



General Assembly

Amendment

October 25 Special Session, 2005

LCO No. 8520

SB0210108520HRO

Offered by:

REP. WARD, 86th Dist.
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To: Senate Bill No. 2101

File No.

Cal. No.

(As Amended by Senate Amendment Schedules "A" and "C")

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

11 selection.

12 (2) "Emergency procurement" means procurement by a state agency
13 that is made necessary by a sudden, unexpected occurrence that poses
14 a clear and imminent danger to public safety or requires immediate
15 action to prevent or mitigate the loss or impairment of life, health,
16 property or essential public services or in response to a court order,
17 settlement agreement or other similar legal judgment.

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

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

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

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

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

48 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a State
49 Contracting Standards Board that shall consist of nine members
50 appointed as follows: Five members shall be appointed by the
51 Governor, two members shall be appointed by the speaker of the
52 House of Representatives and two members shall be appointed by the
53 president pro tempore of the Senate whenever the Governor is of a
54 different political party than that which controls both houses of the
55 General Assembly; five members shall be appointed by the Governor
56 and four members appointed by the highest ranking leader of the
57 opposing party of the applicable house of the General Assembly
58 whenever the political party of the Governor also controls only one of
59 the houses of the General Assembly; five members shall be appointed
60 by the Governor, two members by the minority leader of the House of
61 Representatives and two members by the minority leader of the Senate
62 whenever the political party of the Governor controls both houses of
63 the General Assembly; and five members by the Governor, two
64 members by the speaker of the House of Representatives and two
65 members by the president pro tempore of the Senate whenever the
66 Governor is an independent. Each member shall be appointed in
67 accordance with the provisions of section 4-7 of the general statutes
68 and have demonstrated sufficient knowledge by education, training or
69 experience in several of the following enumerated areas: (1)
70 Procurement; (2) contract negotiation, selection and drafting; (3)
71 contract risk assessment; (4) requests for proposals and real estate
72 transactions; (5) business insurance and bonding; (6) the code of ethics;
73 (7) federal and state statutes, policies and regulations; (8) outsourcing
74 and privatization proposal analysis; (9) small and minority business
75 enterprise development; (10) engineering and information

76 technologies; and (11) personnel and labor relations. Such education,
77 training or experience shall have been acquired over not less than a
78 continuous five-year period and shall have been acquired within the
79 ten-year period preceding such appointment. Nothing in this section
80 shall be construed to prohibit an appointing authority from selecting a
81 member of the general public who has demonstrated an interest in
82 governmental ethics and integrity to serve on the board as such
83 appointing authority's appointee. The chairperson of the board shall be
84 appointed by the members of the board. The terms of the members
85 shall be coterminous with the terms of the appointing authority for
86 each member. If any vacancy occurs on the board, the appointing
87 authorities having the power to make the appointment under the
88 provisions of this subsection shall appoint a person in accordance with
89 the provisions of this subsection.

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

92 (c) The chairperson of the board shall be compensated two hundred
93 dollars per diem up to a maximum of thirty thousand dollars annually.
94 Other members of the board shall be compensated two hundred
95 dollars per diem up to a maximum of twenty-five thousand dollars
96 annually. No person shall serve on the board who holds another state
97 or municipal governmental position and no person on the board nor
98 any spouse, child, stepchild, parent or sibling of such person shall be
99 directly or indirectly involved in any enterprise that does business
100 with the state.

101 (d) The Governor shall appoint an executive director who shall
102 serve as an ex-officio, nonvoting member of the board. The executive
103 director shall be appointed in accordance with the provisions of
104 section 4-7 of the general statutes and may be removed from office for
105 reasonable cause, in accordance with chapter 67 of the general statutes.
106 The board shall, annually, conduct a performance evaluation of such
107 executive director.

108 (e) The board may employ secretaries, real estate examiners,
109 contract specialists, forensic fraud examiners, property and
110 procurement specialists, paralegals, attorneys and such other
111 employees as the board deems necessary, all of whom shall be in the
112 state classified service.

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

116 (g) No employee of the State Contracting Standards Board shall
117 hold another state or municipal position, nor shall any such employee
118 or any nonclerical employee or any spouse, child, stepchild, parent or
119 sibling of such employee of the board be directly or indirectly involved
120 in any enterprise that does business with the state. Each member and
121 employee of the State Contracting Standards Board shall file, with the
122 board and with the Office of State Ethics, a financial statement
123 indicating all sources of business income of such person in excess of
124 one thousand dollars, and the name of any business with which such
125 member or employee is associated, as defined in subsection (b) of
126 section 1-79 of the general statutes. Such statement shall be a public
127 record. Financial statements for the preceding calendar year shall be
128 filed with the commission on or before April fifteenth of each year if
129 such employee or member held such a position during the preceding
130 calendar year.

131 (h) Any violation of the provisions of subsection (c) or (g) of this
132 section shall constitute a violation of part I of chapter 10 of the general
133 statutes and may be the subject of a complaint and investigation filed
134 and conducted in accordance with the provisions of section 1-82 of the
135 general statutes.

136 (i) The board shall adopt such rules as it deems necessary for the
137 conduct of its internal affairs, in accordance with section 4-167 of the
138 general statutes, including, but not limited to, rules of procedure for
139 any appeal taken pursuant to section 10 of this act and any review

140 undertaken pursuant to section 12 of this act.

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

143 Sec. 3. (NEW) (*Effective January 1, 2006*) (a) On or before January 1,
144 2007, the State Contracting Standards Board shall prepare a uniform
145 procurement code applicable to state contracting agency expenditures,
146 including, but not limited to, expenditures: (1) By municipalities that
147 receive state funds, (2) involving any state contracting and
148 procurement processes, including, but not limited to, leasing and
149 property transfers, purchasing or leasing of supplies, materials or
150 equipment, as defined in section 4a-50 of the general statutes,
151 consultant or consultant services, as defined in section 4b-55 of the
152 general statutes, personal service agreements, as defined in section 4-
153 212 of the general statutes, purchase of service agreements or
154 privatization contracts, and (3) relating to contracts for the
155 construction, reconstruction, alteration, remodeling, repair or
156 demolition of any public building. Nothing in this section shall be
157 construed to require the application of uniform procurement code
158 procedures when such procurement involves the expenditure of
159 federal assistance or contract funds and federal law provides
160 applicable procurement procedures to the extent such procedures are
161 inconsistent with the uniform procurement code.

162 (b) The uniform procurement code described in subsection (a) of
163 this section shall be designed to: (1) Establish uniform contracting
164 standards and practices among the various state contracting agencies;
165 (2) simplify and clarify the state's laws governing contracting
166 standards and procurement policies and practices, including, but not
167 limited to, procedures for competitive sealed bids, competitive sealed
168 proposals, small purchases, sole source procurements, emergency
169 procurements and special procurements; (3) ensure the fair and
170 equitable treatment of all businesses and persons who deal with the
171 procurement system of the state; (4) include a process to maximize the
172 use of small contractors and minority business enterprises, as defined

173 in section 4a-60g of the general statutes; (5) provide increased economy
174 in state procurement activities and maximize purchasing value to the
175 fullest extent possible; (6) ensure that the procurement of supplies,
176 materials, equipment, services, real property and construction required
177 by any state contracting agency is obtained in a cost-effective and
178 responsive manner; (7) preserve and maintain the existing contracting,
179 procurement, disqualification and termination authority and discretion
180 of any state contracting agency when such contracting and
181 procurement procedures represent best practices; (8) include a process
182 to improve contractor and state contracting agency accountability.

183 (c) In preparing the uniform procurement code described in
184 subsection (a) of this section, the State Contracting Standards Board
185 shall conduct a comprehensive review of existing state contracting and
186 procurement laws, regulations and practices and shall utilize existing
187 procurement procedures and guidelines that the board deems
188 appropriate.

189 (d) Upon request by the State Contracting Standards Board, each
190 state contracting agency engaged in procurement shall provide the
191 board, in a timely manner, with such procurement information as the
192 board deems necessary. The board shall have access to all information,
193 files and records related to any state contracting agency in furtherance
194 of this purpose. Nothing in this section shall be construed to require
195 the board's disclosure of documents that are exempt from disclosure
196 pursuant to chapter 14 of the general statutes or that may be protected
197 from disclosure under claim of an attorney-client privilege.

