



# House of Representatives

General Assembly

**File No. 509**

January Session, 2007

Substitute House Bill No. 7306

*House of Representatives, April 17, 2007*

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING GOVERNMENT ADMINISTRATION, THE AUTHORITY OF THE STATE ELECTIONS ENFORCEMENT COMMISSION, CAMPAIGN FINANCE REFORM, AND THE STATE CONTRACTING PROCESS.***

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

1 Section 1. Section 20-281c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The board shall grant the certificate of "certified public  
4 accountant" to any person who meets the good character, education,  
5 experience and examination requirements of subsections (b) to (d),  
6 inclusive, of this section and upon the payment of a fee of seventy-five  
7 dollars.

8 (b) Good character for purposes of this section means lack of a  
9 history of dishonest or felonious acts. The board may refuse to grant a  
10 certificate on the grounds of failure to satisfy this requirement only if  
11 there is a substantial connection between the lack of good character of

12 the applicant and the professional responsibilities of a licensee and if  
13 the finding by the board of lack of good character is supported by clear  
14 and convincing evidence, and when based upon the prior conviction of  
15 a crime, is in accordance with the provisions of section 46a-80. When  
16 an applicant is found to be unqualified for a certificate because of a  
17 finding of lack of good character, the board shall furnish the applicant  
18 a statement containing the findings of the board and a complete record  
19 of the evidence upon which the determination was based.

20 (c) [The educational requirement for a certificate must be met before  
21 an applicant is eligible to apply for the examination.] An applicant  
22 may apply to take the examination if such person holds a  
23 baccalaureate degree, or its equivalent, conferred by a college or  
24 university acceptable to the board, with an accounting concentration or  
25 equivalent, as determined by the board by regulation to be  
26 appropriate. The educational requirements for a certificate shall be  
27 prescribed in regulations to be adopted by the board as follows:

28 (1) Until December 31, 1999, a baccalaureate degree or its equivalent  
29 conferred by a college or university acceptable to the board, with an  
30 accounting concentration or equivalent as determined by the board by  
31 regulation to be appropriate;

32 (2) After January 1, 2000, at least one hundred fifty semester hours  
33 of college education including a baccalaureate or higher degree  
34 conferred by a college or university acceptable to the board. The total  
35 educational program shall include an accounting concentration or  
36 equivalent, as determined by the board by regulation to be  
37 appropriate.

38 (d) The board may charge, [or] and may provide for a third party  
39 administering the examination to charge each applicant a fee in an  
40 amount prescribed by the board by regulation, for each section of the  
41 examination or reexamination taken by the applicant.

42 (e) The experience requirement for a certificate shall be as  
43 prescribed by the board by regulation.

44 (f) The holder of a certificate may register his certificate annually  
45 and pay a fee of twenty dollars in lieu of an annual renewal of a license  
46 and such registration shall entitle the registrant to use the abbreviation  
47 "CPA" and the title "certified public accountant" under conditions and  
48 in the manner prescribed by the board by regulation.

49 Sec. 2. (NEW) (*Effective from passage*) The Ballroom Polka, as  
50 composed by Ray Henry MocarSKI, shall be the state polka.

51 Sec. 3. Subsection (a) of section 10-29a of the general statutes is  
52 amended by adding subdivisions (52) to (56), inclusive, as follows  
53 (*Effective from passage*):

54 (NEW) (52) The Governor shall proclaim the twenty-ninth day of  
55 January of each year to be Thomas Paine Day to honor Thomas Paine,  
56 the author and theorist, for his instrumental role in the cause of  
57 independence leading to the American Revolution. Suitable exercises  
58 shall be held in the State Capitol and elsewhere as the Governor  
59 designates for the observance of the day.

60 (NEW) (53) The Governor shall proclaim August twenty-fourth of  
61 each year to be Missing Persons Day to raise awareness of the plight of  
62 the families of state citizens who have been reported as missing.  
63 Suitable exercises shall be held in the State Capitol and elsewhere as  
64 the Governor designates for the observance of the day.

65 (NEW) (54) The Governor shall proclaim October of each year to be  
66 Italian-American Heritage Month in order to honor the contributions  
67 of Italian immigrants and citizens of Italian descent to our state.  
68 Suitable exercises shall be held in the State Capitol and elsewhere as  
69 the Governor designates for the observance of the month.

70 (NEW) (55) The Governor shall proclaim August seventeenth of  
71 each year to be Marcus Mosiah Garvey Day in order to honor the great  
72 Caribbean-American leader. Suitable exercises shall be held in the  
73 State Capitol and elsewhere as the Governor designates for the  
74 observance of the day.

75 (NEW) (56) The Governor shall proclaim May of each year to be  
76 Lyme Disease Awareness Month in order to raise awareness of the  
77 causes, effects and treatment of the disease. Suitable exercises shall be  
78 held in the State Capitol and elsewhere as the Governor designates for  
79 the observance of the month.

80 Sec. 4. Section 2c-2b of the general statutes is repealed and the  
81 following is substituted in lieu thereof (*Effective from passage*):

82 (a) The following governmental entities and programs are  
83 terminated, effective July 1, [2008] 2010, unless reestablished in  
84 accordance with the provisions of section 2c-10:

85 (1) Regulation of hearing aid dealers pursuant to chapter 398;

86 (2) Repealed by P.A. 99-102, S. 51;

87 (3) Connecticut Homeopathic Medical Examining Board, established  
88 under section 20-8;

89 (4) State Board of Natureopathic Examiners, established under  
90 section 20-35;

91 (5) Board of Examiners of Electrologists, established under section  
92 20-268;

93 (6) Connecticut State Board of Examiners for Nursing, established  
94 under section 20-88;

95 (7) Connecticut Board of Veterinary Medicine, established under  
96 section 20-196;

97 (8) Liquor Control Commission, established under section 30-2;

98 (9) Connecticut State Board of Examiners for Optometrists,  
99 established under section 20-128a;

100 (10) Board of Examiners of Psychologists, established under section  
101 20-186;

- 102 (11) Regulation of speech pathologists and audiologists pursuant to  
103 chapter 399;
- 104 (12) Connecticut Examining Board for Barbers and Hairdressers and  
105 Cosmeticians established under section 20-235a;
- 106 (13) Board of Examiners of Embalmers and Funeral Directors  
107 established under section 20-208;
- 108 (14) Regulation of nursing home administrators pursuant to chapter  
109 368v;
- 110 (15) Board of Examiners for Opticians established under section 20-  
111 139a;
- 112 (16) Medical Examining Board established under section 20-8a;
- 113 (17) Board of Examiners in Podiatry, established under section 20-  
114 51;
- 115 (18) Board of Chiropractic Examiners, established under section 20-  
116 25;
- 117 (19) The agricultural lands preservation program, established under  
118 section 22-26cc;
- 119 (20) Nursing Home Ombudsmen Office, established under section  
120 17a-405;
- 121 (21) Mobile Manufactured Home Advisory Council established  
122 under section 21-84a;
- 123 (22) Repealed by P.A. 93-262, S. 86, 87;
- 124 (23) The Child Day Care Council established under section 17b-748;
- 125 (24) The Connecticut Advisory Commission on Intergovernmental  
126 Relations established under section 2-79a;
- 127 (25) The Commission on Children established under section 46a-126;

128 (26) The task force on the development of incentives for conserving  
129 energy in state buildings established under section 16a-39b;

130 (27) The estuarine embayment improvement program established  
131 by sections 22a-113 to 22a-113c, inclusive;

132 (28) The State Dental Commission, established under section 20-  
133 103a;

134 (29) The Connecticut Economic Information Steering Committee,  
135 established under section 32-6i;

136 (30) Repealed by P.A. 95-257, S. 57, 58; and

137 (31) The registry established under section 17a-247b.

138 (b) The following governmental entities and programs are  
139 terminated, effective July 1, [2009] 2011, unless reestablished in  
140 accordance with the provisions of section 2c-10:

141 (1) Program of regulation of sanitarians, established under chapter  
142 395;

143 (2) Program of regulation of subsurface sewage disposal system  
144 installers and cleaners, established under chapter 393a;

145 (3) Program of regulation of bedding and upholstered furniture  
146 established by sections 21a-231 to 21a-236, inclusive;

147 (4) Regional mental health boards, established under section 17a-  
148 484;

149 (5) Repealed by P.A. 88-285, S. 34, 35;

150 (6) All advisory boards for state hospitals and facilities, established  
151 under section 17a-470;

152 (7) Repealed by P.A. 85-613, S. 153, 154;

153 (8) State Board of Examiners for Physical Therapists, established

154 under section 20-67;

155 (9) Commission on Medicolegal Investigations, established under  
156 subsection (a) of section 19a-401;

157 (10) Board of Mental Health and Addiction Services, established  
158 under section 17a-456;

159 (11) Repealed by P.A. 95-257, S. 57, 58;

160 (12) Commission on Prison and Jail Overcrowding established  
161 under section 18-87j; and

162 (13) The residential energy conservation service program authorized  
163 under sections 16a-45a, 16a-46 and 16a-46a.

164 (c) The following governmental entities and programs are  
165 terminated, effective July 1, [2010] 2012, unless reestablished in  
166 accordance with the provisions of section 2c-10:

167 (1) Board of Firearms Permit Examiners, established under section  
168 29-32b;

169 (2) State Board of Landscape Architects, established under section  
170 20-368;

171 (3) Repealed by P.A. 89-364, S. 6, 7;

172 (4) Police Officer Standards and Training Council, established under  
173 section 7-294b;

174 (5) State Board of Examiners for Professional Engineers and Land  
175 Surveyors, established under section 20-300;

176 (6) State boards for occupational licensing, established under section  
177 20-331;

178 (7) Commission of Pharmacy, established under section 20-572;

179 (8) Connecticut Real Estate Commission, established under section

180 20-311a;

181 (9) State Codes and Standards Committee, established under section  
182 29-251;

183 (10) Commission on Fire Prevention and Control, established under  
184 section 7-323k;

185 (11) Program of regulation of building demolition, established  
186 under section 29-401;

187 (12) Repealed by P.A. 93-262, S. 86, 87 and P.A. 93-423, S. 7; and

188 (13) Connecticut Food Policy Council, established under section 22-  
189 456.

190 (d) The following governmental entities and programs are  
191 terminated, effective July 1, [2011] 2013, unless reestablished in  
192 accordance with the provisions of section 2c-10:

193 (1) State Insurance and Risk Management Board, established under  
194 section 4a-19;

195 (2) Connecticut Marketing Authority, established under section 22-  
196 63;

197 (3) Occupational Safety and Health Review Commission,  
198 established under section 31-376;

199 (4) Connecticut Siting Council, established under section 16-50j;

200 (5) Connecticut Public Transportation Commission, established  
201 under section 13b-11a;

202 (6) State Board of Accountancy, established under section 20-280;

203 (7) Repealed by P.A. 99-73, S. 10;

204 (8) Repealed by P.A. 85-613, S. 153, 154;

- 205 (9) State Milk Regulation Board, established under section 22-131;
- 206 (10) Deleted by P.A. 99-73, S. 1;
- 207 (11) Council on Environmental Quality, established under section  
208 22a-11;
- 209 (12) Repealed by P.A. 85-613, S. 153, 154;
- 210 (13) Repealed by P.A. 83-487, S. 32, 33;
- 211 (14) Employment Security Board of Review, established under  
212 section 31-237c;
- 213 (15) Repealed by P.A. 85-613, S. 153, 154;
- 214 (16) Connecticut Energy Advisory Board, established under section  
215 16a-3;
- 216 (17) Connecticut Solid Waste Management Advisory Council,  
217 established under subsection (a) of section 22a-279;
- 218 (18) Investment Advisory Council, established under section 3-13b;
- 219 (19) State Properties Review Board, established under subsection (a)  
220 of section 4b-3;
- 221 (20) Commission on Human Rights and Opportunities, established  
222 under section 46a-52;
- 223 (21) The coastal management program, established under chapter  
224 444;
- 225 (22) Department of Economic and Community Development,  
226 established under sections 4-38c and 8-37r;
- 227 (23) Family support grant program of the Department of Social  
228 Services, established under section 17b-616;
- 229 (24) Program of regulation of occupational therapists, established

230 under chapter 376a;

231 (25) Repealed by P.A. 85-613, S. 153, 154;

232 (26) Architectural Licensing Board, established under section 20-289;

233 (27) Repealed by June Sp. Sess. P.A. 01-5, S. 17, 18; and

234 (28) The Connecticut Transportation Strategy Board.

235 (e) The following governmental entities and programs are  
236 terminated, effective July 1, [2012] 2014, unless reestablished in  
237 accordance with the provisions of section 2c-10:

238 (1) Regional advisory councils for children and youth center  
239 facilities, established under section 17a-30;

240 (2) Repealed by P.A. 93-262, S. 86, 87;

241 (3) Advisory Council on Children and Families, established under  
242 section 17a-4;

243 (4) Board of Education and Services for the Blind, established under  
244 section 10-293;

245 (5) Repealed by P.A. 84-361, S. 6, 7;

246 (6) Commission on the Deaf and Hearing Impaired, established  
247 under section 46a-27;

248 (7) Advisory and planning councils for regional centers for the  
249 mentally retarded, established under section 17a-273;

250 (8) Repealed by P.A. 01-141, S. 15, 16;

251 (9) Repealed by P.A. 94-245, S. 45, 46;

252 (10) Repealed by P.A. 85-613, S. 153, 154;

253 (11) State Library Board, established under section 11-1;

254 (12) Advisory Council for Special Education, established under  
255 section 10-76i;

256 (13) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

257 (14) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

258 (15) Repealed by P.A. 89-362, S. 4, 5;

259 (16) Repealed by June Sp. Sess. P.A. 91-14, S. 28, 30;

260 (17) Repealed by P.A. 90-230, S. 100, 101;

261 (18) State Commission on Capitol Preservation and Restoration,  
262 established under section 4b-60;

263 (19) Repealed by P.A. 90-230, S. 100, 101; and

264 (20) Examining Board for Crane Operators, established under  
265 section 29-222.

266 Sec. 5. (*Effective from passage*) The Legislative Program Review and  
267 Investigations Committee shall conduct a study of the sunset law  
268 contained in chapter 28 of the general statutes. The study shall address  
269 the needs and merits of the sunset law and alternative methods of  
270 addressing such needs and other performance measurement processes.  
271 Not later than January 15, 2008, the Legislative Program Review and  
272 Investigations Committee shall report its findings and  
273 recommendations.

274 Sec. 6. (NEW) (*Effective from passage*) The Southern Connecticut  
275 Renaissance Festival shall be the state renaissance festival.

276 Sec. 7. (NEW) (*Effective from passage*) Any general statute, local law,  
277 ordinance, charter or regulation adopted by the state or any political  
278 subdivision of the state that refers to persons with disabilities shall  
279 utilize language that does not: (1) imply that such persons are disabled  
280 as a whole, (2) equate persons with their condition, or (3) have  
281 negative overtones or have a derogatory or demeaning effect. Nothing

282 in this section shall be construed to invalidate any statute, local law,  
283 ordinance, charter or regulation that fails to comply with the  
284 requirements of this section.

