



General Assembly

February Session, 2006

Raised Bill No. 5063

LCO No. 418

00418 _____ GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE EXTENSION OR RENEWAL OF CERTAIN CONTRACTS BY THE CONNECTICUT RESOURCES RECOVERY AUTHORITY.

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

1 Section 1. Subsection (b) of section 22a-266 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) (1) Any contracts authorized by this chapter shall be entered into
5 by the authority [(1)] (A) on the same basis and subject to the same
6 limitations and considerations applicable to municipal and regional
7 resources recovery authorities pursuant to subsection (c) of section 7-
8 273bb, and [(2)] (B) pursuant to the contracting procedures adopted
9 under section 22a-268a, except that in entering into a contract for a
10 resources recovery facility, solid waste facility, volume reduction plant
11 or solid waste management system, the authority shall consider the
12 best interests of the municipality or region to be served by such
13 facility, plant or system.

14 (2) The authority may not enter into or renew any contract

15 authorized by this chapter with any person who has illegally obtained
16 property or equipment owned by the authority.

17 Sec. 2. Section 22a-268 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective from passage*):

19 The authority shall utilize private industry, by contract, to carry out
20 the business, design, operating, management, marketing, planning and
21 research and development functions of the authority, unless the
22 authority determines that it is in the public interest to adopt another
23 course of action. The authority is hereby empowered to enter into
24 long-term contracts with private persons for the performance of any
25 such functions of the authority which, in the opinion of the authority,
26 can desirably and conveniently be carried out by a private person
27 under contract provided any such contract shall contain such terms
28 and conditions as will enable the authority to retain overall
29 supervision and control of the business, design, operating,
30 management, transportation, marketing, planning and research and
31 development functions to be carried out or to be performed by such
32 private persons pursuant to such contract. Such contracts shall be
33 entered into either on a competitive negotiation or competitive bidding
34 basis, and the authority in its discretion may select the type of contract
35 it deems most prudent to utilize, pursuant to the contracting
36 procedures adopted under section 22a-268a and considering the scope
37 of work, the management complexities associated therewith, the extent
38 of current and future technological development requirements and the
39 best interests of the state. Whenever a long-term contract is entered
40 into on other than a competitive bidding basis, the criteria and
41 procedures therefor shall conform to applicable provisions of
42 subdivision (16) of subsection (a) and subsections (b) and (c) of section
43 22a-266, provided however, that any contract for a period of over five
44 years in duration, or any contract for which the annual consideration is
45 greater than fifty thousand dollars shall be approved by a two-thirds
46 vote of the authority's full board of directors. The terms and conditions
47 of such contracts shall be determined by the authority, as shall the fees
48 or other similar compensation to be paid to such persons for such

49 contracts. The authority shall not enter into a contract or renew a
 50 contract with any person who has illegally used or obtained any
 51 property or equipment owned by the authority. The contracts entered
 52 into by the authority shall not be subject to the approval of any other
 53 state department, office or agency. However, copies of all contracts of
 54 the authority shall be maintained by the authority as public records,
 55 subject to the proprietary rights of any party to the contract. Nothing
 56 of the aforesaid shall be deemed to restrict the discretion of the
 57 authority to utilize its own staff and work force for the performance of
 58 any of its assigned responsibilities and functions whenever, in the
 59 discretion of the authority, it becomes necessary, convenient or
 60 desirable to do so. Any litigation with respect to any terms, conditions
 61 or provisions of any contract of the authority, or the performance or
 62 nonperformance of same by either party, shall be tried before a judge
 63 of the Superior Court of Connecticut.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-266(b)
Sec. 2	<i>from passage</i>	22a-268

Statement of Purpose:

To prohibit the Connecticut Resources Recovery Authority from entering into or renewing a contract with any person who improperly uses or obtains ratepayer owned property or equipment.

[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.]