198 (e) Such uniform procurement code shall be submitted to the
199 General Assembly for its approval. The board shall file such code with
200 the clerks of the House of Representatives and the Senate not later than
201 January 15, 2007, and not later than January 20, 2007, the speaker of the
202 House of Representatives and the president pro tempore of the Senate
203 shall submit such code to the joint standing committee of the General
204 Assembly having cognizance of matters relating to government
205 administration and elections. Said committee shall hold a public

206 hearing on such code and shall report its recommendations, including
207 any changes thereto, to the House of Representatives and the Senate
208 concerning the approval or rejection of the code. The General
209 Assembly shall take a vote on such code not later than the end of the
210 2007 regular session.

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

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

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

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

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

225 (5) Triennially, recertifying each state contracting agency's
226 procurement processes and providing agencies with notice of any
227 certification deficiency and exercising authority as provided under
228 section 6 of this act if a determination of noncompliance is made;

229 (6) Defining the training requirements for state contracting agency
230 procurement professionals;

231 (7) Monitoring implementation of the state contracting portal and
232 making recommendations for improvement to the Department of
233 Administrative Services;

234 (8) Defining the contract data retention requirements for state

235 agencies concerning retention of information on: (A) The number and
236 type of state contracts currently in effect state-wide, (B) the dollar
237 value of such contracts, (C) a list of client agencies, (D) a description of
238 services purchased under such contracts, (E) contractor names, and (F)
239 an evaluation of contractor performance, and assuring such
240 information is available on the state contracting portal;

241 (9) Providing the Governor and the joint standing committee of the
242 General Assembly having cognizance of matters relating to
243 government administration and elections with recommendations
244 concerning the uniform procurement code; and

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

252 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The State Contracting
253 Standards Board shall triennially conduct audits of state contracting
254 agencies to ensure compliance with the uniform procurement code. In
255 conducting such audit, the State Contracting Standards Board shall
256 have access to all contracting and procurement records, may interview
257 personnel responsible for contracting, contract negotiation or
258 procurement and may enter into an agreement with the State Auditors
259 of Public Accounts to effectuate such audit.

260 (b) Upon completion of any such audit, the State Contracting
261 Standards Board shall prepare and issue a compliance report for such
262 state contracting agency. Such report shall identify any process or
263 procedure that is inconsistent with the uniform procurement code and
264 indicate those corrective measures the board deems necessary to
265 comply with code requirements. Such report shall be issued and
266 delivered not later than thirty days after completion of such audit and

267 shall be a public record.

268 (c) After notice and hearing, the State Contracting Standards Board
269 may restrict the authority of any state contracting agency to enter into
270 any contract or procurement agreement if the board, upon a vote of
271 two-thirds of the members of the board present and voting for such
272 purpose, determines that such state contracting agency failed to
273 comply with statutory contracting and procurement requirements, and
274 evidenced a reckless disregard for applicable procedures and policy
275 and such limitation or restriction is in the state's best interest. Such
276 limitation or restriction shall remain in effect until such time as the
277 board determines that such state contracting agency has implemented
278 corrective measures and demonstrated compliance with code
279 requirements.

280 Sec. 6. (NEW) (*Effective October 1, 2007*) For cause, the State
281 Contracting Standards Board may review or terminate any contract or
282 procurement agreement undertaken by any state contracting agency
283 after providing fifteen days notice to the state contracting agency and
284 the applicable contractor, and consulting with the Attorney General.
285 Such termination of a contract or procurement agreement by the board
286 may occur only upon a vote of two-thirds of the members of the board
287 present and voting for that purpose. Such action shall be accompanied
288 by notice to the state contracting agency and any other affected party.
289 For the purpose of this section, "for cause" means: (1) A violation of
290 section 1-84, 1-86e or 4a-100 of the general statutes, as amended by this
291 act, (2) wanton or reckless disregard of any state contracting and
292 procurement process by any person substantially involved in such
293 contract or state contracting agency, or (3) notification from the
294 Attorney General to the state contracting agency that an investigation
295 pursuant to section 4-61dd of the general statutes indicates that the
296 process by which such contract was awarded was compromised by
297 fraud, collusion or other serious ethical improprieties.

298 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) After reasonable notice, a
299 hearing and consultation with the relevant state contracting agency

300 and the Attorney General, the State Contracting Standards Board may
301 disqualify any contractor, for a period of up to five years, from bidding
302 on, applying for, or participating as a subcontractor under, contracts
303 with the state. Such disqualification shall be upon the vote of two-
304 thirds of the members of the board present and voting for that
305 purpose. Such hearing shall be conducted in accordance with chapter
306 54 of the general statutes. The board shall issue a written decision not
307 later than ninety days after the conclusion of such hearing and state in
308 the decision the reasons for the action taken and, if the contractor is
309 being disqualified, the period of such disqualification. The existence of
310 a cause for disqualification, as described in subsection (b) of this
311 section, may not be the sole factor to be considered by the board in
312 determining whether the contractor shall be disqualified. In
313 determining whether to disqualify a contractor, the board shall
314 consider the seriousness of the contractor's acts or omissions and any
315 mitigating factors. The board shall send the decision to the contractor
316 by certified mail, return receipt requested. The written decision shall
317 be a final decision for purposes of sections 4-180 and 4-183 of the
318 general statutes.

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

320 (1) Conviction of, or entry of a plea of guilty or nolo contendere or
321 admission to, the commission of a criminal offense as an incident to
322 obtaining or attempting to obtain a public or private contract or
323 subcontract, or in the performance of such contract or subcontract;

324 (2) Conviction of, or entry of a plea of guilty or nolo contendere or
325 admission to, the violation of any state or federal law for
326 embezzlement, theft, forgery, bribery, falsification or destruction of
327 records, receiving stolen property or any other offense indicating a
328 lack of business integrity or business honesty which affects
329 responsibility as a state contractor;

330 (3) Conviction of, or entry of a plea of guilty or nolo contendere or
331 admission to, a violation of any state or federal antitrust, collusion or

332 conspiracy law arising out of the submission of bids or proposals on a
333 public or private contract or subcontract;

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

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

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

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

343 (8) Any other cause the board determines to be so serious and
344 compelling as to affect responsibility as a state contractor, including,
345 but not limited to: (A) Disqualification by another state for cause, (B)
346 the fraudulent, criminal or seriously improper conduct of any officer,
347 director, shareholder or employee of such contractor, provided such
348 conduct occurred in connection with the individual's performance of
349 duties for or on behalf of such contractor and such contractor knew or
350 had reason to know of such conduct, or (C) the existence of an
351 informal or formal business relationship with a contractor who has
352 been disqualified from bidding on state contracts.

353 (c) Upon written request by the affected state contractor, the State
354 Contracting Standards Board may reduce the period or extent of
355 disqualification for a contractor if documentation supporting any of
356 the following reasons for modification is provided to the board by the
357 contractor:

358 (1) Newly discovered material evidence;

359 (2) Reversal of the conviction upon which the disqualification was
360 based;

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

362 (4) Elimination of other causes for which the disqualification was
363 imposed.

364 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) After reasonable notice
365 and a hearing, conducted in accordance with the provisions of chapter
366 54 of the general statutes, a state contracting agency may suspend any
367 contractor for a period of not more than six months from bidding on,
368 applying for or performing work as a subcontractor under, contracts
369 with the agency. The commissioner or director of any such state
370 contracting agency shall issue a written decision not later than ninety
371 days after the conclusion of such hearing and state in the decision the
372 reasons for the action taken and, if the contractor is being suspended,
373 the period of such suspension. The existence of a cause for suspension,
374 as described in subsection (b) of this section, may not be the sole factor
375 to be considered by the agency in determining whether the contractor
376 shall be suspended. In determining whether to suspend a contractor,
377 the state contracting agency shall consider the seriousness of the
378 contractor's acts or omissions and any mitigating factors. The
379 commissioner or director of the state contracting agency shall send
380 such decision to the contractor by certified mail, return receipt
381 requested. Such decision shall be a final decision for purposes of
382 sections 4-180 and 4-183 of the general statutes.

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

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

386 (2) A record of failure to perform or of unsatisfactory performance
387 in accordance with the terms of one or more contracts, provided failure
388 to perform or unsatisfactory performance caused by acts beyond the
389 control of the contractor shall not be considered to be a basis for
390 suspension;

391 (3) Any cause the state contracting agency determines to be so

392 serious and compelling as to affect the responsibility of a state
393 contractor, including suspension by another state contracting agency
394 for cause; or

395 (4) A violation of the ethical standards set forth in sections 1-84, 1-
396 86e and 4a-100 of the general statutes, as amended by this act.