285 Sec. 8. Subsection (c) of section 3-117 of the general statutes is  
286 repealed and the following is substituted in lieu thereof (*Effective from*  
287 *passage*):

288 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
289 section, the [Commissioner of Administrative Services] Chief  
290 Information Officer shall charge the appropriations of any state  
291 agency, without certification by such agency, for expenses incurred by  
292 such agency for basic telephone service, toll telephone service and  
293 teletypewriter or computer exchange service. Not later than thirty days  
294 following notification of such charge, such agency shall certify to the  
295 [commissioner] Chief Information Officer that such services were  
296 provided to such agency. As used in this subsection, (1)  
297 "telecommunications service" means and includes: The transmission of  
298 any interactive electromagnetic communications including but not  
299 limited to voice, image, data and any other information, by means of  
300 but not limited to wire, cable, including fiber optical cable, microwave,  
301 radio wave or any combinations of such media, and the resale or  
302 leasing of any such service. "Telecommunications service" includes but  
303 is not limited to basic telephone service, toll telephone service and  
304 teletypewriter or computer exchange service, including but not limited  
305 to, residential and business service, directory assistance, two-way cable  
306 television service, cellular mobile telephone or telecommunication  
307 service, specialized mobile radio and pagers and paging service,  
308 including any form of mobile two-way communication.  
309 "Telecommunications service" does not include (A) nonvoice services  
310 in which computer processing applications are used to act on the  
311 information to be transmitted, (B) any services or transactions subject  
312 to the sales and use tax under chapter 219, (C) any one-way radio or  
313 television broadcasting transmission, (D) any telecommunications  
314 service rendered by a company in control of such service when  
315 rendered for private use within its organization or (E) any such service

316 rendered by a company controlling such service when such company  
317 and the company for which such service is rendered are affiliated  
318 companies as defined in section 33-840 or are eligible to file a  
319 combined tax return for purposes of the state corporation business tax  
320 under chapter 208. (2) "Basic telephone service" means (A) telephone  
321 service allowing a telecommunications transmission station to be  
322 connected to points within a designated local calling area or (B) any  
323 facility or service provided in connection with a service described in  
324 subdivision (1) of this subsection but exclusive of any service which is  
325 a toll telephone service, teletypewriter or computer exchange service.  
326 (3) "Toll telephone service" means and includes the transmission of any  
327 interactive electromagnetic communication to points outside the  
328 designated local calling area in which the transmission originated for  
329 which there is a toll charge which varies in amount with the distance  
330 and elapsed transmission time of each individual communication, or a  
331 telecommunication service which entitles the subscriber or user, upon  
332 the payment of a periodic charge which is determined as a flat amount  
333 or upon the basis of total elapsed transmission time, to the privilege of  
334 an unlimited number of telephonic or interactive electromagnetic  
335 communications to or from all or a substantial portion of the persons  
336 having telephone or radio telephone stations in a specified area which  
337 is outside the basic telephone system area in which the station  
338 provided with this service is located. (4) "Teletypewriter or computer  
339 exchange service" means and includes the access from a teletypewriter,  
340 telephone, computer or other data station of which such transmission  
341 facility is a part, and the privilege of intercommunications by such  
342 station with substantially all persons having teletypewriter, telephone,  
343 computer or other data stations constituting a part of the same  
344 teletypewriter or computer exchange system, to which the subscriber  
345 or user is entitled upon payment of a charge or charges, whether such  
346 charge or charges are determined as a flat periodic amount on the basis  
347 of distance and elapsed transmission time or some other method.

348 Sec. 9. Section 4d-90 of the general statutes is repealed and the  
349 following is substituted in lieu thereof (*Effective from passage*):

350 (a) There is established a Geospatial Information Systems Council  
351 consisting of the following members, or their designees: (1) The  
352 Secretary of the Office of Policy and Management; (2) the  
353 Commissioners of Environmental Protection, Economic and  
354 Community Development, Transportation, Public Safety, Public  
355 Health, Public Works, Agriculture, Emergency Management and  
356 Homeland Security and Social Services; (3) the Chief Information  
357 Officer of the Department of Information Technology; (4) the  
358 Chancellor of the Connecticut State University system; (5) the  
359 president of The University of Connecticut; (6) the Executive Director  
360 of the Connecticut Siting Council; (7) one member who is a user of  
361 geospatial information systems appointed by the president pro  
362 tempore of the Senate representing a municipality with a population of  
363 more than sixty thousand; (8) one member who is a user of geospatial  
364 information systems appointed by the minority leader of the Senate  
365 representing a regional planning agency; (9) one member who is a user  
366 of geospatial information systems appointed by the Governor  
367 representing a municipality with a population of less than sixty  
368 thousand but more than thirty thousand; (10) one member who is a  
369 user of geospatial information systems appointed by the speaker of the  
370 House of Representatives representing a municipality with a  
371 population of less than thirty thousand; (11) one member appointed by  
372 the minority leader of the House of Representatives who is a user of  
373 geospatial information systems; (12) the chairperson of the Public  
374 Utility Control Authority; (13) the Adjutant General of the Military  
375 Department; and (14) any other persons the council deems necessary  
376 appointed by the council. The Governor shall select the chairperson  
377 from among the members. The chairperson shall administer the affairs  
378 of the council. Vacancies shall be filled by appointment by the  
379 authority making the appointment. Members shall receive no  
380 compensation for their services on said council, but shall be  
381 reimbursed for necessary expenses incurred in the performance of  
382 their duties. Said council shall hold one meeting [each month]  
383 quarterly and such additional meetings as may be prescribed by  
384 council rules. In addition, special meetings may be called by the

385 chairperson or by any three members upon delivery of forty-eight  
386 hours written notice to each member.

387 (b) The council, within available appropriations, shall coordinate a  
388 uniform geospatial information system capacity for municipalities,  
389 regional planning agencies, the state and others, as needed, which  
390 shall include provisions for (1) creation, maintenance and  
391 dissemination of geographic information or imagery that may be used  
392 to (A) precisely identify certain locations or areas, or (B) create maps or  
393 information profiles in graphic or electronic form about particular  
394 locations or areas, and (2) promotion of a forum in which geospatial  
395 information may be centralized and distributed. In establishing such  
396 capacity, the council shall consult with municipalities, regional  
397 planning agencies, state agencies and other users of geospatial  
398 information system technology. The purpose of any such system shall  
399 be to provide guidance or assistance to municipal and state officials in  
400 the areas of land use planning, transportation, economic development,  
401 environmental, cultural and natural resources management, the  
402 delivery of public services and other areas, as necessary.

403 (c) The council may apply for federal grants and may accept and  
404 expend such grants on behalf of the state through the Office of Policy  
405 and Management.

406 (d) The council, within available appropriations, shall administer a  
407 program of technical assistance to municipalities and regional  
408 planning agencies to develop geospatial information systems and shall  
409 periodically recommend improvements to the geospatial information  
410 system provided for in subsection (b) of this section.

411 (e) On or before January 1, 2006, and annually thereafter, the council  
412 shall submit, in accordance with section 11-4a, a report on activities  
413 under this section to the joint standing committee of the General  
414 Assembly having cognizance of matters relating to planning and  
415 development.

416 Sec. 10. Section 4d-7 of the general statutes is repealed and the

417 following is substituted in lieu thereof (*Effective from passage*):

418 (a) The Chief Information Officer shall develop, publish and  
419 annually update an information and telecommunication systems  
420 strategic plan which shall have the following goals: (1) To provide a  
421 level of voice and data communications service among all state  
422 agencies that will ensure the effective and efficient completion of their  
423 respective functions; (2) to establish a direction for the collection,  
424 storage, management and use of information by state agencies in an  
425 efficient manner; (3) to develop a comprehensive information policy  
426 for state agencies that clearly articulates (A) the state's commitment to  
427 the sharing of its information resources, (B) the relationship of such  
428 resources to library and other information resources in the state and  
429 (C) a philosophy of equal access to information; (4) to provide all  
430 necessary telecommunication services between state agencies and the  
431 public; (5) to provide, in the event of an emergency, immediate voice  
432 and data communications and critical application recovery capabilities  
433 which are necessary to support state agency functions; and (6) to  
434 provide necessary access to higher technology for state agencies.

435 (b) In order to facilitate the development of a fully integrated state-  
436 wide information services and telecommunication system which  
437 effectively and efficiently supports data processing and  
438 telecommunication requirements of all state agencies, the strategic  
439 plan shall include: (1) Establishment of guidelines and standards for  
440 the architecture for information and telecommunication systems which  
441 support state agencies; (2) plans for a cost-effective state-wide  
442 telecommunication network to support state agencies, which network  
443 may consist of different types of transmission media, including wire,  
444 fiber and radio, and shall be able to support voice, data, video and  
445 facsimile transmission requirements and any other form of information  
446 exchange which takes place via electromagnetic media; (3) a level of  
447 information systems and telecommunication planning for all state  
448 agencies and operations throughout the state that will ensure the  
449 effective and efficient utilization and access to the state's information  
450 and telecommunication resources, including but not limited to, (A) an

451 inventory of existing on-line public access arrangements for state  
452 agency data bases which contain information subject to disclosure  
453 under the Freedom of Information Act, as defined in section 1-200, (B)  
454 a list of data bases for which such access could be provided, including  
455 data bases containing consumer, business and health and human  
456 services program information, (C) provisions addressing the feasibility  
457 and cost of providing such access, (D) provisions for a public-private  
458 partnership in providing such on-line access, and (E) provisions to  
459 enable citizens to communicate with state agencies by electronic mail;  
460 (4) identification of annual expenditures and major capital  
461 commitments for information and telecommunication systems; and (5)  
462 a direction and policy planning pertaining to the infusion of new  
463 technology for such systems for state agencies. In carrying out the  
464 provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of  
465 this subsection, the Chief Information Officer shall consult with  
466 representatives of business associations, consumer organizations and  
467 nonprofit human services providers.

468 (c) Each state agency shall submit to the Chief Information Officer  
469 all plans, documents and other information requested by the Chief  
470 Information Officer for the development of such plan.

471 (d) The Chief Information Officer shall not implement a state agency  
472 proposal for information system hardware, software, maintenance  
473 service or consulting unless such proposal complies with the strategic  
474 plan and the agency's approved business systems plan. The Chief  
475 Information Officer shall maintain a current inventory of information  
476 system components to facilitate asset management and procurement  
477 leverage.

478 Sec. 11. (*Effective from passage*) The joint standing committee of the  
479 General Assembly having cognizance of matters relating to  
480 government administration shall conduct a study of quasi-public  
481 agencies and, not later than January 1, 2008, shall submit a report to  
482 the General Assembly on its findings and recommendations.

483 Sec. 12. (*Effective from passage*) (a) There is established a task force to

484 study the need for a full time legislature, any requisite change in the  
485 compensation of members and staff of the General Assembly if a full  
486 time legislature is recommended and existing conflicts of interest for  
487 members of the legislature, including, but not limited to, an  
488 examination of conflicts between committee assignments and private  
489 sector employment for members, an evaluation of the need for the  
490 current dual-job ban, and any other conflicts of interest that may arise  
491 for members of the General Assembly while carrying out their official  
492 duties.

493 (b) The task force shall consist of the following members:

494 (1) Two appointed by the speaker of the House of Representatives;

495 (2) Two appointed by the president pro tempore of the Senate;

496 (3) One appointed by the majority leader of the House of  
497 Representatives;

498 (4) One appointed by the majority leader of the Senate;

499 (5) One appointed by the minority leader of the House of  
500 Representatives; and

501 (6) One appointed by the minority leader of the Senate.

502 (c) No member of the task force may be a member of the General  
503 Assembly.

504 (d) All appointments to the task force shall be made not later than  
505 thirty days after the effective date of this section. Any vacancy shall be  
506 filled by the appointing authority.

507 (e) The speaker of the House of Representatives and the president  
508 pro tempore of the Senate shall select the chairpersons of the task  
509 force, from among the members of the task force. Such chairpersons  
510 shall schedule the first meeting of the task force, which shall be held  
511 not later than sixty days after the effective date of this section.

512 (f) The administrative staff of the joint standing committee of the  
513 General Assembly having cognizance of matters relating to  
514 government administration shall serve as administrative staff of the  
515 task force.

516 (g) Not later than January 1, 2009, the task force shall submit a  
517 report on its findings and recommendations to the joint standing  
518 committee of the General Assembly having cognizance of matters  
519 relating to government administration, in accordance with the  
520 provisions of section 11-4a of the general statutes. The task force shall  
521 terminate on the date that it submits such report or January 1, 2009,  
522 whichever is later.

523 Sec. 13. (NEW) (*Effective from passage*) (a) For purposes of this  
524 section, "state building" means any building or facility owned or leased  
525 by the state, and "highway project" means any paving, widening,  
526 building or other improvements including, but not limited to, sound  
527 barriers and lighting.

528 (b) The State Bond Commission, in the allocation of proceeds of  
529 state bonds for purposes of construction, reconstruction or remodeling  
530 of any state building or for a highway project, shall allocate for  
531 purposes of enforcement of prevailing wage laws, with respect to each  
532 such project and for the purposes of subsection (c) of this section, an  
533 amount from such proceeds not less than one-half of one per cent of  
534 the total estimated cost of such construction, reconstruction or  
535 remodeling or highway project where the total cost exceeds four  
536 hundred thousand dollars, exclusive of (1) the cost of any land  
537 acquisition, (2) any nonconstruction costs, and (3) any augmentations  
538 to such cost, provided any such allocation for prevailing wage  
539 enforcement as provided in this section shall be approved, prior to  
540 authorization of such allocation by the State Bond Commission, by the  
541 Commissioner of Public Works or the Commissioner of  
542 Transportation. Such allocation shall be used by the Department of  
543 Labor to fund additional staff for the purposes of conducting  
544 prevailing wage enforcement.

545 (c) There is established within the General Fund a prevailing wage  
546 enforcement account, which shall be a separate, nonlapsing account.  
547 The moneys within said account shall be used by the Labor  
548 Department (1) to hire staff, (2) to pay fringe benefits to such staff, and  
549 (3) for administrative expenses associated with enforcement actions for  
550 prevailing wage violations. The Labor Department shall adopt  
551 regulations, in accordance with the provisions of chapter 54 of the  
552 general statutes, that shall set forth the manner in which the moneys in  
553 said account shall be allocated and expended for the purposes of this  
554 section and establish procedures to ensure accountability in the  
555 expenditure of such funds for enforcement of prevailing wage laws.

556 Sec. 14. Section 3-107 of the general statutes is repealed and the  
557 following is substituted in lieu thereof (*Effective October 1, 2007*):

558 The following-described flag is the official flag of the state. The  
559 dimensions of the flag shall be five feet and six inches in length, four  
560 feet and four inches in width. The flag shall be azure blue, charged  
561 with an argent white shield of rococo design, having in the center three  
562 grape vines, supported and bearing fruit in natural colors. The bordure  
563 to the shield shall be in two colors, gold on the interior and silver on  
564 the exterior, adorned with natural-colored clusters of white oak leaves  
565 (*Quercus alba*) bearing acorns. Above the shield shall be a white  
566 streamer, cleft at each end, bordered by a band of gold within fine  
567 brown lines and upon the streamer in dark blue block letters shall be  
568 "CONNECTICUT". Below the shield shall be a white streamer, cleft at  
569 each end, bordered by a band of gold within fine brown lines, and  
570 upon the streamer in dark blue block letters shall be the motto "QUI  
571 TRANSTULIT SUSTINET"; the whole design being the arms of the  
572 state.

573 Sec. 15. (NEW) (*Effective from passage*) The Joint Committee on  
574 Legislative Management shall establish and operate a Connecticut  
575 music hall of fame at the state capitol to recognize distinguished  
576 Connecticut residents in the field of music. The committee may solicit,  
577 receive and accept aid, grants or contributions, from any source, of

578 money, property, labor or other things of value, for the purposes of  
579 this section.

580       Sec. 16. (*Effective from passage*) The joint standing committee of the  
581 General Assembly having cognizance of matters relating to the  
582 Department of Economic and Community Development shall develop  
583 a plan for implementing the provisions of section 15 of this act. The  
584 committee shall submit the plan to the General Assembly by January 1,  
585 2008.

586       Sec. 17. Subsection (c) of section 3-21e of the general statutes is  
587 repealed and the following is substituted in lieu thereof (*Effective from*  
588 *passage*):

589       (c) The State Treasurer (1) may divest, decide to not further invest  
590 state funds or not enter into any future investment in any company  
591 doing business in Sudan, and (2) shall divest and not further invest in  
592 any security or instrument issued by Sudan. In determining whether to  
593 divest state funds in accordance with the provisions of subdivision (1)  
594 of this subsection, the factors which the Treasurer shall consider shall  
595 include, but not be limited to, the following: (A) Revenues paid by  
596 such company directly to the government of Sudan, (B) whether such  
597 company supplies infrastructure or resources used by the government  
598 of Sudan to implement its policies of genocide in Darfur or other  
599 regions of Sudan, (C) whether such company knowingly obstructs  
600 lawful inquiries into its operations and investments in Sudan, (D)  
601 whether such company attempts to circumvent any applicable  
602 sanctions of the United States, (E) the extent of any humanitarian  
603 activities undertaken by such company in Sudan, (F) whether such  
604 company is engaged solely in the provision of goods and services  
605 intended to relieve human suffering, or to promote welfare, health,  
606 education, religious or spiritual activities, (G) whether such company  
607 is authorized by the federal government of the United States to do  
608 business in Sudan, (H) evidence that such company has engaged the  
609 government of Sudan to cease its abuses in Darfur or other regions in  
610 Sudan, (I) whether such company is engaged solely in journalistic

611 activities, and (J) any other factor that the Treasurer deems prudent. In  
612 the event that the Treasurer determines that divestment of state funds  
613 is warranted from a company in which state funds are invested due to  
614 such [company] company's doing business in Sudan, the Treasurer  
615 shall give notice to such company that such funds shall be divested  
616 from such company for as long as such company does business in  
617 Sudan.

