, or portions of such minutes or  
1528 records, that contain or reveal information relating to security or other  
1529 records otherwise exempt from disclosure under this subdivision;

1530 (vii) Logs or other documents that contain information on the  
1531 movement or assignment of security personnel at government-owned  
1532 or leased institutions or facilities;

1533 (viii) Emergency plans and emergency recovery or response plans;  
1534 and

1535 (ix) With respect to a water company, as defined in section 25-32a,  
1536 that provides water service: Vulnerability assessments and risk  
1537 management plans, operational plans, portions of water supply plans  
1538 submitted pursuant to section 25-32d that contain or reveal

1539 information the disclosure of which may result in a security risk to a  
1540 water company, inspection reports, technical specifications and other  
1541 materials that depict or specifically describe critical water company  
1542 operating facilities, collection and distribution systems or sources of  
1543 supply;

1544 (20) Records of standards, procedures, processes, software and  
1545 codes, not otherwise available to the public, the disclosure of which  
1546 would compromise the security or integrity of an information  
1547 technology system;

1548 (21) The residential, work or school address of any participant in the  
1549 address confidentiality program established pursuant to sections 54-  
1550 240 to 54-240o, inclusive;

1551 (22) The electronic mail address of any person that is obtained by  
1552 the Department of Transportation in connection with the  
1553 implementation or administration of any plan to inform individuals  
1554 about significant highway or railway incidents; and

1555 (23) Responses to any procurement requests for proposals by a  
1556 public agency and any records or files made in connection with a  
1557 contract award process by any public agency until the contract is  
1558 awarded or until negotiations for the award of such contract have  
1559 ended, whichever occurs first, provided the chief officer of such public  
1560 agency certifies that the public interest in disclosure of such responses,  
1561 records or files is outweighed by the public interest in confidentiality  
1562 of such responses, records or files.

1563 (c) Whenever a public agency receives a request from any person  
1564 confined in a correctional institution or facility or a Whiting Forensic  
1565 Division facility, for disclosure of any public record under the  
1566 Freedom of Information Act, the public agency shall promptly notify  
1567 the Commissioner of Correction or the Commissioner of Mental Health  
1568 and Addiction Services in the case of a person confined in a Whiting  
1569 Forensic Division facility of such request, in the manner prescribed by

1570 the commissioner, before complying with the request as required by  
1571 the Freedom of Information Act. If the commissioner believes the  
1572 requested record is exempt from disclosure pursuant to subdivision  
1573 (18) of subsection (b) of this section, the commissioner may withhold  
1574 such record from such person when the record is delivered to the  
1575 person's correctional institution or facility or Whiting Forensic  
1576 Division facility.

1577 (d) Whenever a public agency, except the Judicial Department or  
1578 Legislative Department, receives a request from any person for  
1579 disclosure of any records described in subdivision (19) of subsection  
1580 (b) of this section under the Freedom of Information Act, the public  
1581 agency shall promptly notify the Commissioner of Public Works of  
1582 such request, in the manner prescribed by the commissioner, before  
1583 complying with the request as required by the Freedom of Information  
1584 Act and for information related to a water company, as defined in  
1585 section 25-32a, the public agency shall promptly notify the water  
1586 company before complying with the request as required by the  
1587 Freedom of Information Act. If the commissioner, after consultation  
1588 with the chief executive officer of the applicable agency or after  
1589 consultation with the chief executive officer of the applicable water  
1590 company for information related to a water company, as defined in  
1591 section 25-32a, believes the requested record is exempt from disclosure  
1592 pursuant to subdivision (19) of subsection (b) of this section, the  
1593 commissioner may direct the agency to withhold such record from  
1594 such person. In any appeal brought under the provisions of section 1-  
1595 206 of the Freedom of Information Act for denial of access to records  
1596 for any of the reasons described in subdivision (19) of subsection (b) of  
1597 this section, such appeal shall be against the Commissioner of Public  
1598 Works, exclusively, or, in the case of records concerning Judicial  
1599 Department facilities, the Chief Court Administrator or, in the case of  
1600 records concerning the Legislative Department, the executive director  
1601 of the Joint Committee on Legislative Management.