397 (c) The state contracting agency may grant an exception permitting
398 a suspended contractor to participate in a particular contract or
399 subcontract upon a written determination by the commissioner or
400 director of the state contracting agency that there is good cause for
401 such exception and that such exception is in the best interest of the
402 state.

403 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) Any bidder on a state
404 contract may contest the solicitation or award of a contract to the
405 commissioner of the state agency that awarded such contract. Such
406 contest shall be submitted, in writing, not later than fourteen days after
407 such bidder knew or should have known of the facts giving rise to
408 such contest and shall be limited to the procedural elements of the
409 solicitation or award process, or claims of an unauthorized or
410 unwarranted, noncompetitive selection process.

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

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

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

421 (2) Indicate such agency's finding as to the merits of such bidder's

422 contest; and

423 (3) Inform such bidder of the right to review, as provided in section
424 10 of this act.

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

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

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

439 (c) Any appeal filed pursuant to subsection (b) of this section shall
440 not be deemed to prohibit the award or execution of any such
441 contested contract.

442 (d) The State Contracting Standards Board shall create a three-
443 member appeals review subcommittee, which shall review any request
444 filed pursuant to subsection (b) of this section and decide whether such
445 solicitation or award was in compliance with the code, and whether
446 allegations of an unauthorized or unwarranted, noncompetitive
447 selection process have been demonstrated. A unanimous vote of such
448 subcommittee shall be dispositive of any such appeal. A split vote of
449 such subcommittee shall result in a review of the appeal by the full
450 membership of the board which, by a vote of two-thirds of its
451 members present and voting for such purpose, shall decide whether
452 the solicitation or award of such contract was in compliance with the

453 code and whether allegations of an unauthorized or unwarranted,
454 noncompetitive selection process have been demonstrated.

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

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

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

470 (h) In the event such appeal is found to be frivolous by the appeals
471 review subcommittee or the full board, such frivolous appeal may
472 serve as a basis for disqualification pursuant to section 7 of this act.

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

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

479 Sec. 11. (NEW) (*Effective October 1, 2007*) There is established a
480 Contracting Standards Advisory Council, which shall consist of nine
481 state contracting agency representatives designated by the Governor,
482 including at least one representative from each of the following: The

483 Department of Administrative Services, the Department of
484 Transportation and the Department of Public Works. The advisory
485 council shall meet at least once a year to discuss problems with
486 procurement processes and to make recommendations for
487 improvements to the State Contracting Standards Board. The advisory
488 council may conduct studies, research and analyses and make reports
489 and recommendations with respect to subjects or matters within the
490 jurisdiction of the State Contracting Standards Board.

491 Sec. 12. (NEW) (*Effective January 1, 2006*) (a) On and after October 1,
492 2007, the powers, duties, obligations and other governmental functions
493 of the State Properties Review Board, established under subsection (a)
494 of section 4b-3 of the general statutes, shall transfer to the State
495 Contracting Standards Board, established under section 2 of this act.
496 The powers, duties, obligations and other governmental functions of
497 the State Properties Review Board, shall thereafter vest in the State
498 Contracting Standards Board, in accordance with the provisions of
499 sections 4-38d and 4-39 of the general statutes.

500 (b) On or before October 1, 2007, the State Contracting Standards
501 Board shall establish a three-member subcommittee of the board to be
502 known as the state properties review subcommittee to perform the
503 duties described under subsection (a) of this section. The
504 subcommittee shall perform the duties established under subsection
505 (a) of this section in accordance with the rules and procedures
506 established by the board pursuant to subsection (i) of section 2 of this
507 act. The State Contracting Standards Board shall constitute a successor
508 department to the State Properties Review Board in accordance with
509 the provisions of sections 4-38d and 4-39 of the general statutes.

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

513 (i) [In the event that the] The General Assembly [approves] may
514 approve legislation authorizing an exception to the competitive

515 bidding process for a project, provided such legislation is approved, in
516 whole, by a two-thirds vote of the members of each house of the
517 General Assembly. If rejected, the legislation proposing an exception
518 for such project shall not be valid and shall not be implemented. The
519 legislation shall be deemed rejected if the General Assembly fails to
520 vote to approve or reject the legislation (1) prior to the adjournment of
521 the regular session of the General Assembly during which the
522 legislation is filed, (2) prior to the adjournment of the next regular
523 session of the General Assembly following the date on which the
524 legislation is filed if the General Assembly is not in regular session on
525 such date, or (3) prior to the adjournment of a special session convened
526 before the next regular session of the General Assembly for the
527 purpose of considering the legislation if the General Assembly is not in
528 regular session on the date on which the legislation is filed. However,
529 if the legislation is filed less than thirty days before the end of a regular
530 session, the General Assembly may vote to approve or reject the
531 legislation (A) not later than thirty days after the first day of a special
532 session convened before the next regular session of the General
533 Assembly for the purpose of considering the legislation, or (B) not later
534 than thirty days after the first day of the next regular session of the
535 General Assembly. In the event that the General Assembly approves
536 legislation authorizing an exception to the competitive bidding process
537 for a project, the State Properties Review Board shall complete a
538 review of the contract for such project and approve or disapprove such
539 contract no later than thirty days after the Commissioner of Public
540 Works submits such contract to the board. Such review shall be
541 conducted in accordance with the provisions of section 4b-3. On and
542 after October 1, 2007, such review shall be conducted by the
543 subcommittee of the State Contracting Standards Board established
544 under subsection (b) of section 12 of this act. In the event that such
545 review does not occur within the thirty-day period prescribed by this
546 subsection, such contract shall be deemed to be approved.

547 Sec. 14. (NEW) *(Effective January 1, 2006)* The Office of Policy and
548 Management shall establish procedures for use by state agencies when

549 entering purchase of service agreements that shall provide for the
550 payment of fifty per cent of any unexpended funds allocated for such
551 contract to the contracting nonprofit agency, partnership or
552 corporation at the end of such contract, provided the services rendered
553 under such contract meet the contracted requirements for number,
554 type and quality of services and there is either an agreed upon price
555 for such services, a set cost for such services or a flat grant for an
556 agreed upon level of services.

557 Sec. 15. (NEW) (*Effective from passage*) (a) Notwithstanding any
558 provision of the general statutes, any contract for legal services
559 between a state agency and any person, firm or corporation that is
560 entered into on or after July 1, 2006, pursuant to section 3-125 of the
561 general statutes, and that will or that can reasonably be expected to
562 result in attorney's fees, including, but not limited to, contingent fees
563 paid to such person, firm or corporation in the amount of two hundred
564 fifty thousand dollars or more shall be subject to requests for proposals
565 or requests for qualifications and negotiation procedures.

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

571 Sec. 16. Section 4a-100 of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective January 1, 2006*):

573 (a) As used in this section: (1) "Prequalification" means
574 prequalification issued by the Commissioner of Administrative
575 Services to bid on a contract for the construction, reconstruction,
576 alteration, remodeling, repair or demolition of any public building for
577 work by the state or a municipality or to perform work under such a
578 contract as a substantial subcontractor; (2) "subcontractor" means a
579 person who performs work with a value in excess of twenty-five
580 thousand dollars for a contractor pursuant to a contract for work for

581 the state or a municipality which is estimated to cost more than five
 582 hundred thousand dollars; (3) "principals and key personnel" includes
 583 officers, directors, shareholders, members, partners and managerial
 584 employees; (4) "aggregate work capacity rating" means the maximum
 585 amount of work an applicant is capable of undertaking for any and all
 586 projects; [and] (5) "single project limit" means the highest estimated
 587 cost of a single project that an applicant is capable of undertaking; (6)
 588 "substantial subcontractor" means a person who performs work with a
 589 value in excess of five hundred thousand dollars for a contractor
 590 pursuant to a contract for work for the state or a municipality which is
 591 estimated to cost more than five hundred thousand dollars.

592 (b) (1) Any person may apply for prequalification to the Department
 593 of Administrative Services. Such application shall be made on such
 594 form as the Commissioner of Administrative Services prescribes and
 595 shall be accompanied by a nonrefundable application fee as set forth in
 596 subdivision (2) of this subsection. The application shall be signed
 597 under penalty of false statement.