618 Sec. 18. Subsection (m) of section 4a-82 of the general statutes is  
619 repealed and the following is substituted in lieu thereof (*Effective from*  
620 *passage*):

621 (m) Notwithstanding the provisions of subsection (f) of this section,  
622 the Commissioner of Administrative Services shall authorize certified  
623 small and minority [business] businesses to participate in such pilot  
624 program.

625 Sec. 19. Subsection (k) of section 4a-100 of the general statutes is  
626 repealed and the following is substituted in lieu thereof (*Effective from*  
627 *passage*):

628 (k) (1) Any materially false statement in the application or any  
629 update statement may, in the discretion of the awarding authority,  
630 result in termination of any contract awarded the applicant by the  
631 awarding authority. The awarding authority shall provide written  
632 notice to the commissioner of such false statement not later than thirty  
633 days after discovering such false statement. The commissioner shall  
634 provide written notice of such false statement to the Commissioner of  
635 Public Works and the Commissioner of Consumer Protection not later  
636 than thirty days after discovering such false statement or receiving  
637 such notice.

638 (2) The commissioner shall revoke the prequalification of any  
639 person, after an opportunity for hearing, if the commissioner finds that  
640 the person has included any materially false statement in such  
641 application or update statement, has been convicted of a crime related  
642 to the procurement or performance of any public or private

643 construction contract, [or,] within the past five years, or has otherwise  
644 engaged in fraud in obtaining or maintaining prequalification. Any  
645 person whose prequalification has been revoked pursuant to this  
646 subsection shall be disqualified for a period of two years after which  
647 the person may reapply for prequalification, except that a person  
648 whose prequalification has been revoked on the basis of conviction of a  
649 crime or engaging in fraud shall be disqualified for a period of five  
650 years after which the person may reapply for prequalification. The  
651 commissioner shall not prequalify a person whose prequalification has  
652 been revoked pursuant to this subdivision until the expiration of said  
653 two or five-year disqualification period and the commissioner is  
654 satisfied that the matters that gave rise to the revocation have been  
655 eliminated or remedied.

656 Sec. 20. Section 4b-103 of the general statutes is repealed and the  
657 following is substituted in lieu thereof (*Effective from passage*):

658 (a) In order to carry out any provision of this title for the  
659 construction, renovation or alteration of buildings or facilities, the  
660 Commissioner of Public Works may enter into a construction manager  
661 at-risk project delivery contract.

662 (b) The Commissioner of Public Works shall not enter into a  
663 construction manager at-risk project delivery contract that does not  
664 provide for a maximum guaranteed price for the cost of construction  
665 that shall be determined not later than the time of the receipt and  
666 approval by the commissioner of the trade contractor bids. Each  
667 construction manager at-risk shall invite bids and give notice of  
668 opportunities to bid on project elements, by advertising, at least once,  
669 in one or more newspapers having general circulation in the state.  
670 Each bid shall be kept sealed until opened publicly at the time and  
671 place [as] set forth in the notice soliciting such bid. The construction  
672 manager at-risk shall, after consultation with and approval by the  
673 commissioner, award any related contracts for project elements to the  
674 responsible qualified contractor submitting the lowest bid in  
675 compliance with the bid requirements, provided (1) the construction

676 manager at-risk shall not be eligible to submit a bid for any such  
677 project element, and (2) construction shall not begin prior to the  
678 determination of the maximum guaranteed price, except for the project  
679 elements of site preparation and demolition that have been previously  
680 put out to bid and awarded.

681 Sec. 21. Subsection (b) of section 9-249 of the general statutes is  
682 repealed and the following is substituted in lieu thereof (*Effective from*  
683 *passage*):

684 (b) The election officials of such voting districts shall attend the  
685 elections training program developed under subdivision (1) of  
686 subsection (c) of section 9-192a and any other meeting or meetings [as  
687 are] called for the purpose of receiving such instructions concerning  
688 their duties as are necessary for the proper conduct of the election.

689 Sec. 22. Subsection (c) of section 9-705 of the general statutes is  
690 repealed and the following is substituted in lieu thereof (*Effective from*  
691 *passage*):

692 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of  
693 this section, the qualified candidate committee of an eligible minor  
694 party candidate for the office of Governor, Lieutenant Governor,  
695 Attorney General, State Comptroller, Secretary of the State or State  
696 Treasurer shall be eligible to receive a grant from the fund for the  
697 general election campaign if the candidate of the same minor party for  
698 the same office at the last preceding regular election received at least  
699 ten per cent of the whole number of votes cast for all candidates for  
700 said office at said election. The amount of the grant shall be one-third  
701 of the amount of the general election campaign grant under subsection  
702 (a) or (b) of this section for a candidate for the same office, provided  
703 (A) if the candidate of the same minor party for the same office at the  
704 last preceding regular election received at least fifteen per cent of the  
705 whole number of votes cast for all candidates for said office at said  
706 election, the amount of the grant shall be two-thirds of the amount of  
707 the general election campaign grant under subsection (a) or (b) of this  
708 section for a candidate for the same office, (B) if the candidate of the

709 same minor party for the same office at the last preceding regular  
710 election received at least twenty per cent of the whole number of votes  
711 cast for all candidates for said office at said election, the amount of the  
712 grant shall be the same as the amount of the general election campaign  
713 grant under subsection (a) or (b) of this section for a candidate for the  
714 same office, and (C) in the case of an election held in 2014, or  
715 thereafter, said amounts shall be adjusted under subsection (d) of this  
716 section.

717 (2) Notwithstanding the provisions of subsections (a) and (b) of this  
718 section, the qualified candidate committee of an eligible petitioning  
719 party candidate for the office of Governor, Lieutenant Governor,  
720 Attorney General, State Comptroller, Secretary of the State or State  
721 Treasurer shall be eligible to receive a grant from the fund for the  
722 general election campaign if said candidate's nominating petition has  
723 been signed by a number of qualified electors equal to at least ten per  
724 cent of the whole number of votes cast for the same office at the last  
725 preceding regular election. The amount of the grant shall be one-third  
726 of the amount of the general election campaign grant under subsection  
727 (a) or (b) of this section for a candidate for the same office, provided  
728 (A) if said candidate's nominating petition has been signed by a  
729 number of qualified electors equal to at least fifteen per cent of the  
730 whole number of votes cast for the same office at the last preceding  
731 regular election, the amount of the grant shall be two-thirds of the  
732 amount of the general election campaign grant under subsection (a) or  
733 (b) of this section for a candidate for the same office, (B) if said  
734 candidate's nominating petition has been signed by a number of  
735 qualified electors equal to at least twenty per cent of the whole number  
736 of votes cast for the same office at the last preceding regular election,  
737 the amount of the grant shall be the same as the amount of the general  
738 election campaign grant under subsection (a) or (b) of this section for a  
739 candidate for the same office, and (C) in the case of an election held in  
740 2014, or thereafter, said amounts shall be adjusted under subsection (d)  
741 of this section.

742 (3) In addition to the provisions of subdivisions (1) and (2) of this

743 subsection, the qualified candidate committee of an eligible petitioning  
744 party candidate and the qualified candidate committee of an eligible  
745 minor party candidate for the office of Governor, Lieutenant Governor,  
746 Attorney General, State Comptroller, Secretary of the State or State  
747 Treasurer shall be eligible to receive a supplemental grant from the  
748 fund after the general election if the treasurer of such candidate  
749 committee reports a deficit in the first statement filed after the general  
750 election, pursuant to section 9-608, and such candidate received a  
751 greater [per cent] percentage of the whole number of votes cast for all  
752 candidates for said office at said election than the [per cent] percentage  
753 of votes utilized by such candidate to obtain a general election  
754 campaign grant described in subdivision (1) or (2) of this subsection.  
755 The amount of such supplemental grant shall be calculated as follows:

756 (A) In the case of any such candidate who receives more than ten  
757 per cent, but not more than fifteen per cent, of the whole number of  
758 votes cast for all candidates for said office at said election, the grant  
759 shall be the product of (i) a fraction in which the numerator is the  
760 difference between the percentage of such whole number of votes  
761 received by such candidate and ten per cent and the denominator is  
762 ten, and (ii) two-thirds of the amount of the general election campaign  
763 grant under subsection (a) or (b) of this section for a major party  
764 candidate for the same office.

765 (B) In the case of any such candidate who receives more than fifteen  
766 per cent, but less than twenty per cent, of the whole number of votes  
767 cast for all candidates for said office at said election, the grant shall be  
768 the product of (i) a fraction in which the numerator is the difference  
769 between the percentage of such whole number of votes received by  
770 such candidate and fifteen per cent and the denominator is five, and  
771 (ii) one-third of the amount of the general election campaign grant  
772 under subsection (a) or (b) of this section for a major party candidate  
773 for the same office.

774 (C) The sum of the general election campaign grant received by any  
775 such candidate and a supplemental grant under this subdivision shall

776 not exceed one hundred per cent of the amount of the general election  
777 campaign grant under subsection (a) or (b) of this section for a major  
778 party candidate for the same office.

779 Sec. 23. Subsection (g) of section 9-705 of the general statutes is  
780 repealed and the following is substituted in lieu thereof (*Effective from*  
781 *passage*):

782 (g) (1) Notwithstanding the provisions of subsections (e) and (f) of  
783 this section, the qualified candidate committee of an eligible minor  
784 party candidate for the office of state senator or state representative  
785 shall be eligible to receive a grant from the fund for the general  
786 election campaign if the candidate of the same minor party for the  
787 same office at the last preceding regular election received at least ten  
788 per cent of the whole number of votes cast for all candidates for said  
789 office at said election. The amount of the grant shall be one-third of the  
790 amount of the general election campaign grant under subsection (e) or  
791 (f) of this section for a candidate for the same office, provided (A) if the  
792 candidate of the same minor party for the same office at the last  
793 preceding regular election received at least fifteen per cent of the  
794 whole number of votes cast for all candidates for said office at said  
795 election, the amount of the grant shall be two-thirds of the amount of  
796 the general election campaign grant under subsection (e) or (f) of this  
797 section for a candidate for the same office, (B) if the candidate of the  
798 same minor party for the same office at the last preceding regular  
799 election received at least twenty per cent of the whole number of votes  
800 cast for all candidates for said office at said election, the amount of the  
801 grant shall be the same as the amount of the general election campaign  
802 grant under subsection (e) or (f) of this section for a candidate for the  
803 same office, and (C) in the case of an election held in 2010, or  
804 thereafter, said amounts shall be adjusted under subsection (h) of this  
805 section.

806 (2) Notwithstanding the provisions of subsections (e) and (f) of this  
807 section, the qualified candidate committee of an eligible petitioning  
808 party candidate for the office of state senator or state representative

809 shall be eligible to receive a grant from the fund for the general  
810 election campaign if said candidate's nominating petition has been  
811 signed by a number of qualified electors equal to at least ten per cent of  
812 the whole number of votes cast for the same office at the last preceding  
813 regular election. The amount of the grant shall be one-third of the  
814 amount of the general election campaign grant under subsection (e) or  
815 (f) of this section for a candidate for the same office, provided (A) if  
816 said candidate's nominating petition has been signed by a number of  
817 qualified electors equal to at least fifteen per cent of the whole number  
818 of votes cast for the same office at the last preceding regular election,  
819 the amount of the grant shall be two-thirds of the amount of the  
820 general election campaign grant under subsection (e) or (f) of this  
821 section for a candidate for the same office, (B) if said candidate's  
822 nominating petition has been signed by a number of qualified electors  
823 equal to at least twenty per cent of the whole number of votes cast for  
824 the same office at the last preceding regular election, the amount of the  
825 grant shall be the same as the amount of the general election campaign  
826 grant under subsection (e) or (f) of this section for a candidate for the  
827 same office, and (C) in the case of an election held in 2010, or  
828 thereafter, said amounts shall be adjusted under subsection (h) of this  
829 section.

830 (3) In addition to the provisions of subdivisions (1) and (2) of this  
831 subsection, the qualified candidate committee of an eligible petitioning  
832 party candidate and the qualified candidate committee of an eligible  
833 minor party candidate for the office of state senator or state  
834 representative shall be eligible to receive a supplemental grant from  
835 the fund after the general election if the treasurer of such candidate  
836 committee reports a deficit in the first statement filed after the general  
837 election, pursuant to section 9-608, and such candidate received a  
838 greater [per cent] percentage of the whole number of votes cast for all  
839 candidates for said office at said election than the [per cent] percentage  
840 of votes utilized by such candidate to obtain a general election  
841 campaign grant described in subdivision (1) or (2) of this subsection.  
842 The amount of such supplemental grant shall be calculated as follows:

843 (A) In the case of any such candidate who receives more than ten  
844 per cent, but [less] not more than fifteen per cent, of the whole number  
845 of votes cast for all candidates for said office at said election, the grant  
846 shall be the product of (i) a fraction in which the numerator is the  
847 difference between the percentage of such whole number of votes  
848 received by such candidate and ten per cent and the denominator is  
849 ten, and (ii) two-thirds of the amount of the general election campaign  
850 grant under subsection (a) or (b) of this section for a major party  
851 candidate for the same office.

852 (B) In the case of any such candidate who receives more than fifteen  
853 per cent, but less than twenty per cent, of the whole number of votes  
854 cast for all candidates for said office at said election, the grant shall be  
855 the product of (i) a fraction in which the numerator is the difference  
856 between the percentage of such whole number of votes received by  
857 such candidate and fifteen per cent and the denominator is five, and  
858 (ii) one-third of the amount of the general election campaign grant  
859 under subsection (a) or (b) of this section for a major party candidate  
860 for the same office.

861 (C) The sum of the general election campaign grant received by any  
862 such candidate and a supplemental grant under this subdivision shall  
863 not exceed one hundred per cent of the amount of the general election  
864 campaign grant under subsection (a) or (b) of this section for a major  
865 party candidate for the same office.

866 Sec. 24. Section 3-22k of the general statutes is repealed and the  
867 following is substituted in lieu thereof (*Effective from passage*):

868 On or before [October fifteenth] December thirty-first, annually, the  
869 Treasurer shall submit a financial report, pursuant to section 3-37, to  
870 the Governor on the operations of the trust including the receipts,  
871 disbursements, assets, investments, and liabilities and administrative  
872 costs of the trust for the prior fiscal year. The Treasurer shall also  
873 submit such report to the Connecticut Higher Education Trust  
874 Advisory Committee established pursuant to section 3-22e, and make  
875 the report available to each depositor and designated beneficiary.

876 Sec. 25. Section 4a-67d of the general statutes is repealed and the  
877 following is substituted in lieu thereof (*Effective from passage*):

878 (a) The fleet average for cars or light duty trucks purchased by the  
879 state shall: (1) On and after October 1, 2001, have a United States  
880 Environmental Protection Agency estimated highway gasoline mileage  
881 rating of at least thirty-five miles per gallon and on and after January 1,  
882 2003, have a United States Environmental Protection Agency estimated  
883 highway gasoline mileage rating of at least forty miles per gallon, (2)  
884 comply with the requirements set forth in 10 CFR 490 concerning the  
885 percentage of alternative-fueled vehicles required in the state motor  
886 vehicle fleet, and (3) obtain the best achievable mileage per pound of  
887 carbon dioxide emitted in its class. The alternative-fueled vehicles  
888 purchased by the state to comply with said requirements shall be  
889 capable of operating on natural gas or electricity or any other system  
890 acceptable to the United States Department of Energy that operates on  
891 fuel that is available in the state.

892 (b) Notwithstanding any other provisions of this section, (1) on and  
893 after January 1, 2008, any car or light duty truck purchased by the state  
894 shall have an efficiency rating that is in the top third of all vehicles in  
895 such purchased vehicle's class and fifty per cent of such cars and light  
896 duty trucks shall be an alternative fueled, hybrid electric or plug-in  
897 electric vehicle, and (2) on and after January 1, 2012, one hundred per  
898 cent of such cars and light duty trucks shall be alternative fueled,  
899 hybrid electric or plug-in electric vehicles.