1602 (e) Notwithstanding the provisions of subdivisions (1) and (16) of

1603 subsection (b) of this section, disclosure shall be required of:

1604 (1) Interagency or intra-agency memoranda or letters, advisory  
1605 opinions, recommendations or any report comprising part of the  
1606 process by which governmental decisions and policies are formulated,  
1607 except disclosure shall not be required of a preliminary draft of a  
1608 memorandum, prepared by a member of the staff of a public agency,  
1609 which is subject to revision prior to submission to or discussion among  
1610 the members of such agency;

1611 (2) All records of investigation conducted with respect to any  
1612 tenement house, lodging house or boarding house as defined in section  
1613 19a-355, or any nursing home, residential care home or rest home, as  
1614 defined in section 19a-490, by any municipal building department or  
1615 housing code inspection department, any local or district health  
1616 department, or any other department charged with the enforcement of  
1617 ordinances or laws regulating the erection, construction, alteration,  
1618 maintenance, sanitation, ventilation or occupancy of such buildings;  
1619 and

1620 (3) The names of firms obtaining bid documents from any state  
1621 agency.

1622 Sec. 29. Subsection (d) of section 4b-91 of the general statutes is  
1623 repealed and the following is substituted in lieu thereof (*Effective from*  
1624 *passage*):

1625 (d) On and after October 1, 2004, each bid submitted for a contract  
1626 described in subsection (c) of this section shall include a copy of a  
1627 prequalification certificate issued by the Commissioner of  
1628 Administrative Services. The bid shall also be accompanied by an  
1629 update statement in such form as the Commissioner of Administrative  
1630 Services prescribes. The form for such update statement shall provide  
1631 space for information regarding all bonded projects completed by the  
1632 bidder since the date the bidder's prequalification certificate was  
1633 issued or renewed, all bonded projects the bidder currently has under

1634 contract, including the percentage of work on such projects not  
1635 completed, the names and qualifications of the personnel who will  
1636 have supervisory responsibility for the performance of the contract,  
1637 any significant changes in the bidder's financial position or corporate  
1638 structure since the date the certificate was issued or renewed, any  
1639 change in the contractor's qualification status as determined by the  
1640 provisions of subdivision (6) of subsection (c) of section 4a-100 and  
1641 such other relevant information as the Commissioner of  
1642 Administrative Services prescribes. Any bid submitted without a copy  
1643 of the prequalification certificate and an update statement shall be  
1644 invalid. Any public agency that accepts a bid submitted without a  
1645 copy of such prequalification certificate and an update statement, as  
1646 required by this section, shall be ineligible for the receipt of any state  
1647 funds disbursed for the purpose of the construction, reconstruction,  
1648 alteration, remodeling, repair or demolition of any public building or  
1649 any public works project.

1650 Sec. 30. Subdivision (1) of subsection (a) of section 4a-60g of the  
1651 general statutes is repealed and the following is substituted in lieu  
1652 thereof (*Effective January 1, 2006*):

1653 (1) "Small contractor" means any contractor, subcontractor,  
1654 manufacturer or service company (A) which has been doing business  
1655 under the same ownership and management and has maintained its  
1656 principal place of business in the state, for a period of at least one year  
1657 immediately prior to the date of application for certification under this  
1658 section, (B) which [had gross revenues not exceeding ten million  
1659 dollars in the most recently completed fiscal year prior to such  
1660 application] meets the size standard established by the Department of  
1661 Administrative Services for the business sector in which such  
1662 contractor, subcontractor, manufacturer or service company primarily  
1663 operates, and (C) at least fifty-one per cent of the ownership of which  
1664 is held by a person or persons who exercise operational authority over  
1665 the daily affairs of the business and have the power to direct the  
1666 management and policies and receive the beneficial interests of the

1667 business, except that a nonprofit corporation shall be construed to be a  
1668 small contractor if such nonprofit corporation meets the requirements  
1669 of subparagraphs (A) and (B) of this subdivision.