598 (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

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

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

602 (2) The applicant's principals and key personnel and any names

603 under which the applicant, principals or key personnel conducted
604 business during the past five years;

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

609 [(4)] (3) Any legal or administrative proceedings pending or
610 concluded adversely against the applicant or any of the applicant's
611 principals or key personnel within the past five years which relate to
612 the procurement or performance of any public or private construction
613 contract and whether the applicant is aware of any investigation
614 pending against the applicant or any principal or key personnel;

615 [(5)] (4) The nature of any financial, personal or familial relationship
616 between the applicant and any public or private construction project
617 owner listed on the application as constituting construction experience;

618 [(6)] (5) A statement of whether (A) the applicant has been
619 disqualified pursuant to section 4b-95, this section or section 31-57c or
620 31-57d, (B) the applicant is on the list distributed by the Labor
621 Commissioner pursuant to section 31-57a, (C) the applicant is
622 disqualified or prohibited from being awarded a contract pursuant to
623 section 31-57b, (D) the applicant has been disqualified by another state,
624 (E) the applicant has been disqualified by a federal agency or pursuant
625 to federal law, (F) the applicant's registration has been suspended or
626 revoked by the Department of Consumer Protection pursuant to
627 section 20-341gg, (G) the applicant has been disqualified by a
628 municipality, and (H) the matters that gave rise to any such
629 disqualification, suspension or revocation have been eliminated or
630 remedied; and

631 [(7)] (6) Other information as the commissioner deems relevant to
632 the determination of the applicant's qualifications and responsibilities.

633 (d) The applicant shall include a statement of financial condition

634 prepared by a certified public accountant which includes information
635 concerning the applicant's assets and liabilities, plant and equipment,
636 bank and credit references, bonding company and maximum bonding
637 capacity, and other information as the commissioner deems relevant to
638 an evaluation of the applicant's financial capacity and responsibility.

639 (e) Information contained in the application shall be current as of
640 the time of filing except that the statement of financial condition shall
641 pertain to the applicant's most recently-completed fiscal year.

642 (f) The commissioner shall determine whether to prequalify an
643 applicant on the basis of the application and on relevant past
644 performance according to procedures and criteria set forth in
645 regulations which the commissioner shall adopt on or before October
646 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
647 minimum, the record of the applicant's performance, including, but
648 not limited to, written evaluations of the applicant's performance on
649 public or private projects, [within the past five years,] the applicant's
650 past experience on projects of various size and type, the skill, ability
651 and integrity of the applicant and any subcontractors used by the
652 applicant, the experience and qualifications of supervisory personnel
653 employed by the applicant, the maximum amount of work the
654 applicant is capable of undertaking as demonstrated by the applicant's
655 financial condition, bonding capacity, size of past projects and present
656 and anticipated work commitments, and any other relevant criteria
657 that the commissioner prescribes. Such regulations shall also (1)
658 provide that the criteria considered shall be assigned separate
659 designated numerical values and weights and that the applicant shall
660 be assigned an overall numerical rating on the basis of all criteria, and
661 (2) establish prequalification classifications, aggregate work capacity
662 ratings and single project limits. Such prequalification classifications
663 shall be used to establish the types of work a contractor or substantial
664 subcontractor is qualified to perform and the aggregate work capacity
665 ratings shall be used to establish the maximum amount of work a
666 contractor or substantial subcontractor is capable of undertaking.

667 (g) (1) The applicant shall indicate the prequalification
668 classifications, aggregate work capacity ratings and single project
669 limits that are sought. The commissioner may issue a certificate of
670 prequalification to any applicant who meets the requirements of this
671 section. Such certificate shall be effective for one year from the date
672 issued and shall indicate the contractor's or substantial subcontractor's
673 prequalification classifications, aggregate work capacity ratings and
674 single project limits. The commissioner may cause the initial certificate
675 of prequalification to be effective for a period not to exceed two years
676 and may require the applicant to remit payment of the application fee,
677 as set forth in subsection (b) of this section, for the first twelve months
678 of certification as well as a prorated application fee, as described in
679 subdivision (3) of this subsection, for any additional period of
680 certification beyond the first twelve months.

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

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

693 (h) Not later than sixty days after receiving a completed application,
694 the commissioner shall mail or send by electronic mail a notice to the
695 applicant concerning the commissioner's preliminary determination
696 regarding the conditions of the prequalification certification, a denial
697 of certification, a reduction in the level of certification sought or
698 nonrenewal of certification. Any applicant aggrieved by the
699 commissioner's preliminary determination may request copies of the

700 information upon which the commissioner relied in making the
701 preliminary determination, provided such request is made not later
702 than ten days after the date the notice was mailed or sent by electronic
703 mail to the applicant. Not later than twenty days after the date the
704 notice was mailed or sent by electronic mail, the applicant may submit
705 additional information to the commissioner with a request for
706 reconsideration. The commissioner shall issue a final determination
707 regarding the application not later than ninety days after the date the
708 commissioner mailed or sent by electronic mail the notice of the
709 preliminary determination, which ninety-day period may be extended
710 for an additional period not to exceed ninety days if (1) the
711 commissioner gives written notice to the applicant that the
712 commissioner requires additional time, and (2) such notice is mailed or
713 sent by electronic mail during the initial ninety-day period.

714 (i) The commissioner may not issue a prequalification certificate to
715 any contractor or substantial subcontractor (1) who is disqualified
716 pursuant to section 31-57c or 31-57d, (2) who has a principal or key
717 personnel who, within the past five years, has a conviction or has
718 entered a plea of guilty or nolo contendere for or has admitted to
719 commission of an act or omission that reasonably could have resulted
720 in disqualification pursuant to any provision of subdivisions (1) to (3),
721 inclusive, of subsection (d) of section 31-57c or subdivisions (1) to (3),
722 inclusive, of subsection (d) of section 31-57d, as determined by the
723 commissioner.

724 (j) The commissioner may revoke a contractor's or substantial
725 subcontractor's prequalification or reduce the contractor's or
726 substantial subcontractor's prequalification classification or aggregate
727 work capacity ratings, after an opportunity for a hearing, if the
728 commissioner receives additional information that supports such
729 revocation or reduction or if such contractor is suspended from
730 bidding on a state contract pursuant to the provisions of section 8 of
731 this act.

732 (k) (1) Any materially false statement in the application or any

733 update statement may, in the discretion of the awarding authority,
734 result in termination of any contract awarded the applicant by the
735 awarding authority. The awarding authority shall provide written
736 notice to the commissioner of such false statement not later than thirty
737 days after discovering such false statement. The commissioner shall
738 provide written notice of such false statement to the Commissioner of
739 Public Works and the Commissioner of Consumer Protection not later
740 than thirty days after discovering such false statement or receiving
741 such notice.

742 (2) The commissioner shall revoke the prequalification of any
743 person, after an opportunity for hearing, if the commissioner finds that
744 the person has included any materially false statement in such
745 application or update statement, has been convicted of a crime related
746 to the procurement or performance of any public or private
747 construction contract has been disqualified by the State Contracting
748 Standards Board from bidding on state contracts pursuant to section 7
749 of this act or, within the past five years or has otherwise engaged in
750 fraud in obtaining or maintaining prequalification. Any person whose
751 prequalification has been revoked pursuant to this subsection shall be
752 disqualified for a period of two years after which the person may
753 reapply for prequalification, except that a person whose
754 prequalification has been revoked on the basis of conviction of a crime
755 or engaging in fraud shall be disqualified for a period of five years
756 after which the person may reapply for prequalification and a person
757 whose prequalification has been revoked on the basis of
758 disqualification by the State Contracting Standards Board shall be
759 disqualified for the same length of time as the disqualification period
760 imposed by the State Contracting Standards Board pursuant to section
761 7 of this act. The commissioner shall not prequalify a person whose
762 prequalification has been revoked pursuant to this subdivision until
763 the expiration of said [two or] two-year, five-year, or other applicable
764 disqualification period and the commissioner is satisfied that the
765 matters that gave rise to the revocation have been eliminated or
766 remedied.

767 (l) The commissioner shall provide written notice of any revocation,
768 disqualification, reduction in classification or capacity rating or
769 reinstated prequalification to the Commissioner of Public Works and
770 the Commissioner of Consumer Protection not later than thirty days
771 after any final determination.