900 [(b)] (c) The provisions of [subsection (a)] subsections (a) and (b) of  
901 this section shall not apply to [cars or light duty trucks purchased for  
902 law enforcement or other special use purposes as designated by the  
903 Department of Administrative Services] state police vehicles used in  
904 the immediate pursuit of actual or suspected violators of the law.

905 [(c)] (d) As used in this section, the terms "car" and "light duty  
906 truck" shall be as defined in the United States Department of Energy  
907 Publication DOE/CE -0019/8, or any successor publication.

908       Sec. 26. (*Effective from passage*) (a) Not later than January 1, 2008, the  
909 Commissioner of Environmental Protection, in consultation with the  
910 Commissioner of Administrative Services, shall determine whether the  
911 state qualifies for an exemption under the federal Energy Policy Act of  
912 2005 from the requirement to utilize ethanol fuel in state vehicles, due  
913 to the lack of availability in the state of such fuel.

914       (b) Not later than January 1, 2008, the Commissioner of  
915 Environmental Protection, in consultation with the Commissioner of  
916 Administrative Services, shall develop a plan to increase the utilization  
917 of existing ethanol fueling stations in the state. Not later than February  
918 1, 2008, such plan shall be submitted to the joint standing committees  
919 of the General Assembly having cognizance of matters relating to  
920 government administration and the environment.

921       (c) Not later than January 1, 2008, the Commissioner of  
922 Environmental Protection shall determine whether the state may  
923 utilize any credits the state may have under the Energy Policy Act of  
924 2005 to invest in hydrogen fuel vehicles.

925       Sec. 27. Section 9-7b of the general statutes is repealed and the  
926 following is substituted in lieu thereof (*Effective from passage*):

927       (a) The State Elections Enforcement Commission shall have the  
928 following duties and powers:

929       (1) To make investigations on its own initiative or with respect to  
930 statements filed with the commission by the Secretary of the State or  
931 any town clerk, or upon written complaint under oath by any  
932 individual, with respect to alleged violations of any provision of the  
933 general statutes or regulations of Connecticut state agencies relating to  
934 any election or referendum, any primary held pursuant to section 9-  
935 423, 9-425 or 9-464 or any primary held pursuant to a special act, and  
936 to hold hearings when the commission deems necessary to investigate  
937 violations of any provisions of the general statutes relating to any such  
938 election, primary or referendum, and for the purpose of such hearings  
939 the commission may administer oaths, examine witnesses and receive

940 oral and documentary evidence, and shall have the power to subpoena  
941 witnesses under procedural rules the commission shall adopt, to  
942 compel their attendance and to require the production for examination  
943 of any books and papers which the commission deems relevant to any  
944 matter under investigation or in question. In connection with its  
945 investigation of any alleged violation of any provision of chapter 145,  
946 or of any provision of section 9-359 or section 9-359a, the commission  
947 shall also have the power to subpoena any municipal clerk and to  
948 require the production for examination of any absentee ballot, inner  
949 and outer envelope from which any such ballot has been removed,  
950 depository envelope containing any such ballot or inner or outer  
951 envelope as provided in sections 9-150a and 9-150b and any other  
952 record, form or document as provided in section 9-150b, in connection  
953 with the election, primary or referendum to which the investigation  
954 relates. In case of a refusal to comply with any subpoena issued  
955 pursuant to this subsection or to testify with respect to any matter  
956 upon which that person may be lawfully interrogated, the superior  
957 court for the judicial district of Hartford, on application of the  
958 commission, may issue an order requiring such person to comply with  
959 such subpoena and to testify; failure to obey any such order of the  
960 court may be punished by the court as a contempt thereof. In any  
961 matter under investigation which concerns the operation or inspection  
962 of or outcome recorded on any voting machine, the commission may  
963 issue an order to the municipal clerk to impound such machine until  
964 the investigation is completed;

965 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
966 per offense against any person the commission finds to be in violation  
967 of any provision of chapter 145, part V of chapter 146, part I of chapter  
968 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
969 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,  
970 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-  
971 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-  
972 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-  
973 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, or any regulation  
974 adopted pursuant to any said chapter or section, (B) two thousand

975 dollars per offense against any town clerk, registrar of voters, an  
976 appointee or designee of a town clerk or registrar of voters, or any  
977 other election or primary official whom the commission finds to have  
978 failed to discharge a duty imposed by any provision of chapter 146 or  
979 147, (C) two thousand dollars per offense against any person the  
980 commission finds to have (i) improperly voted in any election, primary  
981 or referendum, and (ii) not been legally qualified to vote in such  
982 election, primary or referendum, [or] (D) two thousand dollars per  
983 offense or twice the amount of any improper payment or contribution,  
984 whichever is greater, against any person the commission finds to be in  
985 violation of any provision of chapter 155 [or sections 9-700 to 9-716,  
986 inclusive] or 157, or any regulation adopted pursuant to either said  
987 chapter, or (E) ten thousand dollars against any person who violates a  
988 prior order of the commission. The commission may levy a civil  
989 penalty against any person under subparagraph (A), (B), (C), [or] (D)  
990 or (E) of this subdivision only after giving the person an opportunity to  
991 be heard at a hearing conducted in accordance with sections 4-176e to  
992 4-184, inclusive. In the case of failure to pay any such penalty levied  
993 pursuant to this subsection within thirty days of written notice sent by  
994 certified or registered mail to such person, the superior court for the  
995 judicial district of Hartford, on application of the commission, may  
996 issue an order requiring such person to pay the penalty imposed and  
997 such court costs, state marshal's fees and attorney's fees incurred by  
998 the commission as the court may determine. Any civil penalties paid,  
999 collected or recovered under subparagraph (D) of this subdivision for  
1000 a violation of any provision of chapter 155 or any regulation adopted  
1001 pursuant to said chapter 155 applying to the office of the Treasurer  
1002 shall be deposited on a pro rata basis in any trust funds, as defined in  
1003 section 3-13c, affected by such violation;

1004 (3) (A) To issue an order requiring any person the commission finds  
1005 to have received any contribution or payment which is prohibited by  
1006 any of the provisions of chapter 155 or 157, after an opportunity to be  
1007 heard at a hearing conducted in accordance with the provisions of  
1008 sections 4-176e to 4-184, inclusive, to return such contribution or  
1009 payment to the donor or payor, or to remit such contribution or

1010 payment to the state for deposit in the General Fund or the Citizens'  
1011 Election Fund, whichever is deemed necessary to effectuate the  
1012 purposes of chapter 155 or 157, as the case may be;

1013 (B) To issue an order when the commission finds that an intentional  
1014 violation of any provision of chapter 155 or 157 has been committed,  
1015 after an opportunity to be heard at a hearing conducted in accordance  
1016 with sections 4-176e to 4-184, inclusive, which order may contain one  
1017 or more of the following sanctions: (i) Removal of a campaign  
1018 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on  
1019 serving as a campaign treasurer, deputy campaign treasurer or  
1020 solicitor, for a period not to exceed four years; and (iii) in the case of a  
1021 party committee or a political committee, suspension of all political  
1022 activities, including, but not limited to, the receipt of contributions and  
1023 the making of expenditures, provided the commission may not order  
1024 such a suspension unless the commission has previously ordered the  
1025 removal of the campaign treasurer and notifies the officers of the  
1026 committee that the commission is considering such suspension;

1027 (C) To issue an order revoking any person's eligibility to be  
1028 appointed or serve as an election, primary or referendum official or  
1029 unofficial checker or in any capacity at the polls on the day of an  
1030 election, primary or referendum, when the commission finds such  
1031 person has intentionally violated any provision of the general statutes  
1032 relating to the conduct of an election, primary or referendum, after an  
1033 opportunity to be heard at a hearing conducted in accordance with  
1034 sections 4-176e to 4-184, inclusive;

1035 (D) To issue an order to enforce the provisions of the Help America  
1036 Vote Act, P.L. 107-252, as amended from time to time, as the  
1037 commission deems appropriate;

1038 (E) To issue an order following the commission's determination of  
1039 the right of an individual to be or remain an elector when such  
1040 determination is made (i) pursuant to an appeal taken to the  
1041 commission from a decision of the registrars of voters or board of  
1042 admission of electors under section 9-31l, or (ii) following the

1043 commission's investigation pursuant to subdivision (1) of this  
1044 subsection;

1045 (F) To issue a cease and desist order for violation of any general  
1046 statute or regulation under the commission's jurisdiction and to take  
1047 reasonable actions necessary to compel compliance with said general  
1048 statute or regulation;

1049 (4) To issue an order to a candidate committee that receives moneys  
1050 from the Citizens' Election Fund pursuant to [sections 9-700 to 9-716,  
1051 inclusive] chapter 157, to comply with the provisions of [sections 9-700  
1052 to 9-716, inclusive] chapter 157, after an opportunity to be heard at a  
1053 hearing conducted in accordance with the provisions of sections 4-176e  
1054 to 4-184, inclusive;

1055 (5) To inspect or audit at any reasonable time and upon reasonable  
1056 notice the accounts or records of any campaign treasurer or principal  
1057 campaign treasurer, as required by chapter 155 or 157 and to audit any  
1058 such election, primary or referendum held within the state; provided,  
1059 (A) (i) not later than two months preceding the day of an election at  
1060 which a candidate is seeking election, the commission shall complete  
1061 any audit it has initiated in the absence of a complaint that involves a  
1062 committee of the same candidate from a previous election, and (ii)  
1063 during the two-month period preceding the day of an election at  
1064 which a candidate is seeking election, the commission shall not initiate  
1065 an audit in the absence of a complaint that involves a committee of the  
1066 same candidate from a previous election, and (B) the commission shall  
1067 not audit any caucus, as defined in subdivision (1) of section 9-372.  
1068 Nothing in this subdivision shall be construed to limit the power of the  
1069 commission to conduct inspections, audits or investigations related to  
1070 the Citizens' Election Program;

1071 (6) To attempt to secure voluntary compliance, by informal methods  
1072 of conference, conciliation and persuasion, with any provision of  
1073 [chapters] chapter 149, 151 to 153, inclusive, 155, [and] 156 or 157 or  
1074 any other provision of the general statutes relating to any such  
1075 election, primary or referendum;

1076 (7) To consult with the Secretary of the State, the Chief State's  
1077 Attorney or the Attorney General on any matter which the commission  
1078 deems appropriate;

1079 (8) To refer to the Chief State's Attorney evidence bearing upon  
1080 violation of any provision of [chapters] chapter 149, 151 to 153,  
1081 inclusive, 155, [and] 156 or 157 or any other provision of the general  
1082 statutes pertaining to or relating to any such election, primary or  
1083 referendum;

1084 (9) To refer to the Attorney General evidence for injunctive relief  
1085 and any other ancillary equitable relief in the circumstances of  
1086 subdivision (8) of this subsection. Nothing in this subdivision shall  
1087 preclude a person who claims that he is aggrieved by a violation of any  
1088 provision of chapter 152 or any other provision of the general statutes  
1089 relating to referenda from pursuing injunctive and any other ancillary  
1090 equitable relief directly from the Superior Court by the filing of a  
1091 complaint;

1092 (10) To refer to the Attorney General evidence pertaining to any  
1093 ruling which the commission finds to be in error made by election  
1094 officials in connection with any election, primary or referendum. Those  
1095 remedies and procedures available to parties claiming to be aggrieved  
1096 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall  
1097 apply to any complaint brought by the Attorney General as a result of  
1098 the provisions of this subdivision;

1099 (11) To consult with the United States Department of Justice and the  
1100 United States Attorney for Connecticut on any investigation pertaining  
1101 to a violation of this section, section 9-12, subsection (a) of section 9-17  
1102 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-  
1103 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,  
1104 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and  
1105 attorney evidence bearing upon any such violation for prosecution  
1106 under the provisions of the National Voter Registration Act of 1993,  
1107 P.L. 103-31, as amended from time to time;

1108 (12) To inspect reports filed with [the Secretary of the State and  
1109 with] town clerks pursuant to chapter 155 and refer to the Chief State's  
1110 Attorney evidence bearing upon any violation of law therein if such  
1111 violation was committed knowingly and wilfully;

1112 (13) To intervene in any action brought pursuant to the provisions  
1113 of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court  
1114 in which such action is brought when in the opinion of the court it is  
1115 necessary to preserve evidence of possible criminal violation of the  
1116 election laws;

1117 (14) To adopt and publish regulations pursuant to chapter 54 to  
1118 carry out the provisions of section 9-7a, this section, [chapter 155 and  
1119 sections 9-700 to 9-716, inclusive] chapters 155 and 157; to issue upon  
1120 request and publish advisory opinions in the Connecticut Law Journal  
1121 upon the requirements of [chapter 155] chapters 155 and 157, and to  
1122 make recommendations to the General Assembly concerning  
1123 suggested revisions of the election laws;

1124 (15) To the extent that the Elections Enforcement Commission is  
1125 involved in the investigation of alleged or suspected criminal  
1126 violations of any provision of the general statutes pertaining to or  
1127 relating to any such election, primary or referendum and is engaged in  
1128 such investigation for the purpose of presenting evidence to the Chief  
1129 State's Attorney, the Elections Enforcement Commission shall be  
1130 deemed a law enforcement agency for purposes of subdivision (3) of  
1131 subsection (b) of section 1-210, provided nothing in this section shall be  
1132 construed to exempt the Elections Enforcement Commission in any  
1133 other respect from the requirements of the Freedom of Information  
1134 Act, as defined in section 1-200;

1135 (16) To enter into such contractual agreements as may be necessary  
1136 for the discharge of its duties, within the limits of its appropriated  
1137 funds and in accordance with established procedures;

1138 (17) To provide the Secretary of the State with notice and copies of  
1139 all decisions rendered by the commission in contested cases, advisory

1140 opinions and declaratory judgments, at the time such decisions,  
1141 judgments and opinions are made or issued;

1142 (18) To receive and determine complaints filed under the Help  
1143 America Vote Act, P.L. 107-252, as amended from time to time, by any  
1144 person who believes there is a violation of any provision of Title III of  
1145 P.L. 107-252, as amended. Any complaint filed under this subdivision  
1146 shall be in writing, notarized and signed and sworn by the person  
1147 filing the complaint. At the request of the complainant, there shall be a  
1148 hearing on the record, conducted in accordance with sections 4-167e to  
1149 4-184, inclusive. The commission shall make a final determination with  
1150 respect to a complaint prior to the expiration of the ninety-day period  
1151 beginning on the date the complaint is filed, unless the complainant  
1152 consents to a longer period for making such determination. If the  
1153 commission fails to meet the applicable deadline under this  
1154 subdivision with respect to a complaint, the commission shall resolve  
1155 the complaint within sixty days after the expiration of such ninety-day  
1156 period under an alternative dispute resolution procedure established  
1157 by the commission.

1158 (b) In the case of a refusal to comply with an order of the  
1159 commission issued pursuant to subdivision (3) or (4) of subsection (a)  
1160 of this section, the superior court for the judicial district of Hartford,  
1161 on application of the commission, may issue a further order to comply.  
1162 Failure to obey such further order may be punished by the court as a  
1163 contempt thereof.

1164 Sec. 28. Subsection (d) of section 9-604 of the general statutes is  
1165 repealed and the following is substituted in lieu thereof (*Effective from*  
1166 *passage*):

1167 (d) A slate of candidates in a primary for the office of justice of the  
1168 peace shall designate a chairperson to form a single political committee  
1169 to comply with the requirements of section 9-605, except [(1)] if the  
1170 individuals on the slate unanimously consent to have their campaign  
1171 financed solely by a town committee and such committee consents to  
1172 such financing by filing a statement of consent with [both the Secretary

1173 of the State and] the town clerk of the municipality in which the  
1174 primary is to be held. [, or (2) in the case of a primary for convention  
1175 delegates to a United States senatorial or congressional district  
1176 convention, the candidate on whose behalf the slate is committed has  
1177 filed a registration of a committee with the Federal Election  
1178 Commission, and that committee is solely financing the primary  
1179 campaign for said delegates.]

