



General Assembly

Bill No. 5051

February Session, 2006

LCO No. 713

00713_____

Referred to Committee on Government Administration and Elections

Introduced by:

REP. WARD, 86th Dist.

SEN. DELUCA, 32nd Dist.

AN ACT CONCERNING REFORM OF THE STATE CONTRACTING PROCESS.

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

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

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

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

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

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

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

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

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

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

45 potential loss exposures and risks.

46 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a State
47 Contracting Standards Board that shall consist of nine members
48 appointed as follows: Five members shall be appointed by the
49 Governor, two members shall be appointed by the speaker of the
50 House of Representatives and two members shall be appointed by the
51 president pro tempore of the Senate whenever the Governor is of a
52 different political party than that which controls both houses of the
53 General Assembly; five members shall be appointed by the Governor
54 and four members appointed by the highest ranking leader of the
55 opposing party of the applicable house of the General Assembly
56 whenever the political party of the Governor also controls only one of
57 the houses of the General Assembly; five members shall be appointed
58 by the Governor, two members by the minority leader of the House of
59 Representatives and two members by the minority leader of the Senate
60 whenever the political party of the Governor controls both houses of
61 the General Assembly; and five members by the Governor, two
62 members by the speaker of the House of Representatives and two
63 members by the president pro tempore of the Senate whenever the
64 Governor is an independent. Each member shall be appointed in
65 accordance with the provisions of section 4-7 of the general statutes
66 and have demonstrated sufficient knowledge by education, training or
67 experience in several of the following enumerated areas: (1)
68 Procurement; (2) contract negotiation, selection and drafting; (3)
69 contract risk assessment; (4) requests for proposals and real estate
70 transactions; (5) business insurance and bonding; (6) the code of ethics;
71 (7) federal and state statutes, policies and regulations; (8) small and
72 minority business; and (9) personnel and union management. Such
73 education, training or experience shall have been acquired over not
74 less than a continuous five-year period and shall have been acquired
75 within the ten-year period preceding such appointment. Nothing in
76 this section shall be construed to prohibit an appointing authority from
77 selecting a member of the general public who has demonstrated an
78 interest in governmental ethics and integrity to serve on the board as

79 such appointing authority's appointee. The chairperson of the board
80 shall be appointed by the members of the board. The terms of the
81 members shall be coterminous with the terms of the appointing
82 authority for each member. If any vacancy occurs on the board, the
83 appointing authorities having the power to make the appointment
84 under the provisions of this subsection shall appoint a person in
85 accordance with the provisions of this subsection.

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

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

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

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

109 (f) The reasonable expenses of the State Contracting Standards

110 Board and its employees shall be paid from the budget of the board
111 upon the approval of the board.

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

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

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

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

139 Sec. 3. (NEW) (*Effective from passage*) (a) On or before January 1,
140 2007, the State Contracting Standards Board shall prepare a uniform

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

158 (b) The uniform procurement code described in subsection (a) of
159 this section shall be designed to: (1) Establish uniform contracting
160 standards and practices among the various state contracting agencies;
161 (2) simplify and clarify the state's laws governing contracting
162 standards and procurement policies and practices, including, but not
163 limited to, procedures for competitive sealed bids, competitive sealed
164 proposals, small purchases, sole source procurements, emergency
165 procurements and special procurements; (3) ensure the fair and
166 equitable treatment of all businesses and persons who deal with the
167 procurement system of the state; (4) include a process to maximize the
168 use of small contractors and minority business enterprises, as defined
169 in section 4a-60g of the general statutes; (5) provide increased economy
170 in state procurement activities and maximize purchasing value to the
171 fullest extent possible; (6) ensure that the procurement of supplies,
172 materials, equipment, services, real property and construction required
173 by any state contracting agency is obtained in a cost-effective and
174 responsive manner; (7) preserve and maintain the existing contracting,

175 procurement, disqualification and termination authority and discretion
176 of any state contracting agency when such contracting and
177 procurement procedures represent best practices; (8) include a process
178 to improve contractor and state contracting agency accountability; (9)
179 establish standards for leases and lease-purchase agreements and for
180 the purchase and sale of real estate; and (10) provide a process for
181 competitive sealed bids, competitive sealed proposals, small
182 purchases, sole source procurements, emergency procurements,
183 special procurements, best value selection, qualification based
184 selection and the conditions for their use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

261 (b) Upon completion of any such audit, the State Contracting
262 Standards Board shall prepare and issue a compliance report for such
263 state contracting agency. Such report shall identify any process or
264 procedure that is inconsistent with the uniform procurement code and
265 indicate those corrective measures the board deems necessary to
266 comply with code requirements. Such report shall be issued and

267 delivered not later than thirty days after completion of such audit and
268 shall be a public record.

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

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

299 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) After reasonable notice, a
300 hearing and consultation with the relevant state contracting agency
301 and the Attorney General, the State Contracting Standards Board may
302 disqualify any contractor, for a period of up to five years, from bidding
303 on, applying for, or participating as a subcontractor under, contracts
304 with the state. Such disqualification shall be upon the vote of two-
305 thirds of the members of the board present and voting for that
306 purpose. Such hearing shall be conducted in accordance with chapter
307 54 of the general statutes. The board shall issue a written decision not
308 later than ninety days after the conclusion of such hearing and state in
309 the decision the reasons for the action taken and, if the contractor is
310 being disqualified, the period of such disqualification. The existence of
311 a cause for disqualification, as described in subsection (b) of this
312 section, may not be the sole factor to be considered by the board in
313 determining whether the contractor shall be disqualified. In
314 determining whether to disqualify a contractor, the board shall
315 consider the seriousness of the contractor's acts or omissions and any
316 mitigating factors. The board shall send the decision to the contractor
317 by certified mail, return receipt requested. The written decision shall
318 be a final decision for purposes of sections 4-180 and 4-183 of the
319 general statutes.

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

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

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

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

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

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

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

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

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

439 (c) No appeal filed pursuant to subsection (b) of this section shall be
440 deemed to prohibit the award or execution of any such contested
441 contract.

442 (d) The State Contracting Standards Board shall create a three-
443 member appeals review subcommittee, which shall review any appeal
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 review subcommittee shall issue a written decision
456 or take other appropriate action on each appeal not later than ninety
457 days after the filing of such appeal. A written copy of any such
458 decision shall be 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 review subcommittee. A written copy of any such decision
463 shall be provided to such bidder.

464 (g) In the event that the appeals review 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 review subcommittee
477 under this section shall be final and not subject to appeal under
478 sections 4-180 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 October 1, 2007*) (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. Subdivision (19) of subsection (d) of section 2c-2b and
511 section 4b-3 of the general statutes are repealed. (*Effective October 1,*

512 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>from passage</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>October 1, 2007</i>	New section
Sec. 13	<i>October 1, 2007</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

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