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

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

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

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

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

791 Sec. 17. Section 4a-101 of the general statutes is repealed and the
792 following is substituted in lieu thereof (*Effective January 1, 2006*):

793 (a) On or before October 1, 2005, the Commissioner of
794 Administrative Services shall adopt regulations, in accordance with
795 chapter 54, to establish a standard contractor evaluation form. Such
796 form shall include, at a minimum, the following evaluation criteria: (1)

797 Timeliness of performance; (2) quality of performance; (3) cost
798 containment, including, but not limited to, the contractor's ability to
799 work within the contract's allotted cost, the accuracy of the contractor's
800 billing, and the number and cause of change orders and the manner in
801 which the contractor determined the price on the change orders; (4)
802 safety; (5) the quality of the contractor's working relationship with the
803 agency and the quality of the contractor's supervision of the work area;
804 (6) communication with the agency; (7) the quality of the contractor's
805 required documentation; (8) the performance of the contractor's
806 subcontractors and substantial subcontractors, to the extent known by
807 the official who completes the evaluation; and (9) the contractor's and
808 any subcontractor's compliance with part III of chapter 557, or chapter
809 558, or the provisions of the federal Davis-Bacon Act, 40 USC, Sections
810 276a to 276a-5, inclusive, as from time to time amended, to the extent
811 known by the official who completes the evaluation.

812 (b) Each public agency shall compile evaluation information during
813 the performance of the contract and complete and submit the
814 evaluation form to the commissioner after completion of a building
815 project under the agency's control if the building project is funded, in
816 whole or in part, by state funds. Such evaluation information shall be
817 available to any public agency for purposes of assessing the
818 responsibility of the contractor during a bid selection and evaluation
819 process. The designated official from such agency shall certify that the
820 information contained in the evaluation form represents, to the best of
821 the certifying official's knowledge, a true and accurate analysis of the
822 contractor's performance record on the contract. The commissioner
823 shall include the evaluation in the contractor's prequalification file. The
824 official shall mail a copy of the completed evaluation form to the
825 contractor. Any contractor who wishes to contest any information
826 contained in the evaluation form may submit a written response to the
827 commissioner not later than thirty days after the date the form was
828 mailed as indicated by the postmark on the envelope. Such response
829 shall set forth any additional information concerning the building
830 project or the oversight of the contract by the public agency that may

831 be relevant in the evaluation of the contractor's performance on the
832 project. The commissioner shall include any such response in the
833 contractor's prequalification file.

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

842 (d) Upon fifty per cent completion of any building project under a
843 public agency's control, the agency shall advise the contractor in
844 writing of the agency's preliminary evaluation of the contractor's
845 performance on the project.

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

852 (f) Any public agency that fails to submit a completed evaluation
853 form, as required by this section, not later than seventy days after the
854 completion of a project, shall be ineligible for the receipt of any public
855 funds disbursed by the state for the purposes of the construction,
856 reconstruction, alteration, remodeling, repair or demolition of any
857 public building or any public works project until such completed
858 evaluation form is submitted.

859 (g) Notwithstanding the provisions of subsection (a) of this section,
860 any political subdivision of the state, when evaluating the performance
861 of a contractor's subcontractors or substantial subcontractors, to the
862 extent known, may rely on an evaluation of such subcontractors or

863 substantial subcontractors that is conducted by the contractor.

864 Sec. 18. Section 4b-91 of the general statutes is amended by adding
865 subsection (j) as follows (*Effective January 1, 2006*):

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

875 Sec. 19. Section 4b-56 of the general statutes is repealed and the
876 following is substituted in lieu thereof (*Effective from passage*):

877 (a) There shall be established within the Department of Public
878 Works [a] State Construction Services Selection [Panel] Panels which
879 shall consist of five members. Four of such members shall be
880 appointed by the commissioner, shall be current or retired employees
881 of the Department of Public Works and shall serve for [terms of one
882 year from July first] deliberations involving the project for which such
883 member was appointed. The remaining member shall be appointed by
884 the head or acting head of the user agency and shall serve only for
885 deliberations involving the project for which [he] such member was
886 appointed. [If any vacancy occurs on the panel, the commissioner shall
887 appoint a person for the unexpired term in accordance with the
888 provisions of this subsection.]

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

891 (c) There shall be established within the Department of Public
892 Works [a] Connecticut Health and Education Facilities Authority
893 Construction Services [Panel] Panels which shall consist of five

894 members: Three of whom shall be appointed by the Commissioner of
895 Public Works, who shall serve only for deliberations involving the
896 project for which such member was appointed and shall be current
897 employees of the Department of Public Works; and the remaining
898 members shall be appointed by the head or acting head of the user
899 agency and shall serve only for deliberations involving the project for
900 which such member was appointed. [The members of the selection
901 panel appointed by the Commissioner of Public Works shall serve for
902 terms of one year from July first. If any vacancy occurs on the panel,
903 the Commissioner of Public Works or the head or acting head of the
904 user agency, as appropriate, shall appoint a person for the unexpired
905 term in accordance with the provisions of this subsection.]

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

911 Sec. 20. Subsections (a) and (b) of section 4b-100a of the general
912 statutes are repealed and the following is substituted in lieu thereof
913 (*Effective from passage*):

914 (a) The Department of Public Works shall establish construction
915 services award panels which shall each consist of six members: Three
916 of whom shall be appointed by the Commissioner of Public Works,
917 [and shall] be current employees of the Department of Public Works
918 and serve only for deliberations involving the project for which such
919 member was appointed; two of whom shall be appointed by the
920 department head of the user agency; and one of whom who shall be a
921 neutral party appointed by the commissioner. [The members of each
922 award panel appointed by the Commissioner of Public Works shall
923 serve for terms of one year from July first. If any vacancy occurs on the
924 panel, the Commissioner of Public Works or the head or acting head of
925 the user agency, as appropriate, shall appoint a person for the
926 unexpired term in accordance with the provisions of this subsection.]

927 (b) A panel established pursuant to this section shall not be deemed
928 to be a board or commission within the meaning of section 4-9a. Such
929 panels shall be the award panels for any contract for the construction,
930 reconstruction, alteration, remodeling, repair or demolition of any
931 public building for the state pursuant to [sections 4b-91 to 4b-100,
932 inclusive, and] section 4b-24 and subsection (g) of section 4b-91.

933 Sec. 21. Subsection (b) of section 4b-91 of the general statutes is
934 repealed and the following is substituted in lieu thereof (*Effective from*
935 *passage*):

936 (b) The Commissioner of Public Works, the joint committee or the
937 constituent unit, as the case may be, shall determine the manner of
938 submission and the conditions and requirements of such bids, and the
939 time within which the bids shall be submitted, consistent with the
940 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be
941 made within [sixty] one hundred twenty days after the opening of
942 such bids. If the general bidder selected as the general contractor fails
943 to perform the general contractor's agreement to execute a contract in
944 accordance with the terms of the general contractor's general bid and
945 furnish a performance bond and also a labor and materials or payment
946 bond to the amount specified in the general bid form, an award shall
947 be made to the next lowest responsible and qualified general bidder.
948 No employee of the Department of Public Works, the joint committee
949 or a constituent unit with decision-making authority concerning the
950 award of a contract and no public official, as defined in section 1-79,
951 may communicate with any bidder prior to the award of the contract if
952 the communication results in the bidder receiving information about
953 the contract that is not available to other bidders, except that if the
954 lowest responsible and qualified bidder's price submitted is in excess
955 of funds available to make an award, the Commissioner of Public
956 Works, the Joint Committee on Legislative Management or the
957 constituent unit, as the case may be, may negotiate with such bidder
958 and award the contract on the basis of the funds available, without
959 change in the contract specifications, plans and other requirements. If
960 the award of a contract on said basis is refused by such bidder, the

961 Commissioner of Public Works, the Joint Committee on Legislative
962 Management or the constituent unit, as the case may be, may negotiate
963 with other contractors who submitted bids in ascending order of bid
964 prices without change in the contract, specifications, plans and other
965 requirements. In the event of negotiation with general bidders as
966 provided in this section, the general bidder involved may negotiate
967 with subcontractors on the same basis, provided such general bidder
968 shall negotiate only with subcontractors named on such general
969 bidder's general bid form.

970 Sec. 22. Subdivision (1) of section 1-92 of the general statutes is
971 repealed and the following is substituted in lieu thereof (*Effective from*
972 *passage*):

973 (1) Adopt regulations in accordance with chapter 54 to carry out the
974 purposes of this part. Not later than January 1, 1992, the commission
975 shall adopt regulations which further clarify the meaning of the terms
976 "directly and personally received" and "major life event", as used in
977 subsection (e) of section 1-79 and subsection (g) of section 1-91. The
978 commission shall adopt regulations that further clarify the meaning of
979 the term "directly or indirectly involved in any enterprise", as used in
980 section 2 of this act.