1180 Sec. 29. Subsection (b) of section 9-605 of the general statutes is  
1181 repealed and the following is substituted in lieu thereof (*Effective from*  
1182 *passage*):

1183 (b) The statement shall be complete, filed under penalty of false  
1184 statement and include: (1) The name and address of the committee; (2)  
1185 a statement of the purpose of the committee; (3) the name, [and]  
1186 address and telephone number of its campaign treasurer, and deputy  
1187 campaign treasurer if applicable; (4) the name, address, telephone  
1188 number and position of its chairman, and other principal officers if  
1189 applicable, including the individuals who control the committee; (5)  
1190 the name and address of the depository institution for its funds; [(6)  
1191 the name of each person, other than an individual, that is a member of  
1192 the committee; (7)] (6) the name and party affiliation of each candidate  
1193 whom the committee is supporting and the office or position sought by  
1194 each candidate; [(8)] (7) if the committee is supporting [the entire ticket  
1195 of any party] a slate of candidates, a statement to that effect and the  
1196 [name of the party] names of the candidates, the offices or positions  
1197 sought and their party affiliation; [(9)] (8) if the committee is  
1198 supporting or opposing any referendum question, the position taken  
1199 by the committee on such question and a brief statement identifying  
1200 the substance of the question; [(10)] (9) if the committee is established  
1201 by a business entity, [or organization] labor union or membership  
1202 association, the name and address of the entity [or organization] union  
1203 or association; [(11)] (10) if the committee is established by [an  
1204 organization] a labor union or other membership organization,  
1205 whether it will receive its funds from the union or organization's  
1206 treasury or from voluntary contributions; [(12)] (11) if the committee

1207 files reports with the Federal Elections Commission or any out-of-state  
1208 agency, a statement to that effect including the name of the agency;  
1209 [(13)] (12) a statement indicating whether the committee is established  
1210 for a single primary, election or referendum or for ongoing political  
1211 activities; [(14)] (13) if the committee is formed for ongoing political  
1212 activities, the types of elections that it is authorized to make  
1213 contributions to, or expenditures for; (14) if the committee is  
1214 established or controlled by [or on behalf of] a lobbyist or a member of  
1215 the immediate family of a lobbyist, a statement to that effect and the  
1216 name of the lobbyist; [and] (15) if the committee is established or  
1217 controlled by a state contractor, prospective state contractor or  
1218 principal of a state contractor, as defined in subdivision (1) of  
1219 subsection (g) of section 9-612, a statement to that effect and the name  
1220 of the state contractor, prospective state contractor or principal of such  
1221 state contractor; (16) if the committee is established by an investment  
1222 services firm, as defined in subsection (f) of section 9-612, or a principal  
1223 of such an investment services firm, the name of such investment  
1224 services firm or principal, as applicable; (17) if the committee is  
1225 established or controlled by an elected state-wide official or member of  
1226 the General Assembly, or an agent of such official or member, a  
1227 statement to that effect, and the name of the official or member; (18) if  
1228 the committee is established for a senatorial or assembly district, a  
1229 statement to that effect; (19) if the committee is a legislative caucus or  
1230 legislative leadership committee, a statement to that effect and the  
1231 name of the caucus or legislative leader establishing such committee;  
1232 and (20) the name and address of the person making the initial  
1233 contribution or disbursement, if any, to the committee. If no such  
1234 contribution or disbursement has been made at the time of the filing of  
1235 such statement, the campaign treasurer of the committee shall, not  
1236 later than forty-eight hours after receipt of such contribution or  
1237 disbursement, file a report with the State Elections Enforcement  
1238 Commission. The report shall be in the same form as statements filed  
1239 under section 9-608.

1240 Sec. 30. Subsections (e) and (f) of section 9-610 of the general statutes  
1241 are repealed and the following is substituted in lieu thereof (*Effective*

1242 *from passage):*

1243 (e) For purposes of this subsection and subsection (f) of this section,  
1244 the exclusions to the term "contribution" in subsection (b) of section 9-  
1245 601a shall not apply; the term "state office" means the office of  
1246 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
1247 State Treasurer or Secretary of the State; and the term "state officer"  
1248 means the Governor, Lieutenant Governor, Attorney General, State  
1249 Comptroller, State Treasurer or Secretary of the State. Notwithstanding  
1250 any provision of this chapter to the contrary, during any regular  
1251 session of the General Assembly, during any special session of the  
1252 General Assembly held between the adjournment of the regular  
1253 session in an odd-numbered year and the convening of the regular  
1254 session in the following even-numbered year or during any  
1255 reconvened session of the General Assembly held in an odd-numbered  
1256 year to reconsider vetoed bills, (1) no lobbyist or political committee  
1257 established by or on behalf of a lobbyist shall make or offer to make a  
1258 contribution to or on behalf of, and no lobbyist shall solicit a  
1259 contribution on behalf of, (A) a candidate or exploratory committee  
1260 established by a candidate for nomination or election to the General  
1261 Assembly or a state office or (B) a political committee (i) established for  
1262 an assembly or senatorial district, (ii) established by a member of the  
1263 General Assembly or a state officer or such member or officer's agent,  
1264 or in consultation with, or at the request or suggestion of, any such  
1265 member, officer or agent, or (iii) controlled by such member, officer or  
1266 agent, to aid or promote the nomination or election of any candidate or  
1267 candidates to the General Assembly or a state office, and (2) no such  
1268 candidate or political committee shall accept such a contribution. The  
1269 provisions of this subsection shall not apply to a candidate committee  
1270 established by a member of the General Assembly or a candidate for  
1271 nomination or election to the General Assembly, at a special election  
1272 for the General Assembly, from the date on which the candidate or the  
1273 chairman of the committee files the designation of a campaign  
1274 treasurer and a depository institution under section 9-602 with the  
1275 [Secretary of the State] State Elections Enforcement Commission, to the  
1276 date on which the special election is held, inclusive, or to an

1277 exploratory committee established by a member of the General  
1278 Assembly to promote his candidacy for an office other than the  
1279 General Assembly.

1280 (f) A political committee established by two or more individuals  
1281 under subparagraph (B) of subsection (3) of section 9-601, other than a  
1282 committee established solely for the purpose of aiding or promoting  
1283 any candidate or candidates for municipal office or the success or  
1284 defeat of a referendum question, shall be subject to the prohibition on  
1285 acceptance of lobbyist contributions under subsection (e) of this section  
1286 unless the campaign treasurer of the committee has filed a certification  
1287 that the committee is not established for an assembly or senatorial  
1288 district, or by a member of the General Assembly or a state officer, or  
1289 such member or officer's agent, or in consultation with, or at the  
1290 request or suggestion of, any such member, officer or agent, or  
1291 controlled by such member, officer or agent. The campaign treasurer of  
1292 any political committee established by or on behalf of a lobbyist shall  
1293 file a certification to that effect. Such certifications shall be filed with  
1294 the [office of the Secretary of the State] State Elections Enforcement  
1295 Commission, on forms prescribed by the [secretary] commission, on or  
1296 before November 15, [1994] 2008, for all such political committees in  
1297 existence on such date, or upon the registration of the committee, and  
1298 on or before November fifteenth biennially thereafter. [The secretary  
1299 shall provide to the State Elections Enforcement Commission on or  
1300 before December 1, 1994, and biennially thereafter, a political  
1301 committee registration report. The report shall include a certified copy  
1302 of each certification filed pursuant to this subsection prior to December  
1303 first of the reporting year and a certified copy of a list stating the name  
1304 of each political committee registered pursuant to section 9-605 prior to  
1305 December first of the reporting year and the name and address of the  
1306 campaign treasurer of each such committee. In the case of any political  
1307 committee which registers or files a certification on or after December  
1308 first of any even-numbered year but prior to November first of the  
1309 following even-numbered year, the secretary shall provide the  
1310 commission with a copy of each such registration or certification by the  
1311 close of the next business day following receipt. Such registration

1312 information or certification shall also be included in the biennial  
1313 political committee registration report of the secretary to the  
1314 commission.] The commission shall prepare a list of all such  
1315 committees subject to the prohibitions under subsection (e) of this  
1316 section, according to the certifications filed, which shall be available  
1317 prior to the opening of each regular session of the General Assembly,  
1318 and shall provide a copy of the list to the president pro tempore of the  
1319 Senate, the speaker of the House of Representatives, the minority  
1320 leader of the Senate, the minority leader of the House of  
1321 Representatives and each state officer. During each such regular  
1322 session, the commission shall prepare a supplemental list of  
1323 committees which register after November fifteenth and are subject to  
1324 such prohibitions, and the commission shall provide the supplemental  
1325 list to such legislative leaders and state officers. The filing of the  
1326 certification by the campaign treasurer of the committee shall not  
1327 impair the authority of the commission to act under section 9-7b. Any  
1328 lobbyist or campaign treasurer who acts in reliance on such lists in  
1329 good faith shall have an absolute defense in any action brought under  
1330 subsection (e) and this subsection, subsection (c) of section 9-604, and  
1331 subsection (f) of section 9-608.

1332 Sec. 31. Subsections (e) and (f) of section 9-610 of the general  
1333 statutes, as amended by section 25 of public act 06-137, are repealed  
1334 and the following is substituted in lieu thereof (*Effective October 1,*  
1335 *2007*):

1336 (e) For purposes of this subsection and subsection (f) of this section,  
1337 the exclusions to the term "contribution" in subsection (b) of section 9-  
1338 601a shall not apply; the term "state office" means the office of  
1339 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
1340 State Treasurer or Secretary of the State; and the term "state officer"  
1341 means the Governor, Lieutenant Governor, Attorney General, State  
1342 Comptroller, State Treasurer or Secretary of the State. Notwithstanding  
1343 any provision of this chapter to the contrary, during any regular  
1344 session of the General Assembly, during any special session of the  
1345 General Assembly held between the adjournment of the regular

1346 session in an odd-numbered year and the convening of the regular  
1347 session in the following even-numbered year or during any  
1348 reconvened session of the General Assembly held in an odd-numbered  
1349 year to reconsider vetoed bills, (1) no lobbyist or political committee  
1350 established by or on behalf of a lobbyist shall make or offer to make a  
1351 contribution to or on behalf of, and no lobbyist shall solicit a  
1352 contribution on behalf of, (A) a candidate or exploratory committee  
1353 established by a candidate for nomination or election to the General  
1354 Assembly or a state office or (B) a political committee (i) established for  
1355 an assembly or senatorial district, (ii) established by a member of the  
1356 General Assembly or a state officer or such member or officer's agent,  
1357 or in consultation with, or at the request or suggestion of, any such  
1358 member, officer or agent, or (iii) controlled by such member, officer or  
1359 agent, to aid or promote the nomination or election of any candidate or  
1360 candidates to the General Assembly or a state office, and (2) no such  
1361 candidate or political committee shall accept such a contribution. The  
1362 provisions of this subsection shall not apply to a candidate committee  
1363 established by a member of the General Assembly or a candidate for  
1364 nomination or election to the General Assembly, at a special election  
1365 for the General Assembly, from the date on which the candidate or the  
1366 chairman of the committee files the designation of a campaign  
1367 treasurer and a depository institution under section 9-602 with the  
1368 [Secretary of the State] State Elections Enforcement Commission, to the  
1369 date on which the special election is held, inclusive, or to an  
1370 exploratory committee established by a member of the General  
1371 Assembly to promote his candidacy for an office other than the  
1372 General Assembly.

1373 (f) A political committee established by two or more individuals  
1374 under subparagraph (B) of subsection (3) of section 9-601, other than a  
1375 committee established solely for the purpose of aiding or promoting  
1376 any candidate or candidates for municipal office or the success or  
1377 defeat of a referendum question, shall be subject to the prohibition on  
1378 acceptance of lobbyist contributions under subsection (e) of this section  
1379 unless the campaign treasurer of the committee has filed a certification  
1380 that the committee is not established for an assembly or senatorial

1381 district, or by a member of the General Assembly or a state officer, or  
1382 such member or officer's agent, or in consultation with, or at the  
1383 request or suggestion of, any such member, officer or agent, or  
1384 controlled by such member, officer or agent. The campaign treasurer of  
1385 any political committee established by or on behalf of a lobbyist shall  
1386 file a certification to that effect. Such certifications shall be filed with  
1387 the [office of the Secretary of the State] State Elections Enforcement  
1388 Commission, on forms prescribed by the [secretary] commission, on or  
1389 before November 15, [1994] 2008, for all such political committees in  
1390 existence on such date, or upon the registration of the committee, and  
1391 on or before November fifteenth biennially thereafter. [The secretary  
1392 shall provide to the State Elections Enforcement Commission on or  
1393 before December 1, 1994, and biennially thereafter, a political  
1394 committee registration report. The report shall include a certified copy  
1395 of each certification filed pursuant to this subsection prior to December  
1396 first of the reporting year and a certified copy of a list stating the name  
1397 of each political committee registered pursuant to section 9-605 prior to  
1398 December first of the reporting year and the name and address of the  
1399 campaign treasurer of each such committee. In the case of any political  
1400 committee which registers or files a certification on or after December  
1401 first of any even-numbered year but prior to November first of the  
1402 following even-numbered year, the secretary shall provide the  
1403 commission with a copy of each such registration or certification by the  
1404 close of the next business day following receipt. Such registration  
1405 information or certification shall also be included in the biennial  
1406 political committee registration report of the secretary to the  
1407 commission.] The commission shall prepare a list of all such  
1408 committees subject to the prohibitions under subsection (e) of this  
1409 section, according to the certifications filed, which shall be available  
1410 prior to the opening of each regular session of the General Assembly,  
1411 and shall provide a copy of the list to the president pro tempore of the  
1412 Senate, the speaker of the House of Representatives, the minority  
1413 leader of the Senate, the minority leader of the House of  
1414 Representatives and each state officer. During each such regular  
1415 session, the commission shall prepare a supplemental list of

1416 committees which register after November fifteenth and are subject to  
1417 such prohibitions, and the commission shall provide the supplemental  
1418 list to such legislative leaders and state officers. The filing of the  
1419 certification by the campaign treasurer of the committee shall not  
1420 impair the authority of the commission to act under section 9-7b. Any  
1421 lobbyist or campaign treasurer who acts in reliance on such lists in  
1422 good faith shall have an absolute defense in any action brought under  
1423 subsection (e) and this subsection, subsection (c) of section 9-604, and  
1424 subsection (f) of section 9-608.

1425 Sec. 32. Section 9-372 of the general statutes is repealed and the  
1426 following is substituted in lieu thereof (*Effective from passage*):

1427 The following terms, as used in this chapter, chapter 157 and  
1428 sections 9-51 to 9-67, inclusive, 9-169e, 9-217, 9-236 and 9-361, shall  
1429 have the following meanings:

1430 (1) "Caucus" means any meeting, at a designated hour and place, or  
1431 at designated hours and places, of the enrolled members of a political  
1432 party within a municipality or political subdivision thereof for the  
1433 purpose of selecting party-endorsed candidates for a primary to be  
1434 held by such party or for the purpose of transacting other business of  
1435 such party;

1436 (2) "Convention" means a meeting of delegates of a political party  
1437 held for the purpose of designating the candidate or candidates to be  
1438 endorsed by such party in a primary of such party for state or district  
1439 office or for the purpose of transacting other business of such party;

1440 (3) "District" means any geographic portion of the state which  
1441 crosses the boundary or boundaries between two or more towns;

1442 (4) "District office" means an elective office for which only the  
1443 electors in a district, as defined in subdivision (3) of this section, may  
1444 vote;

1445 (5) "Major party" means (A) a political party or organization whose  
1446 candidate for Governor at the last-preceding election for Governor

1447 received, under the designation of that political party or organization,  
1448 at least twenty per cent of the whole number of votes cast for all  
1449 candidates for Governor, or (B) a political party having, at the last-  
1450 preceding election for Governor, a number of enrolled members on the  
1451 active registry list equal to at least twenty per cent of the total number  
1452 of enrolled members of all political parties on the active registry list in  
1453 the state;

1454 (6) "Minor party" means a political party or organization which is  
1455 not a major party and whose candidate for the office in question  
1456 received at the last-preceding regular election for such office, under the  
1457 designation of that political party or organization, at least one per cent  
1458 of the whole number of votes cast for all candidates for such office at  
1459 such election;

1460 (7) "Municipal office" means an elective office for which only the  
1461 electors of a single town, city, borough, or political subdivision, as  
1462 defined in subdivision (10) of this section, may vote, including the  
1463 office of justice of the peace;

1464 (8) "Party designation committee" means an organization, composed  
1465 of at least twenty-five members who are electors, which has, on or after  
1466 November 4, 1981, reserved a party designation with the Secretary of  
1467 the State pursuant to the provisions of this chapter;

1468 (9) "Party-endorsed candidate" means (A) in the case of a candidate  
1469 for state or district office, a person endorsed by the convention of a  
1470 political party as a candidate in a primary to be held by such party,  
1471 and (B) in the case of a candidate for municipal office or for member of  
1472 a town committee, a person endorsed by the town committee, caucus  
1473 or convention, as the case may be, of a political party as a candidate in  
1474 a primary to be held by such party;

1475 (10) "Political subdivision" means any voting district or combination  
1476 of voting districts constituting a part of a municipality;

1477 (11) "Primary" means a meeting of the enrolled members of a

1478 political party and, when applicable under section 9-431, unaffiliated  
1479 electors, held during consecutive hours at which such members or  
1480 electors may, without assembling at the same hour, vote by secret  
1481 ballot for candidates for nomination to office or for town committee  
1482 members;

1483 (12) "Registrar" means the registrar of voters in a municipality who  
1484 is enrolled with the political party holding a primary and, in each  
1485 municipality where there are different registrars for different voting  
1486 districts, means the registrar so enrolled in the voting district in which,  
1487 at the last-preceding regular election, the presiding officer for the  
1488 purpose of declaring the result of the vote of the whole municipality  
1489 was moderator;

1490 (13) "Slate" means a group of candidates for nomination by a  
1491 political party to the office of justice of the peace of a town, which  
1492 group numbers at least a bare majority of the number of justices of the  
1493 peace to be nominated by such party for such town;

1494 (14) "State office" means any office for which all the electors of the  
1495 state may vote and includes the office of Governor, Lieutenant  
1496 Governor, Secretary, Treasurer, Comptroller, Attorney General and  
1497 senator in Congress, but does not include the office of elector of  
1498 President and Vice-President of the United States;

1499 (15) "Votes cast for the same office at the last-preceding election" or  
1500 "votes cast for all candidates for such office at the last-preceding  
1501 election" means, in the case of multiple openings for the same office,  
1502 the total number of electors checked as having voted at the last-  
1503 preceding election at which such office appeared on the ballot label.