1670 Sec. 31. Subsection (f) of section 4a-60g of the general statutes is  
1671 repealed and the following is substituted in lieu thereof (*Effective*  
1672 *January 1, 2006*):

1673 (f) The awarding authority shall require that a contractor or  
1674 subcontractor awarded a contract or a portion of a contract under this  
1675 section perform not less than fifteen per cent of the work with the  
1676 workforces of such contractor or subcontractor and shall require that  
1677 not less than twenty-five per cent of the work be performed by  
1678 contractors or subcontractors eligible for awards under this section. A  
1679 contractor awarded a contract or a portion of a contract under this  
1680 section shall not subcontract with any person with whom the  
1681 contractor is affiliated. No person who is affiliated with another person  
1682 shall be eligible for awards under this section if both affiliated persons  
1683 considered together would not qualify as a small contractor or a  
1684 minority business enterprise under subsection (a) of this section. The  
1685 awarding authority shall require that a contractor awarded a contract  
1686 under this section submit, in writing, an explanation of any  
1687 subcontract entered into with any person that is not eligible for awards  
1688 under this section.

1689 Sec. 32. Subsection (k) of section 4a-60g of the general statutes is  
1690 repealed and the following is substituted in lieu thereof (*Effective*  
1691 *January 1, 2006*):

1692 (k) (1) Whenever the awarding agency has reason to believe that any  
1693 contractor or subcontractor awarded a set-aside contract has wilfully  
1694 violated any provision of this section, the awarding agency [may] shall  
1695 send a notice to such contractor or subcontractor by certified mail,  
1696 return receipt requested. Such notice shall include: (A) A reference to  
1697 the provision alleged to be violated; (B) a short and plain statement of  
1698 the matter asserted; (C) the maximum civil penalty that may be

1699 imposed for such violation; and (D) the time and place for the hearing.  
1700 Such hearing shall be fixed for a date not earlier than fourteen days  
1701 after the notice is mailed.

1702 (2) The awarding agency shall hold a hearing on the violation  
1703 asserted unless such contractor or subcontractor fails to appear. The  
1704 hearing shall be held in accordance with the provisions of chapter 54.  
1705 If, after the hearing, the awarding agency finds that the contractor or  
1706 subcontractor has wilfully violated any provision of this section, the  
1707 awarding agency shall suspend all set-aside contract payments to the  
1708 contractor or subcontractor and may, in its discretion, order that a civil  
1709 penalty not exceeding ten thousand dollars per violation be imposed  
1710 on the contractor or subcontractor. If such contractor or subcontractor  
1711 fails to appear for the hearing, the awarding agency may, as the facts  
1712 require, order that a civil penalty not exceeding ten thousand dollars  
1713 per violation be imposed on the contractor or subcontractor. The  
1714 awarding agency shall send a copy of any order issued pursuant to  
1715 this subsection by certified mail, return receipt requested, to the  
1716 contractor or subcontractor named in such order. The awarding agency  
1717 may cause proceedings to be instituted by the Attorney General for the  
1718 enforcement of any order imposing a civil penalty issued under this  
1719 subsection.

1720 Sec. 33. Section 52 of public act 05-287 is repealed and the following  
1721 is substituted in lieu thereof (*Effective from passage*):

1722 (a) [On] Notwithstanding any provision of the general statutes, on  
1723 and after the effective date of this section, no state agency or quasi-  
1724 public agency shall execute a contract for the purchase of goods or  
1725 services, which contract has a total [value] cost to the state of fifty  
1726 thousand dollars or more in any calendar or fiscal year, unless the state  
1727 agency or quasi-public agency obtains the written affidavit described  
1728 in subsection (b) of this section.