981 Sec. 23. Section 1-210 of the general statutes, as amended by section
982 26 of public act 05-287, is repealed and the following is substituted in
983 lieu thereof (*Effective from passage*):

984 (a) Except as otherwise provided by any federal law or state statute,
985 all records maintained or kept on file by any public agency, whether or
986 not such records are required by any law or by any rule or regulation,
987 shall be public records and every person shall have the right to (1)
988 inspect such records promptly during regular office or business hours,
989 (2) copy such records in accordance with subsection (g) of section 1-
990 212, or (3) receive a copy of such records in accordance with section 1-
991 212. Any agency rule or regulation, or part thereof, that conflicts with
992 the provisions of this subsection or diminishes or curtails in any way

993 the rights granted by this subsection shall be void. Each such agency
994 shall keep and maintain all public records in its custody at its regular
995 office or place of business in an accessible place and, if there is no such
996 office or place of business, the public records pertaining to such agency
997 shall be kept in the office of the clerk of the political subdivision in
998 which such public agency is located or of the Secretary of the State, as
999 the case may be. Any certified record hereunder attested as a true copy
1000 by the clerk, chief or deputy of such agency or by such other person
1001 designated or empowered by law to so act, shall be competent
1002 evidence in any court of this state of the facts contained therein. Each
1003 such agency shall make, keep and maintain a record of the proceedings
1004 of its meetings.

1005 (b) Nothing in the Freedom of Information Act shall be construed to
1006 require disclosure of:

1007 (1) Preliminary drafts or notes provided the public agency has
1008 determined that the public interest in withholding such documents
1009 clearly outweighs the public interest in disclosure;

1010 (2) Personnel or medical files and similar files the disclosure of
1011 which would constitute an invasion of personal privacy;

1012 (3) Records of law enforcement agencies not otherwise available to
1013 the public which records were compiled in connection with the
1014 detection or investigation of crime, if the disclosure of said records
1015 would not be in the public interest because it would result in the
1016 disclosure of (A) the identity of informants not otherwise known or the
1017 identity of witnesses not otherwise known whose safety would be
1018 endangered or who would be subject to threat or intimidation if their
1019 identity was made known, (B) signed statements of witnesses, (C)
1020 information to be used in a prospective law enforcement action if
1021 prejudicial to such action, (D) investigatory techniques not otherwise
1022 known to the general public, (E) arrest records of a juvenile, which
1023 shall also include any investigatory files, concerning the arrest of such
1024 juvenile, compiled for law enforcement purposes, (F) the name and

1025 address of the victim of a sexual assault under section 53a-70, 53a-70a,
1026 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
1027 impairing of morals under section 53-21, or of an attempt thereof, or
1028 (G) uncorroborated allegations subject to destruction pursuant to
1029 section 1-216;

1030 (4) Records pertaining to strategy and negotiations with respect to
1031 pending claims or pending litigation to which the public agency is a
1032 party until such litigation or claim has been finally adjudicated or
1033 otherwise settled;

1034 (5) (A) Trade secrets, which for purposes of the Freedom of
1035 Information Act, are defined as information, including formulas,
1036 patterns, compilations, programs, devices, methods, techniques,
1037 processes, drawings, cost data, or customer lists that (i) derive
1038 independent economic value, actual or potential, from not being
1039 generally known to, and not being readily ascertainable by proper
1040 means by, other persons who can obtain economic value from their
1041 disclosure or use, and (ii) are the subject of efforts that are reasonable
1042 under the circumstances to maintain secrecy; and

1043 (B) Commercial or financial information given in confidence, not
1044 required by statute;

1045 (6) Test questions, scoring keys and other examination data used to
1046 administer a licensing examination, examination for employment or
1047 academic examinations;

1048 (7) The contents of real estate appraisals, engineering or feasibility
1049 estimates and evaluations made for or by an agency relative to the
1050 acquisition of property or to prospective public supply and
1051 construction contracts, until such time as all of the property has been
1052 acquired or all proceedings or transactions have been terminated or
1053 abandoned, provided the law of eminent domain shall not be affected
1054 by this provision;

1055 (8) Statements of personal worth or personal financial data required

1056 by a licensing agency and filed by an applicant with such licensing
1057 agency to establish the applicant's personal qualification for the
1058 license, certificate or permit applied for;

1059 (9) Records, reports and statements of strategy or negotiations with
1060 respect to collective bargaining;

1061 (10) Records, tax returns, reports and statements exempted by
1062 federal law or state statutes or communications privileged by the
1063 attorney-client relationship;

1064 (11) Names or addresses of students enrolled in any public school or
1065 college without the consent of each student whose name or address is
1066 to be disclosed who is eighteen years of age or older and a parent or
1067 guardian of each such student who is younger than eighteen years of
1068 age, provided this subdivision shall not be construed as prohibiting the
1069 disclosure of the names or addresses of students enrolled in any public
1070 school in a regional school district to the board of selectmen or town
1071 board of finance, as the case may be, of the town wherein the student
1072 resides for the purpose of verifying tuition payments made to such
1073 school;

1074 (12) Any information obtained by the use of illegal means;

1075 (13) Records of an investigation or the name of an employee
1076 providing information under the provisions of section 4-61dd;

1077 (14) Adoption records and information provided for in sections 45a-
1078 746, 45a-750 and 45a-751;

1079 (15) Any page of a primary petition, nominating petition,
1080 referendum petition or petition for a town meeting submitted under
1081 any provision of the general statutes or of any special act, municipal
1082 charter or ordinance, until the required processing and certification of
1083 such page has been completed by the official or officials charged with
1084 such duty after which time disclosure of such page shall be required;

1085 (16) Records of complaints, including information compiled in the

1086 investigation thereof, brought to a municipal health authority pursuant
1087 to chapter 368e or a district department of health pursuant to chapter
1088 368f, until such time as the investigation is concluded or thirty days
1089 from the date of receipt of the complaint, whichever occurs first;

1090 (17) Educational records which are not subject to disclosure under
1091 the Family Educational Rights and Privacy Act, 20 USC 1232g;

1092 (18) Records, the disclosure of which the Commissioner of
1093 Correction, or as it applies to Whiting Forensic Division facilities of the
1094 Connecticut Valley Hospital, the Commissioner of Mental Health and
1095 Addiction Services, has reasonable grounds to believe may result in a
1096 safety risk, including the risk of harm to any person or the risk of an
1097 escape from, or a disorder in, a correctional institution or facility under
1098 the supervision of the Department of Correction or Whiting Forensic
1099 Division facilities. Such records shall include, but are not limited to:

1100 (A) Security manuals, including emergency plans contained or
1101 referred to in such security manuals;

1102 (B) Engineering and architectural drawings of correctional
1103 institutions or facilities or Whiting Forensic Division facilities;

1104 (C) Operational specifications of security systems utilized by the
1105 Department of Correction at any correctional institution or facility or
1106 Whiting Forensic Division facilities, except that a general description
1107 of any such security system and the cost and quality of such system
1108 may be disclosed;

1109 (D) Training manuals prepared for correctional institutions and
1110 facilities or Whiting Forensic Division facilities that describe, in any
1111 manner, security procedures, emergency plans or security equipment;

1112 (E) Internal security audits of correctional institutions and facilities
1113 or Whiting Forensic Division facilities;

1114 (F) Minutes or recordings of staff meetings of the Department of
1115 Correction or Whiting Forensic Division facilities, or portions of such

1116 minutes or recordings, that contain or reveal information relating to
1117 security or other records otherwise exempt from disclosure under this
1118 subdivision;

1119 (G) Logs or other documents that contain information on the
1120 movement or assignment of inmates or staff at correctional institutions
1121 or facilities; and

1122 (H) Records that contain information on contacts between inmates,
1123 as defined in section 18-84, and law enforcement officers;