1504 Sec. 33. Subsection (b) of section 9-675 of the general statutes is  
1505 repealed and the following is substituted in lieu thereof (*Effective from*  
1506 *passage*):

1507 (b) The campaign treasurer of the candidate committee for each  
1508 candidate for nomination or election to the office of Governor,

1509 Lieutenant Governor, Attorney General, State Comptroller, State  
1510 Treasurer, [or] Secretary of the State, state senator or state  
1511 representative who raises or spends [two hundred fifty] five thousand  
1512 dollars or more during an election campaign shall file in electronic  
1513 form all financial disclosure statements required by section 9-608 by  
1514 either transmitting disks, tapes or other electronic storage media  
1515 containing the contents of such statements to the State Elections  
1516 Enforcement Commission or transmitting the statements on-line to  
1517 said commission. Each such campaign treasurer shall use either (1) a  
1518 software program created by the commission under subdivision (1) of  
1519 subsection (a) of this section, for all such statements, or (2) another  
1520 software program which provides for the standard reporting format,  
1521 and complies with the specifications, which are prescribed by the  
1522 commission under subdivision (2) of subsection (a) of this section, for  
1523 all such statements. The commission shall accept any statement that  
1524 uses any such software program. Once any such candidate committee  
1525 has raised or spent [two hundred fifty] five thousand dollars or more  
1526 during an election campaign, all previously filed statements required  
1527 by said section 9-608, which were not filed in electronic form shall be  
1528 refiled in such form, using such a software program, not later than the  
1529 date on which the campaign treasurer of the committee is required to  
1530 file the next regular statement under said section 9-608.

1531 Sec. 34. Subsections (b) and (c) of section 9-702 of the general  
1532 statutes are repealed and the following is substituted in lieu thereof  
1533 (*Effective from passage*):

1534 (b) Any such candidate committee is eligible to receive such grants  
1535 for a primary campaign, if applicable, and a general election campaign  
1536 if (1) the candidate certifies as a participating candidate under section  
1537 9-703, (2) the candidate's candidate committee receives the required  
1538 amount of qualifying contributions under section 9-704, (3) the  
1539 candidate's candidate committee returns, or transmits to the State  
1540 Elections Enforcement Commission for deposit in the Citizens' Election  
1541 Fund, all contributions that do not meet the criteria for qualifying  
1542 contributions under section 9-704, (4) the candidate agrees to limit the

1543 campaign expenditures of the candidate's candidate committee in  
1544 accordance with the provisions of subsection (c) of this section, and (5)  
1545 the candidate submits an application and the commission approves the  
1546 application in accordance with the provisions of section 9-706.

1547 (c) A candidate participating in the Citizens' Election Program shall  
1548 limit the expenditures of the candidate's candidate committee (A)  
1549 before a primary campaign and a general election campaign, to the  
1550 amount of qualifying contributions permitted in section 9-705 and any  
1551 personal funds provided by the candidate under subsection (c) of  
1552 section 9-710, (B) for a primary campaign, to the sum of (i) the amount  
1553 of such qualifying contributions and personal funds that have not been  
1554 spent before the primary campaign, (ii) the amount of the grant for the  
1555 primary campaign authorized under section 9-705, and (iii) the amount  
1556 of any additional moneys for the primary campaign authorized under  
1557 section 9-713 or 9-714, and (C) for a general election campaign, to the  
1558 sum of (i) the amount of such qualifying contributions and personal  
1559 funds that have not been spent before the general election campaign,  
1560 (ii) any unexpended funds from any grant for a primary campaign  
1561 authorized under section 9-705 or from any additional moneys for a  
1562 primary campaign authorized under section 9-713 or 9-714, (iii) the  
1563 amount of the grant for the general election campaign authorized  
1564 under section 9-705, and (iv) the amount of any additional moneys for  
1565 the general election campaign authorized under section 9-713 or 9-714.  
1566 The candidate committee of a minor or petitioning party candidate  
1567 who has received a general election campaign grant from the fund  
1568 pursuant to section 9-705 shall be permitted to receive contributions in  
1569 addition to the qualifying contributions subject to the limitations and  
1570 restrictions applicable to participating candidates for the same office,  
1571 provided such minor or petitioning party candidate shall limit the  
1572 expenditures of the candidate committee for a general election  
1573 campaign to the sum of the qualifying contributions and personal  
1574 funds, the amount of the general election campaign grant received and  
1575 the amount raised in additional contributions that is equivalent to the  
1576 difference between the amount of the applicable general election  
1577 campaign grant for a major party candidate for such office and the

1578 amount of the general election campaign grant received by such minor  
1579 or petitioning party candidate.

1580 Sec. 35. Section 9-703 of the general statutes is repealed and the  
1581 following is substituted in lieu thereof (*Effective from passage*):

1582 (a) Each candidate for nomination or election to the office of state  
1583 senator or state representative in 2008, or thereafter, or the office of  
1584 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
1585 Secretary of the State or State Treasurer in 2010, or thereafter, shall file  
1586 an affidavit with the State Elections Enforcement Commission. The  
1587 affidavit shall include a written certification that the candidate either  
1588 intends to abide by the expenditure limits under the Citizens' Election  
1589 Program set forth in subsection (c) of section 9-702, as amended by this  
1590 act, or does not intend to abide by said limits. If the candidate intends  
1591 to abide by said limits, the affidavit shall also include written  
1592 certifications (1) that the campaign treasurer of the candidate  
1593 committee for said candidate shall expend any moneys received from  
1594 the Citizens' Election Fund in accordance with the provisions of  
1595 subsection (g) of section 9-607 and regulations adopted by the State  
1596 Elections Enforcement Commission under subsection (e) of section 9-  
1597 706, as amended by this act, (2) that the candidate shall repay to the  
1598 fund any such moneys that are not expended in accordance with  
1599 subsection (g) of said section 9-607 and said regulations, (3) that the  
1600 candidate and the campaign treasurer shall comply with the  
1601 provisions of subdivision (1) of subsection (a) of section 9-711, and (4)  
1602 stating the candidate's status as a major party, minor party or  
1603 petitioning party candidate and, in the case of a major party or minor  
1604 party candidate, the name of such party. The written certification  
1605 described in subdivision (3) of this subsection shall be made by both  
1606 the candidate and the campaign treasurer of the candidate committee  
1607 for said candidate. A candidate for nomination or election to any such  
1608 office shall file such affidavit not later than four o'clock p.m. on the  
1609 [twenty-fifth] fiftieth day before the day of a primary, if applicable, or  
1610 on the [fortieth] sixtieth day before the day of the election for such  
1611 office, except that in the case of a special election for the office of state

1612 senator or state representative, the candidate shall file such affidavit  
1613 not later than four o'clock p.m. on the twenty-fifth day before the day  
1614 of such special election.

1615 (b) A candidate who so certifies the candidate's intent to abide by  
1616 the expenditure limits under the Citizens' Election Program set forth in  
1617 subsection (c) of section 9-702, as amended by this act, shall be referred  
1618 to in sections 9-700 to 9-716, inclusive, as a "participating candidate"  
1619 and a candidate who so certifies the candidate's intent to not abide by  
1620 said limits shall be referred to in sections 9-700 to 9-716, inclusive, as a  
1621 "nonparticipating candidate". The commission shall prepare a list of  
1622 the participating candidates and a list of the nonparticipating  
1623 candidates and shall make such lists available for public inspection.

1624 (c) A participating candidate may withdraw from participation in  
1625 the Citizens' Election Program before applying for an initial grant  
1626 under section 9-706, as amended by this act, by filing an affidavit with  
1627 the State Elections Enforcement Commission, which includes a written  
1628 certification of such withdrawal. A candidate who files such an  
1629 affidavit shall be deemed to be a nonparticipating candidate for the  
1630 purposes of sections 9-700 to 9-716, inclusive, and shall not be  
1631 penalized for such withdrawal. No participating candidate shall  
1632 withdraw from participation in the Citizens' Election Program after  
1633 applying for an initial grant under section 9-706, as amended by this  
1634 act.

1635 Sec. 36. Section 9-704 of the general statutes is repealed and the  
1636 following is substituted in lieu thereof (*Effective from passage*):

1637 (a) The amount of qualifying contributions that the candidate  
1638 committee of a candidate shall be required to receive in order to be  
1639 eligible for grants from the Citizens' Election Fund shall be:

1640 (1) In the case of a candidate for nomination or election to the office  
1641 of Governor, contributions from individuals in the aggregate amount  
1642 of two hundred fifty thousand dollars, of which two hundred twenty-  
1643 five thousand dollars or more is contributed by individuals residing in

1644 the state. The provisions of this subdivision shall be subject to the  
1645 following: (A) The candidate committee shall return, or transmit to the  
1646 State Elections Enforcement Commission for deposit in the Citizens'  
1647 Election Fund, the portion of any contribution or contributions from  
1648 any individual, including said candidate, that exceeds one hundred  
1649 dollars, and such excess portion shall not be considered in calculating  
1650 such amounts, and (B) all contributions received by (i) an exploratory  
1651 committee established by said candidate, or (ii) an exploratory  
1652 committee or candidate committee of a candidate for the office of  
1653 Lieutenant Governor who is deemed to be jointly campaigning with a  
1654 candidate for nomination or election to the office of Governor under  
1655 subsection (a) of section 9-709, which meet the criteria for qualifying  
1656 contributions to candidate committees under this section shall be  
1657 considered in calculating such amounts; and

1658 (2) In the case of a candidate for nomination or election to the office  
1659 of Lieutenant Governor, Attorney General, State Comptroller, State  
1660 Treasurer or Secretary of the State, contributions from individuals in  
1661 the aggregate amount of seventy-five thousand dollars, of which sixty-  
1662 seven thousand five hundred dollars or more is contributed by  
1663 individuals residing in the state. The provisions of this subdivision  
1664 shall be subject to the following: (A) The candidate committee shall  
1665 return, or transmit to the State Elections Enforcement Commission for  
1666 deposit in the Citizens' Election Fund, the portion of any contribution  
1667 or contributions from any individual, including said candidate, that  
1668 exceeds one hundred dollars, and such excess portion shall not be  
1669 considered in calculating such amounts, and (B) all contributions  
1670 received by an exploratory committee established by said candidate  
1671 that meet the criteria for qualifying contributions to candidate  
1672 committees under this section shall be considered in calculating such  
1673 amounts.

1674 (3) In the case of a candidate for nomination or election to the office  
1675 of state senator for a district, contributions from individuals in the  
1676 aggregate amount of fifteen thousand dollars, including contributions  
1677 from at least three hundred individuals residing in municipalities

1678 included, in whole or in part, in said district. The provisions of this  
1679 subdivision shall be subject to the following: (A) The candidate  
1680 committee shall return, or transmit to the State Elections Enforcement  
1681 Commission for deposit in the Citizens' Election Fund, the portion of  
1682 any contribution or contributions from any individual, including said  
1683 candidate, that exceeds one hundred dollars, and such excess portion  
1684 shall not be considered in calculating the aggregate contribution  
1685 amount under this subdivision, (B) no contribution shall be counted  
1686 for the purposes of the requirement under this subdivision for  
1687 contributions from at least three hundred individuals residing in  
1688 municipalities included, in whole or in part, in the district unless the  
1689 contribution is five dollars or more, and (C) all contributions received  
1690 by an exploratory committee established by said candidate that meet  
1691 the criteria for qualifying contributions to candidate committees under  
1692 this section shall be considered in calculating the aggregate  
1693 contribution amount under this subdivision and all such exploratory  
1694 committee contributions that also meet the requirement under this  
1695 subdivision for contributions from at least three hundred individuals  
1696 residing in municipalities included, in whole or in part, in the district  
1697 shall be counted for the purposes of said requirement.

1698 (4) In the case of a candidate for nomination or election to the office  
1699 of state representative for a district, contributions from individuals in  
1700 the aggregate amount of five thousand dollars, including contributions  
1701 from at least one hundred fifty individuals residing in municipalities  
1702 included, in whole or in part, in said district. The provisions of this  
1703 subdivision shall be subject to the following: (A) The candidate  
1704 committee shall return, or transmit to the State Elections Enforcement  
1705 Commission for deposit in the Citizens' Election Fund, the portion of  
1706 any contribution or contributions from any individual, including said  
1707 candidate, that exceeds one hundred dollars, and such excess portion  
1708 shall not be considered in calculating the aggregate contribution  
1709 amount under this subdivision, (B) no contribution shall be counted  
1710 for the purposes of the requirement under this subdivision for  
1711 contributions from at least one hundred fifty individuals residing in  
1712 municipalities included, in whole or in part, in the district unless the

1713 contribution is five dollars or more, and (C) all contributions received  
1714 by an exploratory committee established by said candidate that meet  
1715 the criteria for qualifying contributions to candidate committees under  
1716 this section shall be considered in calculating the aggregate  
1717 contribution amount under this subdivision and all such exploratory  
1718 committee contributions that also meet the requirement under this  
1719 subdivision for contributions from at least one hundred fifty  
1720 individuals residing in municipalities included, in whole or in part, in  
1721 the district shall be counted for the purposes of said requirement.

1722 (5) Notwithstanding the provisions of subdivisions (3) and (4) of  
1723 this subsection, in the case of a special election for the office of state  
1724 senator or state representative for a district, (A) the aggregate amount  
1725 of qualifying contributions that the candidate committee of a candidate  
1726 for such office shall be required to receive in order to be eligible for a  
1727 grant from the Citizens' Election Fund shall be seventy-five per cent or  
1728 more of the corresponding amount required under the applicable said  
1729 subdivision (3) or (4), and (B) the number of contributions required  
1730 from individuals residing in municipalities included, in whole or in  
1731 part, in said district shall be seventy-five per cent or more of the  
1732 corresponding number required under the applicable said subdivision  
1733 (3) or (4).

1734 (b) Each individual who makes a contribution of more than fifty  
1735 dollars to a candidate committee established to aid or promote the  
1736 success of a participating candidate for nomination or election shall  
1737 include with the contribution a certification that the individual is not a  
1738 communicator lobbyist, a member of the immediate family of a  
1739 communicator lobbyist or a principal of a state contractor or  
1740 prospective state contractor.