1729 (b) (1) The chief official of the bidder or vendor awarded a contract  
1730 described in subsection (a) of this section or the individual awarded

1731 such contract who is authorized to execute such contract, shall attest in  
1732 an affidavit as to whether any consulting agreement has been entered  
1733 into in connection with such contract. Such affidavit shall be required  
1734 if any duties of the consultant included communications concerning  
1735 business of such state agency, whether or not direct contact with a  
1736 state agency, state or public official or state employee was expected or  
1737 made. As used in this section "consulting agreement" means any  
1738 written or oral agreement to retain the services, for a fee, of a  
1739 consultant for the purposes of (1) providing counsel to a contractor,  
1740 vendor, consultant or other entity seeking to conduct, or conducting,  
1741 business with the state, (2) contacting, whether in writing or orally,  
1742 any executive, judicial, or administrative office of the state, including  
1743 any department, institution, bureau, board, commission, authority,  
1744 official or employee for the purpose of solicitation, dispute resolution,  
1745 introduction, requests for information or (3) any other similar activity  
1746 related to such contract. Consulting agreement does not include any  
1747 agreements entered into with a consultant who is registered under the  
1748 provisions of chapter 10 of the general statutes as of the date such  
1749 affidavit is submitted in accordance with the provisions of this section.

1750 (2) Such affidavit shall be sworn as true to the best knowledge and  
1751 belief of the person signing the certification on the affidavit and shall  
1752 be subject to the penalties of false statement.

1753 (3) Such affidavit shall include the name of the consultant, the  
1754 consultant's firm, the basic terms of the consulting agreement, a brief  
1755 description of the services provided, and an indication as to whether  
1756 the consultant is a former state employee or public official. If the  
1757 consultant is a former state employee or public official, such affidavit  
1758 shall indicate his or her former agency and the date such employment  
1759 terminated.

1760 (4) Such affidavit shall be amended whenever the bidder or vendor  
1761 awarded the contract enters into any new consulting agreement during  
1762 the term of such contract.

1763 (c) Each state agency and quasi-public agency shall include a notice  
1764 of the affidavit requirements of this section in the bid specifications or  
1765 request for proposals for any contract that is described in subsection  
1766 (a) of this section.

1767 (d) In the event that a bidder or vendor refuses to submit the  
1768 affidavit required under subsection (b) of this section, such bidder or  
1769 vendor shall be disqualified and the state agency or quasi-public  
1770 agency shall award the contract to the next highest ranked vendor or  
1771 the next lowest responsible qualified bidder or seek new bids or  
1772 proposals.

1773 Sec. 34. Subsection (c) of section 33 of public act 05-287 is repealed  
1774 and the following is substituted in lieu thereof (*Effective January 1,*  
1775 *2006*):

1776 (c) Any person who ~~[violates]~~ has been found in violation of any  
1777 provision of this section by the Office of State Ethics, in accordance  
1778 with the provisions of section 1-82, as amended by section 39 of public  
1779 act 05-287, may be deemed a nonresponsible bidder by a state agency,  
1780 board, commission or institution or quasi-public agency.

1781 Sec. 35. Subdivision (19) of subsection (d) of section 2c-2b and  
1782 section 4b-3 of the general statutes are repealed. (*Effective October 1,*  
1783 *2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>January 1, 2006</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section

Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>January 1, 2006</i>	New section
Sec. 13	<i>from passage</i>	4b-91(i)
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>January 1, 2006</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>January 1, 2006</i>	4a-100
Sec. 18	<i>January 1, 2006</i>	4a-101
Sec. 19	<i>January 1, 2006</i>	4b-91
Sec. 20	<i>from passage</i>	4b-56
Sec. 21	<i>from passage</i>	4b-100a(a) and (b)
Sec. 22	<i>from passage</i>	4b-91(b)
Sec. 23	<i>January 1, 2006</i>	New section
Sec. 24	<i>July 1, 2006</i>	New section
Sec. 25	<i>July 1, 2006</i>	13a-143d(d)
Sec. 26	<i>from passage</i>	1-92(1)
Sec. 27	<i>January 1, 2006</i>	New section
Sec. 28	<i>from passage</i>	1-210
Sec. 29	<i>from passage</i>	4b-91(d)
Sec. 30	<i>January 1, 2006</i>	4a-60g(a)(1)
Sec. 31	<i>January 1, 2006</i>	4a-60g(f)
Sec. 32	<i>January 1, 2006</i>	4a-60g(k)
Sec. 33	<i>from passage</i>	PA 05-28, Sec. 52
Sec. 34	<i>January 1, 2006</i>	PA 05-28, Sec. 33(c)
Sec. 35	<i>October 1, 2007</i>	Repealer section