1124 (19) Records when there are reasonable grounds to believe
1125 disclosure may result in a safety risk, including the risk of harm to any
1126 person, any government-owned or leased institution or facility or any
1127 fixture or appurtenance and equipment attached to, or contained in,
1128 such institution or facility, except that such records shall be disclosed
1129 to a law enforcement agency upon the request of the law enforcement
1130 agency. Such reasonable grounds shall be determined (A) with respect
1131 to records concerning any executive branch agency of the state or any
1132 municipal, district or regional agency, by the Commissioner of Public
1133 Works, after consultation with the chief executive officer of the agency;
1134 (B) with respect to records concerning Judicial Department facilities,
1135 by the Chief Court Administrator; and (C) with respect to records
1136 concerning the Legislative Department, by the executive director of the
1137 Joint Committee on Legislative Management. As used in this section,
1138 "government-owned or leased institution or facility" includes, but is
1139 not limited to, an institution or facility owned or leased by a public
1140 service company, as defined in section 16-1, a certified
1141 telecommunications provider, as defined in section 16-1, a water
1142 company, as defined in section 25-32a, or a municipal utility that
1143 furnishes electric, gas or water service, but does not include an
1144 institution or facility owned or leased by the federal government, and
1145 "chief executive officer" includes, but is not limited to, an agency head,
1146 department head, executive director or chief executive officer. Such
1147 records include, but are not limited to:

- 1148 (i) Security manuals or reports;
- 1149 (ii) Engineering and architectural drawings of government-owned
1150 or leased institutions or facilities;
- 1151 (iii) Operational specifications of security systems utilized at any
1152 government-owned or leased institution or facility, except that a
1153 general description of any such security system and the cost and
1154 quality of such system, may be disclosed;
- 1155 (iv) Training manuals prepared for government-owned or leased
1156 institutions or facilities that describe, in any manner, security
1157 procedures, emergency plans or security equipment;
- 1158 (v) Internal security audits of government-owned or leased
1159 institutions or facilities;
- 1160 (vi) Minutes or records of meetings, or portions of such minutes or
1161 records, that contain or reveal information relating to security or other
1162 records otherwise exempt from disclosure under this subdivision;
- 1163 (vii) Logs or other documents that contain information on the
1164 movement or assignment of security personnel at government-owned
1165 or leased institutions or facilities;
- 1166 (viii) Emergency plans and emergency recovery or response plans;
1167 and
- 1168 (ix) With respect to a water company, as defined in section 25-32a,
1169 that provides water service: Vulnerability assessments and risk
1170 management plans, operational plans, portions of water supply plans
1171 submitted pursuant to section 25-32d that contain or reveal
1172 information the disclosure of which may result in a security risk to a
1173 water company, inspection reports, technical specifications and other
1174 materials that depict or specifically describe critical water company
1175 operating facilities, collection and distribution systems or sources of
1176 supply;

1177 (20) Records of standards, procedures, processes, software and
1178 codes, not otherwise available to the public, the disclosure of which
1179 would compromise the security or integrity of an information
1180 technology system;

1181 (21) The residential, work or school address of any participant in the
1182 address confidentiality program established pursuant to sections 54-
1183 240 to 54-240o, inclusive;

1184 (22) The electronic mail address of any person that is obtained by
1185 the Department of Transportation in connection with the
1186 implementation or administration of any plan to inform individuals
1187 about significant highway or railway incidents; and

1188 (23) Responses to any procurement requests for proposals by a
1189 public agency and any records or files made in connection with a
1190 contract award process by any public agency until the contract is
1191 awarded or until negotiations for the award of such contract have
1192 ended, whichever occurs first, provided the chief officer of such public
1193 agency certifies that the public interest in disclosure of such responses,
1194 records or files is outweighed by the public interest in confidentiality
1195 of such responses, records or files.

1196 (c) Whenever a public agency receives a request from any person
1197 confined in a correctional institution or facility or a Whiting Forensic
1198 Division facility, for disclosure of any public record under the
1199 Freedom of Information Act, the public agency shall promptly notify
1200 the Commissioner of Correction or the Commissioner of Mental Health
1201 and Addiction Services in the case of a person confined in a Whiting
1202 Forensic Division facility of such request, in the manner prescribed by
1203 the commissioner, before complying with the request as required by
1204 the Freedom of Information Act. If the commissioner believes the
1205 requested record is exempt from disclosure pursuant to subdivision
1206 (18) of subsection (b) of this section, the commissioner may withhold
1207 such record from such person when the record is delivered to the
1208 person's correctional institution or facility or Whiting Forensic

1209 Division facility.

1210 (d) Whenever a public agency, except the Judicial Department or
1211 Legislative Department, receives a request from any person for
1212 disclosure of any records described in subdivision (19) of subsection
1213 (b) of this section under the Freedom of Information Act, the public
1214 agency shall promptly notify the Commissioner of Public Works of
1215 such request, in the manner prescribed by the commissioner, before
1216 complying with the request as required by the Freedom of Information
1217 Act and for information related to a water company, as defined in
1218 section 25-32a, the public agency shall promptly notify the water
1219 company before complying with the request as required by the
1220 Freedom of Information Act. If the commissioner, after consultation
1221 with the chief executive officer of the applicable agency or after
1222 consultation with the chief executive officer of the applicable water
1223 company for information related to a water company, as defined in
1224 section 25-32a, believes the requested record is exempt from disclosure
1225 pursuant to subdivision (19) of subsection (b) of this section, the
1226 commissioner may direct the agency to withhold such record from
1227 such person. In any appeal brought under the provisions of section 1-
1228 206 of the Freedom of Information Act for denial of access to records
1229 for any of the reasons described in subdivision (19) of subsection (b) of
1230 this section, such appeal shall be against the Commissioner of Public
1231 Works, exclusively, or, in the case of records concerning Judicial
1232 Department facilities, the Chief Court Administrator or, in the case of
1233 records concerning the Legislative Department, the executive director
1234 of the Joint Committee on Legislative Management.

1235 (e) Notwithstanding the provisions of subdivisions (1) and (16) of
1236 subsection (b) of this section, disclosure shall be required of:

1237 (1) Interagency or intra-agency memoranda or letters, advisory
1238 opinions, recommendations or any report comprising part of the
1239 process by which governmental decisions and policies are formulated,
1240 except disclosure shall not be required of a preliminary draft of a
1241 memorandum, prepared by a member of the staff of a public agency,

1242 which is subject to revision prior to submission to or discussion among
1243 the members of such agency;

1244 (2) All records of investigation conducted with respect to any
1245 tenement house, lodging house or boarding house as defined in section
1246 19a-355, or any nursing home, residential care home or rest home, as
1247 defined in section 19a-490, by any municipal building department or
1248 housing code inspection department, any local or district health
1249 department, or any other department charged with the enforcement of
1250 ordinances or laws regulating the erection, construction, alteration,
1251 maintenance, sanitation, ventilation or occupancy of such buildings;
1252 and

1253 (3) The names of firms obtaining bid documents from any state
1254 agency.

1255 Sec. 24. Subsection (d) of section 4b-91 of the general statutes is
1256 repealed and the following is substituted in lieu thereof (*Effective from*
1257 *passage*):

1258 (d) On and after October 1, 2004, each bid submitted for a contract
1259 described in subsection (c) of this section shall include a copy of a
1260 prequalification certificate issued by the Commissioner of
1261 Administrative Services. The bid shall also be accompanied by an
1262 update statement in such form as the Commissioner of Administrative
1263 Services prescribes. The form for such update statement shall provide
1264 space for information regarding all bonded projects completed by the
1265 bidder since the date the bidder's prequalification certificate was
1266 issued or renewed, all bonded projects the bidder currently has under
1267 contract, including the percentage of work on such projects not
1268 completed, the names and qualifications of the personnel who will
1269 have supervisory responsibility for the performance of the contract,
1270 any significant changes in the bidder's financial position or corporate
1271 structure since the date the certificate was issued or renewed, any
1272 change in the contractor's qualification status as determined by the
1273 provisions of subdivision (6) of subsection (c) of section 4a-100 and

1274 such other relevant information as the Commissioner of
1275 Administrative Services prescribes. Any bid submitted without a copy
1276 of the prequalification certificate and an update statement shall be
1277 invalid. Any public agency that accepts a bid submitted without a
1278 copy of such prequalification certificate and an update statement, as
1279 required by this section, shall be ineligible for the receipt of any state
1280 funds disbursed for the purpose of the construction, reconstruction,
1281 alteration, remodeling, repair or demolition of any public building or
1282 any public works project.