1741 (c) The following shall not be deemed to be qualifying contributions  
1742 under subsection (a) of this section and shall be returned by the  
1743 campaign treasurer of the candidate committee to the contributor or  
1744 transmitted to the State Elections Enforcement Commission for deposit  
1745 in the Citizens' Election Fund:

1746 (1) A contribution from a communicator lobbyist or a member of the  
1747 immediate family of a communicator lobbyist;

1748 (2) A contribution from a principal of a state contractor or  
1749 prospective state contractor;

1750 (3) A contribution [of five dollars or more from an individual who  
1751 does not provide the full name and complete address of the  
1752 individual] that is not documented with a signed contribution  
1753 certification document, as required pursuant to subsection (c) of  
1754 section 9-706, as amended by this act; and

1755 (4) A contribution under subdivision (1) or (2) of subsection (a) of  
1756 this section from an individual who does not reside in the state, in  
1757 excess of the applicable limit on contributions from out-of-state  
1758 individuals in subsection (a) of this section.

1759 (d) After a candidate committee receives the applicable aggregate  
1760 amount of qualifying contributions under subsection (a) of this section,  
1761 the candidate committee shall transmit any additional contributions  
1762 that it receives to the State Treasurer for deposit in the Citizens'  
1763 Election Fund.

1764 (e) As used in this section, (1) "communicator lobbyist" has the same  
1765 meaning as provided in section 1-91, (2) "immediate family" means the  
1766 spouse or a dependent child of an individual, and (3) "principal of a  
1767 state contractor or prospective state contractor" has the same meaning  
1768 as provided in subsection (g) of section 9-612.

1769 Sec. 37. Section 9-706 of the general statutes is repealed and the  
1770 following is substituted in lieu thereof (*Effective from passage*):

1771 (a) (1) A participating candidate for nomination to the office of state  
1772 senator or state representative in 2008, or thereafter, or the office of  
1773 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
1774 Secretary of the State or State Treasurer in 2010, or thereafter, may  
1775 apply to the State Elections Enforcement Commission for a grant from  
1776 the fund under the Citizens' Election Program for a primary campaign,

1777 after the close of the state convention of the candidate's party that is  
1778 called for the purpose of choosing candidates for nomination for the  
1779 office that the candidate is seeking, if a primary is required under  
1780 chapter 153, and (A) said party endorses the candidate for the office  
1781 that the candidate is seeking, (B) the candidate is seeking nomination  
1782 to the office of Governor, Lieutenant Governor, Attorney General,  
1783 State Comptroller, State Treasurer or Secretary of the State or the  
1784 district office of state senator or state representative and receives at  
1785 least fifteen per cent of the votes of the convention delegates present  
1786 and voting on any roll-call vote taken on the endorsement or proposed  
1787 endorsement of a candidate for the office the candidate is seeking, or  
1788 (C) the candidate circulates a petition and obtains the required number  
1789 of signatures for filing a candidacy for nomination for (i) the office of  
1790 Governor, Lieutenant Governor, Attorney General, State Comptroller,  
1791 State Treasurer or Secretary of the State or the district office of state  
1792 senator or state representative, pursuant to section 9-400, or (ii) the  
1793 municipal office of state senator or state representative, pursuant to  
1794 section 9-406, whichever is applicable. The State Elections Enforcement  
1795 Commission shall make any such payments to participating candidates  
1796 in accordance with the provisions of subsection (g) of this section.

1797 (2) A participating candidate for nomination to the office of state  
1798 senator or state representative in 2008, or thereafter, or the office of  
1799 Governor, Attorney General, State Comptroller, Secretary of the State  
1800 or State Treasurer in 2010, or thereafter, may apply to the State  
1801 Elections Enforcement Commission for a grant from the fund under  
1802 the Citizens' Election Program for a general election campaign:

1803 (A) After the close of the state or district convention or municipal  
1804 caucus, convention or town committee meeting, whichever is  
1805 applicable, of the candidate's party that is called for the purpose of  
1806 choosing candidates for nomination for the office that the candidate is  
1807 seeking, if (i) said party endorses said candidate for the office that the  
1808 candidate is seeking and no other candidate of said party files a  
1809 candidacy with the Secretary of the State in accordance with the  
1810 provisions of section 9-400 or 9-406, whichever is applicable, (ii) the

1811 candidate is seeking election to the office of Governor, Lieutenant  
1812 Governor, Attorney General, State Comptroller, State Treasurer or  
1813 Secretary of the State or the district office of state senator or state  
1814 representative and receives at least fifteen per cent of the votes of the  
1815 convention delegates present and voting on any roll-call vote taken on  
1816 the endorsement or proposed endorsement of a candidate for the office  
1817 the candidate is seeking, no other candidate for said office at such  
1818 convention either receives the party endorsement or said percentage of  
1819 said votes for said endorsement or files a certificate of endorsement  
1820 with the Secretary of the State in accordance with the provisions of  
1821 section 9-388 or a candidacy with the Secretary of the State in  
1822 accordance with the provisions of section 9-400, and no other  
1823 candidate for said office circulates a petition and obtains the required  
1824 number of signatures for filing a candidacy for nomination for said  
1825 office pursuant to section 9-400, (iii) the candidate is seeking election to  
1826 the office of Governor, Lieutenant Governor, Attorney General, State  
1827 Comptroller, State Treasurer or Secretary of the State or the district  
1828 office of state senator or state representative, circulates a petition and  
1829 obtains the required number of signatures for filing a candidacy for  
1830 nomination for said office pursuant to section 9-400 and no other  
1831 candidate for said office at the state or district convention either  
1832 receives the party endorsement or said percentage of said votes for  
1833 said endorsement or files a certificate of endorsement with the  
1834 Secretary of the State in accordance with the provisions of section 9-388  
1835 or a candidacy with the Secretary of the State in accordance with the  
1836 provisions of section 9-400, or (iv) the candidate is seeking election to  
1837 the municipal office of state senator or state representative, circulates a  
1838 petition and obtains the required number of signatures for filing a  
1839 candidacy for nomination for the office the candidate is seeking  
1840 pursuant to section 9-406 and no other candidate for said office at the  
1841 caucus, convention or town committee meeting either receives the  
1842 party endorsement or files a certification of endorsement with the  
1843 town clerk in accordance with the provisions of section 9-391;

1844 (B) After any primary held by such party for nomination for said  
1845 office, if the Secretary of the State declares that the candidate is the

1846 party nominee in accordance with the provisions of section 9-440;

1847 (C) In the case of a minor party candidate, after the nomination of  
1848 such candidate is certified and filed with the Secretary of the State  
1849 pursuant to section 9-452; or

1850 (D) In the case of a petitioning party candidate, after approval by  
1851 the Secretary of the State of such candidate's nominating petition  
1852 pursuant to section 9-453o.

1853 (3) A participating candidate for nomination to the office of state  
1854 senator or state representative at a special election in 2008, or  
1855 thereafter, may apply to the State Elections Enforcement Commission  
1856 for a grant from the fund under the Citizens' Election Program for a  
1857 general election campaign after the close of the district convention or  
1858 municipal caucus, convention or town committee meeting of the  
1859 candidate's party that is called for the purpose of choosing candidates  
1860 for nomination for the office that the candidate is seeking.

1861 (4) Notwithstanding the provisions of subdivisions (1) and (2) of  
1862 this subsection, no participating candidate for nomination or election  
1863 who changes the candidate's status as a major party, minor party or  
1864 petitioning party candidate or becomes a candidate of a different  
1865 party, after filing the affidavit required under section 9-703, shall be  
1866 eligible to apply for a grant under the Citizens' Election Program for  
1867 such candidate's primary campaign for such nomination or general  
1868 election campaign for such election. The provisions of this subdivision  
1869 shall not apply in the case of a candidate who is nominated by more  
1870 than one party and does not otherwise change the candidate's status as  
1871 a major party, minor party or petitioning party candidate.

1872 (b) The application shall include a written certification that:

1873 (1) The candidate committee has received the required amount of  
1874 qualifying contributions;

1875 (2) The candidate committee has repaid all moneys borrowed on  
1876 behalf of the campaign, as required by subsection (b) of section 9-710;

1877 (3) The candidate committee has either returned any contribution  
1878 [of five dollars or more from an individual who does not include the  
1879 individual's name and address with the contribution] that is not  
1880 documented with a signed contribution certification document, as  
1881 required by subsection (c) of this section, or has transmitted any such  
1882 contribution to the State Elections Enforcement Commission for  
1883 deposit in the Citizens' Election Fund;

1884 (4) The candidate committee has either returned all contributions or  
1885 portions of contributions that do not meet the criteria for qualifying  
1886 contributions under section 9-704, or has transmitted any such  
1887 contribution to the State Elections Enforcement Commission for  
1888 deposit in the Citizens' Election Fund and the candidate committee has  
1889 transmitted all excess qualifying contributions to the Citizens' Election  
1890 Fund;

1891 (5) The campaign treasurer of the candidate committee will:  
1892 [comply] (A) Comply with the provisions of [sections 9-700 to 9-716 ,  
1893 inclusive] chapters 155 and 157 and any regulation adopted pursuant  
1894 to said chapters, and (B) maintain and furnish all records required  
1895 pursuant to chapters 155 and 157;

1896 (6) All moneys received from the Citizens' Election Fund will be  
1897 deposited upon receipt into the depository account of the candidate  
1898 committee;

1899 (7) The campaign treasurer of the candidate committee will expend  
1900 all moneys received from the fund in accordance with the provisions of  
1901 subsection (g) of section 9-607 and regulations adopted by the State  
1902 Elections Enforcement Commission under subsection (e) of this  
1903 section; and

1904 (8) If the candidate withdraws from the campaign, becomes  
1905 ineligible or dies during the campaign, the candidate committee of the  
1906 candidate will return to the commission, for deposit in the fund, all  
1907 moneys received from the fund pursuant to sections 9-700 to 9-716,  
1908 inclusive, which said candidate committee has not spent as of the date

1909 of such occurrence.

1910 (c) The application shall be accompanied by (1) a cumulative  
1911 itemized accounting of all funds received, expenditures made and  
1912 expenses incurred but not yet paid by the candidate committee as of  
1913 three days before the [date that the application is signed] applicable  
1914 application deadline contained in subsection (g) of this section, (2) a  
1915 signed contribution certification document for each qualifying  
1916 contribution, and (3) any documentation required by the commission  
1917 concerning any exploratory committee established by such candidate.  
1918 Such accounting shall be sworn to under penalty of false statement by  
1919 the campaign treasurer of the candidate committee. Such contribution  
1920 certification document shall contain the following information: (A) The  
1921 name of the contributor, (B) the contributor's signature, (C) the  
1922 contributor's residential address, including zip code, (D) the  
1923 contributor's telephone number, (E) the amount of the contribution, (F)  
1924 the form of the contribution, (G) the date of the contribution, as filled-  
1925 in by the contributor, and (H) the candidate committee's name.  
1926 Additionally, the following statement shall be placed above the line for  
1927 the contributor's signature on such contribution certification  
1928 document: "I hereby affirm that this contribution is being made from  
1929 my personal funds, is not being reimbursed in any manner, is not  
1930 being made as a loan, and is not otherwise a prohibited contribution."  
1931 The commission shall prescribe the form of the application and the  
1932 cumulative itemized accounting. The form for such accounting shall  
1933 conform to the requirements of section 9-608. Both the candidate and  
1934 the campaign treasurer of the candidate committee shall sign the  
1935 application.

1936 (d) [Not later than three business days following receipt of any such  
1937 application] In accordance with the provisions of subsection (g) of this  
1938 section, the commission shall review the application, determine  
1939 whether (1) the candidate committee for the applicant has received the  
1940 required qualifying contributions, (2) in the case of an application for a  
1941 grant from the fund for a primary campaign, the applicant has met the  
1942 applicable condition under subsection (a) of this section for applying

1943 for such grant and complied with the provisions of subsections (b) and  
1944 (c) of this section, (3) in the case of an application for a grant from the  
1945 fund for a general election campaign, the applicant has met the  
1946 applicable condition under subsection (a) of this section for applying  
1947 for such moneys and complied with the provisions of subsections (b)  
1948 and (c) of this section, and (4) in the case of an application by a minor  
1949 party or petitioning party candidate for a grant from the fund for a  
1950 general election campaign, the applicant qualifies as an eligible minor  
1951 party candidate or an eligible petitioning party candidate, whichever is  
1952 applicable. If the commission approves an application, the commission  
1953 shall determine the amount of the grant payable to the candidate  
1954 committee for the applicant pursuant to section 9-705 from the fund,  
1955 and notify the State Comptroller and the candidate of such candidate  
1956 committee, of such amount. Not later than two business days  
1957 following notification by the commission, the State Comptroller shall  
1958 draw an order on the State Treasurer for payment of such amount to  
1959 the qualified candidate committee from the fund.

1960 (e) The State Elections Enforcement Commission shall adopt  
1961 regulations, in accordance with the provisions of chapter 54, on  
1962 permissible expenditures under subsection (g) of section 9-607 for  
1963 qualified candidate committees receiving grants from the fund under  
1964 sections 9-700 to 9-716, inclusive.

1965 (f) If a nominated participating candidate dies, withdraws the  
1966 candidate's candidacy or becomes disqualified to hold the office for  
1967 which the candidate has been nominated after the commission  
1968 approves the candidate's application for a grant under this section, the  
1969 candidate committee of the candidate who is nominated to replace said  
1970 candidate pursuant to section 9-460 shall be eligible to receive grants  
1971 from the fund without complying with the provisions of section 9-704,  
1972 if said replacement candidate files an affidavit under section 9-703, as  
1973 amended by this act, certifying the candidate's intent to abide by the  
1974 expenditure limits set forth in subsection (c) of section 9-702, as  
1975 amended by this act, and notifies the commission on a form prescribed  
1976 by the commission.

1977        (g) Any application submitted pursuant to this section shall be  
1978 submitted in accordance with the following deadlines: (1) By four  
1979 o'clock p.m. on the second Friday in May of the year that the primary  
1980 or election will be held at which such participating candidate will seek  
1981 nomination or election, or (2) by four o'clock p.m. on any subsequent  
1982 Friday of such year. No application shall be accepted by the  
1983 commission after four o'clock p.m. on the second to last Friday prior to  
1984 the primary or election at which such participating candidate will seek  
1985 nomination or election. Not later than five business days following any  
1986 such deadline, the commission shall review any application received  
1987 by such deadline, in accordance with the provisions of subsection (d)  
1988 of this section, and determine whether such application shall be  
1989 approved or disapproved. The State Elections Enforcement  
1990 Commission may adopt regulations, in accordance with the provisions  
1991 of chapter 54, to establish application deadlines and payment  
1992 schedules for participating candidates in a special election.

1993        Sec. 38. Section 9-751 of the general statutes is repealed and the  
1994 following is substituted in lieu thereof (*Effective from passage*):

1995        Any person, business entity, organization, party committee or  
1996 political committee, as such terms are defined in section 9-601, may  
1997 contribute to the Citizens' Election Fund established in section 9-701.  
1998 Any such contribution shall be made by check or money order,  
1999 provided any such contribution from a party committee or political  
2000 committee shall be made by a check drawn on such committee's  
2001 designated checking account. The State Elections Enforcement  
2002 Commission shall immediately transmit all contributions received  
2003 pursuant to this section to the State Treasurer for deposit in the  
2004 Citizens' Election Fund.

2005        Sec. 39. (*Effective July 1, 2007*) The sum of five hundred thousand  
2006 dollars is appropriated to the Department of Transportation, from the  
2007 General Fund, for the fiscal year ending June 30, 2008, for the purpose  
2008 of providing a grant to the Greater New Haven Transit District for the  
2009 acquisition and installation of a hydrogen fueling station and

2010 maintenance facility in Hamden for use by hydrogen powered vehicles  
2011 owned by the Greater New Haven Transit District and the town of  
2012 Hamden.

2013       Sec. 40. (NEW) (*Effective from passage*) (a) There is established a State  
2014 Contracting Standards Board that shall consist of thirteen members  
2015 appointed as follows: Seven members by the Governor, one member  
2016 by the speaker of the House of Representatives, one member by the  
2017 president pro tempore of the Senate, one member by the majority  
2018 leader of the Senate, one member by the minority leader of the Senate,  
2019 one member by the majority leader of the House of Representatives  
2020 and one member by the minority leader of the House of  
2021 Representatives.