1283 Sec. 25. Subdivision (1) of subsection (a) of section 4a-60g of the
1284 general statutes is repealed and the following is substituted in lieu
1285 thereof (*Effective January 1, 2006*):

1286 (1) "Small contractor" means any contractor, subcontractor,
1287 manufacturer or service company (A) which has been doing business
1288 under the same ownership and management and has maintained its
1289 principal place of business in the state, for a period of at least one year
1290 immediately prior to the date of application for certification under this
1291 section, (B) which [had gross revenues not exceeding ten million
1292 dollars in the most recently completed fiscal year prior to such
1293 application] meets the size standard established by the Department of
1294 Administrative Services for the business sector in which such
1295 contractor, subcontractor, manufacturer or service company primarily
1296 operates, and (C) at least fifty-one per cent of the ownership of which
1297 is held by a person or persons who exercise operational authority over
1298 the daily affairs of the business and have the power to direct the
1299 management and policies and receive the beneficial interests of the
1300 business, except that a nonprofit corporation shall be construed to be a
1301 small contractor if such nonprofit corporation meets the requirements
1302 of subparagraphs (A) and (B) of this subdivision.

1303 Sec. 26. Subsection (f) of section 4a-60g of the general statutes is
1304 repealed and the following is substituted in lieu thereof (*Effective*
1305 *January 1, 2006*):

1306 (f) The awarding authority shall require that a contractor or
1307 subcontractor awarded a contract or a portion of a contract under this
1308 section perform not less than fifteen per cent of the work with the
1309 workforces of such contractor or subcontractor and shall require that
1310 not less than twenty-five per cent of the work be performed by
1311 contractors or subcontractors eligible for awards under this section. A
1312 contractor awarded a contract or a portion of a contract under this
1313 section shall not subcontract with any person with whom the
1314 contractor is affiliated. No person who is affiliated with another person
1315 shall be eligible for awards under this section if both affiliated persons
1316 considered together would not qualify as a small contractor or a
1317 minority business enterprise under subsection (a) of this section. The
1318 awarding authority shall require that a contractor awarded a contract
1319 under this section submit, in writing, an explanation of any
1320 subcontract entered into with any person that is not eligible for awards
1321 under this section.

1322 Sec. 27. Subsection (k) of section 4a-60g of the general statutes is
1323 repealed and the following is substituted in lieu thereof (*Effective*
1324 *January 1, 2006*):

1325 (k) (1) Whenever the awarding agency has reason to believe that any
1326 contractor or subcontractor awarded a set-aside contract has wilfully
1327 violated any provision of this section, the awarding agency [may] shall
1328 send a notice to such contractor or subcontractor by certified mail,
1329 return receipt requested. Such notice shall include: (A) A reference to
1330 the provision alleged to be violated; (B) a short and plain statement of
1331 the matter asserted; (C) the maximum civil penalty that may be
1332 imposed for such violation; and (D) the time and place for the hearing.
1333 Such hearing shall be fixed for a date not earlier than fourteen days
1334 after the notice is mailed.

1335 (2) The awarding agency shall hold a hearing on the violation
1336 asserted unless such contractor or subcontractor fails to appear. The
1337 hearing shall be held in accordance with the provisions of chapter 54.
1338 If, after the hearing, the awarding agency finds that the contractor or

1339 subcontractor has wilfully violated any provision of this section, the
1340 awarding agency shall suspend all set-aside contract payments to the
1341 contractor or subcontractor and may, in its discretion, order that a civil
1342 penalty not exceeding ten thousand dollars per violation be imposed
1343 on the contractor or subcontractor. If such contractor or subcontractor
1344 fails to appear for the hearing, the awarding agency may, as the facts
1345 require, order that a civil penalty not exceeding ten thousand dollars
1346 per violation be imposed on the contractor or subcontractor. The
1347 awarding agency shall send a copy of any order issued pursuant to
1348 this subsection by certified mail, return receipt requested, to the
1349 contractor or subcontractor named in such order. The awarding agency
1350 may cause proceedings to be instituted by the Attorney General for the
1351 enforcement of any order imposing a civil penalty issued under this
1352 subsection.

1353 Sec. 28. Section 52 of public act 05-287 is repealed and the following
1354 is substituted in lieu thereof (*Effective from passage*):

1355 (a) [On] Notwithstanding any provision of the general statutes, on
1356 and after the effective date of this section, no state agency or quasi-
1357 public agency shall execute a contract for the purchase of goods or
1358 services, which contract has a total [value] cost to the state of fifty
1359 thousand dollars or more in any calendar or fiscal year, unless the state
1360 agency or quasi-public agency obtains the written affidavit described
1361 in subsection (b) of this section.

1362 (b) (1) The chief official of the bidder or vendor awarded a contract
1363 described in subsection (a) of this section or the individual awarded
1364 such contract who is authorized to execute such contract, shall attest in
1365 an affidavit as to whether any consulting agreement has been entered
1366 into in connection with such contract. Such affidavit shall be required
1367 if any duties of the consultant included communications concerning
1368 business of such state agency, whether or not direct contact with a
1369 state agency, state or public official or state employee was expected or
1370 made. As used in this section "consulting agreement" means any
1371 written or oral agreement to retain the services, for a fee, of a

1372 consultant for the purposes of (1) providing counsel to a contractor,
1373 vendor, consultant or other entity seeking to conduct, or conducting,
1374 business with the state, (2) contacting, whether in writing or orally,
1375 any executive, judicial, or administrative office of the state, including
1376 any department, institution, bureau, board, commission, authority,
1377 official or employee for the purpose of solicitation, dispute resolution,
1378 introduction, requests for information or (3) any other similar activity
1379 related to such contract. Consulting agreement does not include any
1380 agreements entered into with a consultant who is registered under the
1381 provisions of chapter 10 of the general statutes as of the date such
1382 affidavit is submitted in accordance with the provisions of this section.

1383 (2) Such affidavit shall be sworn as true to the best knowledge and
1384 belief of the person signing the certification on the affidavit and shall
1385 be subject to the penalties of false statement.

1386 (3) Such affidavit shall include the name of the consultant, the
1387 consultant's firm, the basic terms of the consulting agreement, a brief
1388 description of the services provided, and an indication as to whether
1389 the consultant is a former state employee or public official. If the
1390 consultant is a former state employee or public official, such affidavit
1391 shall indicate his or her former agency and the date such employment
1392 terminated.

1393 (4) Such affidavit shall be amended whenever the bidder or vendor
1394 awarded the contract enters into any new consulting agreement during
1395 the term of such contract.

1396 (c) Each state agency and quasi-public agency shall include a notice
1397 of the affidavit requirements of this section in the bid specifications or
1398 request for proposals for any contract that is described in subsection
1399 (a) of this section.

1400 (d) In the event that a bidder or vendor refuses to submit the
1401 affidavit required under subsection (b) of this section, such bidder or
1402 vendor shall be disqualified and the state agency or quasi-public
1403 agency shall award the contract to the next highest ranked vendor or

1404 the next lowest responsible qualified bidder or seek new bids or
 1405 proposals.

1406 Sec. 29. Subsection (c) of section 33 of public act 05-287 is repealed
 1407 and the following is substituted in lieu thereof (*Effective January 1,*
 1408 *2006*):

1409 (c) Any person who [violates] has been found in violation of any
 1410 provision of this section by the Office of State Ethics, in accordance
 1411 with the provisions of section 1-82, as amended by section 39 of public
 1412 act 05-287, may be deemed a nonresponsible bidder by a state agency,
 1413 board, commission or institution or quasi-public agency.

1414 Sec. 30. Subdivision (19) of subsection (d) of section 2c-2b and
 1415 section 4b-3 of the general statutes are repealed. (*Effective October 1,*
 1416 *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>January 1, 2006</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>January 1, 2006</i>	4a-100
Sec. 17	<i>January 1, 2006</i>	4a-101
Sec. 18	<i>January 1, 2006</i>	4b-91
Sec. 19	<i>from passage</i>	4b-56

Sec. 20	<i>from passage</i>	4b-100a(a) and (b)
Sec. 21	<i>from passage</i>	4b-91(b)
Sec. 22	<i>from passage</i>	1-92(1)
Sec. 23	<i>from passage</i>	1-210
Sec. 24	<i>from passage</i>	4b-91(d)
Sec. 25	<i>January 1, 2006</i>	4a-60g(a)(1)
Sec. 26	<i>January 1, 2006</i>	4a-60g(f)
Sec. 27	<i>January 1, 2006</i>	4a-60g(k)
Sec. 28	<i>from passage</i>	PA 05-28, Sec. 52
Sec. 29	<i>January 1, 2006</i>	PA 05-28, Sec. 33(c)
Sec. 30	<i>October 1, 2007</i>	Repealer section