2022       (b) Each member shall be appointed in accordance with the  
2023 provisions of section 4-7 of the general statutes and have demonstrated  
2024 sufficient knowledge by education, training or experience in several of  
2025 the following enumerated areas: (1) Procurement; (2) contract  
2026 negotiation, selection and drafting; (3) contract risk assessment; (4)  
2027 competitive bidding and proposal procedures; (5) real estate  
2028 transactions, including the purchase, sale and lease of real estate and  
2029 buildings; (6) building construction and architecture; (7) business  
2030 insurance and bonding; (8) ethics in public contracting; (9) federal and  
2031 state statutes, procurement policies and regulations; (10) outsourcing  
2032 and privatization analysis; (11) small and minority business enterprise  
2033 development; (12) engineering and information technologies; and (13)  
2034 personnel and labor relations, provided such education, training or  
2035 experience was acquired over not less than a continuous five-year  
2036 period within the ten-year period preceding such appointment.

2037       (c) The chairperson of the board shall be appointed by the members  
2038 of the board. The terms of the members shall be coterminous with the  
2039 terms of the appointing authority for each member. If any vacancy  
2040 occurs on the board, the appointing authority having the power to  
2041 make the appointment under the provisions of this section shall  
2042 appoint a person in accordance with the provisions of this section.

2043 (d) The State Contracting Standards Board shall be an independent  
2044 body within the Executive Department.

2045 (e) The chairperson of the board and other members of the board  
2046 shall be compensated two hundred dollars per diem. No person shall  
2047 serve on the board who is a full-time state or municipal employee. No  
2048 board member or any spouse, child, stepchild, parent or sibling of such  
2049 board member shall be directly involved in any enterprise that does  
2050 business with the state.

2051 (f) The Governor shall appoint an executive director of the board  
2052 who shall serve as an ex-officio, nonvoting member of the board. The  
2053 executive director shall be appointed in accordance with the provisions  
2054 of section 4-7 of the general statutes and may be removed from office  
2055 for reasonable cause, in accordance with chapter 67 of the general  
2056 statutes. The board shall, annually, conduct a performance evaluation  
2057 of such executive director. The executive director shall report to the  
2058 chairperson of the board and, in consultation with the Chief  
2059 Procurement Officer, (1) conduct comprehensive planning with respect  
2060 to the administrative functions of the board; (2) coordinate the budget  
2061 and personnel activities of the board; (3) cause the administrative  
2062 organization of the board to be examined with a view to promoting  
2063 economy and efficiency; (4) act as the external liaison for the board;  
2064 and, (5) execute such other duties as may be assigned by the  
2065 chairperson of the board. The executive director may enter into such  
2066 contractual agreements as may be necessary for the discharge of the  
2067 director's duties.

2068 (g) The board shall appoint a Chief Procurement Officer for a term  
2069 not to exceed six years, unless reappointed pursuant to the provisions  
2070 of this subsection. The Chief Procurement Officer shall be supervised  
2071 by the chairperson and annually evaluated by, and serve at the  
2072 pleasure of the board.

2073 (1) The Chief Procurement Officer shall be responsible for carrying  
2074 out the policies of the board including, but not limited to, oversight,  
2075 investigation, auditing, agency procurement certification and

2076 procurement and project management training and enforcement of  
2077 said policies as well as the application of such policies to the screening  
2078 and evaluation of current and prospective contractors. The Chief  
2079 Procurement Officer may enter into such contractual agreements as  
2080 as may be necessary for the discharge of the duties as set forth in this  
2081 subsection and by the board, including, but not limited to,  
2082 recommending best practices and providing operational and  
2083 administrative assistance to state agencies determined, by the board, to  
2084 be in violation of this act.

2085 (2) In addition to the duties set forth by the board, the Chief  
2086 Procurement Officer shall (A) oversee state contracting agency  
2087 compliance with the provisions of the uniform procurement code; (B)  
2088 monitor and assess the procurement duties of each Agency  
2089 Procurement Officer; (C) administer the certification system and  
2090 monitor the level of agency compliance with the requirements of the  
2091 uniform procurement code, including, but not limited to, the education  
2092 and training, performance and qualifications of agency contract  
2093 officers; (D) review and monitor the procurement processes of each  
2094 state contracting agency, quasi-public agencies and institutions of  
2095 higher education; and (E) serve as chairperson of the Contracting  
2096 Standards Advisory Council and an ex-officio member of the Vendor  
2097 and Citizen Advisory Panel.

2098 (h) The board may contract with consultants and professionals on a  
2099 temporary or project by project basis and may employ, subject to the  
2100 provisions of chapter 67 of the general statutes, such employees as may  
2101 be necessary to carry out the provisions of this section.

2102 (i) The reasonable expenses of the State Contracting Standards  
2103 Board and its employees shall be paid from the budget of the board,  
2104 upon the approval of the board.

2105 (j) No employee of the State Contracting Standards Board shall hold  
2106 another state or full-time municipal position. No nonclerical employee  
2107 of the board or any spouse, child, stepchild, parent or sibling of such  
2108 employee shall be directly involved in any enterprise that does

2109 business with the state. Each member and employee of the State  
2110 Contracting Standards Board shall file, with the board and with the  
2111 Office of State Ethics, a financial statement indicating all sources of  
2112 business income of such person in excess of one thousand dollars, and  
2113 the name of any business with which such member or employee is  
2114 associated, as defined in subsection (b) of section 1-79 of the general  
2115 statutes. Such statement shall be a public record. Financial statements  
2116 for the preceding calendar year shall be filed with the board, as  
2117 required by law, if such employee or member held such a position  
2118 during the preceding calendar year.

2119 (k) Any violation of the provisions of subsection (j) of this section  
2120 shall constitute a violation of part I of chapter 10 of the general statutes  
2121 and may be the subject of a complaint and investigation filed and  
2122 conducted in accordance with the provisions of section 1-82 of the  
2123 general statutes.

2124 (l) The board shall adopt such rules as it deems necessary for the  
2125 conduct of its internal affairs, in accordance with section 4-167 of the  
2126 general statutes, including, but not limited to, rules of procedure for  
2127 any audit undertaken pursuant to section 44 of this act.

2128 (m) Seven members of the board shall constitute a quorum which  
2129 shall be required for the transaction of business by the board.

2130 Sec. 41. (NEW) (*Effective from passage*) (a) All rights, powers, duties,  
2131 and authority relating to the procurement policies of the state, vested  
2132 in, or exercised by, any state contracting agency are hereby transferred  
2133 to the board, and include the following:

2134 (1) Acquisition of supplies, services, and construction, and the  
2135 management, control, warehousing, sale, and disposal of supplies,  
2136 services, and construction;

2137 (2) Any state contracting and procurement processes, including, but  
2138 not limited to, leasing and property transfers, purchasing or leasing of  
2139 supplies, materials or equipment, consultant or consultant services,

2140 purchase of service agreements or privatization contracts as defined in  
2141 this act; and

2142 (3) Contracts for the construction, reconstruction, alteration,  
2143 remodeling, repair or demolition of any public building.

2144 (b) Upon request by the board, each state contracting agency shall  
2145 provide the board, in a timely manner, with such procurement  
2146 information as the board deems necessary. The board shall have access  
2147 to all information, files and records related to any state contracting  
2148 agency in furtherance of this purpose. Nothing in this section shall be  
2149 construed to require the board's disclosure of documents that are  
2150 exempt from disclosure pursuant to chapter 14 of the general statutes  
2151 or that may be protected from disclosure under claim of an attorney-  
2152 client privilege.

2153 (c) Nothing in this section shall be construed to require the  
2154 application of uniform procurement code procedures when such  
2155 procurement involves the expenditure of federal assistance or contract  
2156 funds and federal law provides applicable procurement procedures to  
2157 the extent such procedures are inconsistent with the uniform  
2158 procurement code.

2159 Sec. 42. (NEW) (*Effective from passage*) Except as otherwise provided  
2160 in the general statutes, the board shall have the following authority  
2161 and responsibilities:

2162 (a) Recommend the repeal of repetitive, conflicting or obsolete  
2163 statutes concerning state procurement;

2164 (b) Review proposed legislation and regulations concerning  
2165 procurement, as well as, institute policies governing the procurement,  
2166 management, control, and disposal of any and all supplies, services,  
2167 and construction to be procured by the state, including, but not limited  
2168 to:

2169 (1) Conditions and procedures for delegation of procurement  
2170 authority;

- 2171 (2) Prequalification, suspension, debarment and reinstatement of  
2172 prospective bidders and contractors;
- 2173 (3) Small purchase procedures;
- 2174 (4) Conditions and procedures for the procurement of perishables  
2175 and items for resale;
- 2176 (5) Conditions and procedures for the use of source selection  
2177 methods authorized by the uniform procurement code;
- 2178 (6) Conditions and procedures for the use of emergency  
2179 procurements;
- 2180 (7) Conditions and procedures for the selection of contractors by  
2181 processes or methods that restrict full and open competition;
- 2182 (8) The opening or rejection of bids and offers, and waiver of errors  
2183 in bids and offers;
- 2184 (9) Confidentiality of technical data and trade secrets submitted by  
2185 actual or prospective bidders;
- 2186 (10) Partial, progressive, and multiple awards;
- 2187 (11) Supervision of storerooms and inventories, including  
2188 determination of appropriate stock levels and the management,  
2189 transfer, sale, or other disposal of publicly-owned supplies;
- 2190 (12) Definitions and classes of contractual services and procedures  
2191 for acquiring such services;
- 2192 (13) Regulations providing for conducting cost and price analysis;
- 2193 (14) Use of payment and performance bonds;
- 2194 (15) Guidelines for use of cost principles in negotiations,  
2195 adjustments, and settlements; and
- 2196 (16) Identification of procurement best practices;

2197 (c) Adopt regulations, pursuant to chapter 54 of the general statutes,  
2198 to carry out the provisions of the uniform procurement code, in order  
2199 to facilitate consistent application of the law and require the  
2200 implementation of procurement best practices;

2201 (d) Develop, acquire, implement, provide oversight and  
2202 management of information systems for state procurement including,  
2203 but not limited to data element and design and the state contracting  
2204 portal;

2205 (e) Develop, publish and maintain the uniform procurement code  
2206 for all state contracting agencies;

2207 (f) Assist state contracting agencies in complying with the uniform  
2208 procurement code by providing guidance, models, advice and  
2209 practical assistance to state contracting agency staff relating to: (1)  
2210 Buying the best service at the best price, (2) properly selecting  
2211 contractors, and (3) drafting contracts that achieve state goals of  
2212 accountability, transparency and results based outcomes and to protect  
2213 taxpayers' interest;

2214 (g) Coordinate the Agency Procurement Officers of each state  
2215 contracting agency and any contracting officers thereunder;

2216 (1) The head of each state contracting agency shall appoint a senior  
2217 official as the Agency Procurement Officer. Such officer shall serve as  
2218 the liaison between the agency and the Chief Procurement Officer on  
2219 all matters relating to the agency's procurement activity; including, but  
2220 not limited to, implementation and compliance with the provisions of  
2221 the uniform procurement code and any policies or regulations adopted  
2222 by the board, coordination of the training and education of agency  
2223 procurement employees and any person serving on the Contract  
2224 Standards Advisory Council;

2225 (2) The Agency Procurement Officer shall be responsible for  
2226 assuring that contractors are properly screened prior to the award of a  
2227 contract, evaluating contractor performance during and at the

2228 conclusion of a contract, submitting written evaluations to a central  
2229 data repository to be designated by the board and creating a project  
2230 management plan for the agency with annual reports to the board  
2231 pertaining to procurement projects within the agency;

2232 (h) Review and certify, on or after July 1, 2008, that a state  
2233 contracting agency's procurement processes are in compliance with the  
2234 uniform procurement code by:

2235 (1) Establishing procurement and project management education  
2236 and training criteria and certification procedures for Agency  
2237 Procurement Officers and contracting officers. All Agency  
2238 Procurement Officers and contracting officers designated under this  
2239 provision shall be required to maintain the certification in good  
2240 standing at all times while performing procurement functions;

2241 (2) Approving an ethics training course, including, but not limited  
2242 to, state employees involved in procurement and for state contractors  
2243 and substantial subcontractors who are prequalified. Such ethics  
2244 training course may be developed and provided by the Office of State  
2245 Ethics or by any person, firm or corporation provided such course is  
2246 approved by the State Contracting Standards Board;

2247 (i) Recertify each state contracting agency's procurement processes,  
2248 triennially, and provide agencies with notice of any certification  
2249 deficiency and exercise authority if a determination of noncompliance  
2250 is made;

2251 (j) Define the contract data reporting requirements to the board for  
2252 state agencies concerning information on: (1) The number and type of  
2253 state contracts currently in effect state-wide; (2) the term and dollar  
2254 value of such contracts; (3) a list of client agencies; (4) a description of  
2255 services purchased under such contracts; (5) contractor names; (6) an  
2256 evaluation of contractor performance, including, but not limited to  
2257 records pertaining to the suspension or disqualification of contractors,  
2258 and assuring such information is available on the state contracting  
2259 portal; and (7) a list of contracts and contractors awarded without full

2260 and open competition stating the reasons for and identifying the  
2261 approving authority; and

2262 (k) Provide the Governor and the joint standing committee of the  
2263 General Assembly having cognizance of matters relating to  
2264 government administration with recommendations concerning the  
2265 uniform procurement code.

2266 Sec. 43. (NEW) (*Effective from passage*) (a) The State Contracting  
2267 Standards Board, with the advice and assistance of the Commissioner  
2268 of Administrative Services, shall develop a standardized state  
2269 procurement and project management education and training  
2270 program. Such education and training program shall develop  
2271 education, training and professional development opportunities for  
2272 employees of state contracting agencies charged with procurement  
2273 responsibilities. The program shall educate such employees in general  
2274 business acumen and on proper purchasing procedures as established  
2275 in the uniform procurement code with an emphasis on ethics, fairness,  
2276 consistency and project management. Participation in the program  
2277 shall be required of any supervisory and nonsupervisory state  
2278 employees in state contracting agencies with responsibility for buying,  
2279 purchasing, renting, leasing or otherwise acquiring any supplies,  
2280 service or construction, including the preparation of the description of  
2281 requirements, selection and solicitation of sources, preparation and  
2282 award of contracts and all phases of contract administration.

2283 (b) The program shall include, but shall not be limited to (1) training  
2284 and education concerning federal, state and municipal procurement  
2285 processes, including the state procurement code and principals of  
2286 project management; (2) training and education courses developed in  
2287 cooperation with the Office of State Ethics, the Freedom of Information  
2288 Commission, the State Elections Enforcement Commission, the  
2289 Commission on Human Rights and Opportunities, the office of the  
2290 Attorney General and any other state agency the board determines is  
2291 necessary in carrying out the purposes of the uniform procurement  
2292 code; (3) providing technical assistance to state contracting agencies

2293 and municipalities for implementing the uniform procurement code,  
2294 regulations, policies and standards developed by the board; (4)  
2295 training to current and prospective contractors and vendors and others  
2296 seeking to do business with the state; and (5) training and education of  
2297 state employees in the area of best procurement practices in state  
2298 purchasing with the goal of achieving the level of acumen necessary to  
2299 achieve the objectives of the uniform procurement code.

2300 (c) Any employee that completes the program established under  
2301 subsection (a) of this section shall be issued documentation by the  
2302 board acknowledging such employee's participation in the program.  
2303 The board shall submit an annual report to the Governor and the  
2304 General Assembly on the status of such program.

2305 (d) The board shall adopt regulations, in accordance with the  
2306 provisions of chapter 54 of the general statutes, to develop and  
2307 implement the training and education program established under  
2308 subsection (a) of this section.

2309 Sec. 44. (NEW) (*Effective from passage*) (a) The board shall conduct  
2310 audits of state contracting agencies, triennially, to ensure compliance  
2311 with the uniform procurement code. In conducting such audit, the  
2312 board shall have access to all contracting and procurement records,  
2313 may interview any and all personnel responsible for contracting,  
2314 contract negotiations or procurement and may enter into an agreement  
2315 with the Auditors of Public Accounts to effectuate such audit.

2316 (b) Upon completion of any such audit, the board shall prepare and  
2317 issue a compliance report for such state contracting agency. Such  
2318 report shall identify any process or procedure that is inconsistent with  
2319 the uniform procurement code and indicate those corrective measures  
2320 the board deems necessary to comply with uniform procurement code  
2321 requirements. Such report shall be issued and delivered not later than  
2322 thirty days after completion of such audit and shall be a public record.

2323 Sec. 45. (NEW) (*Effective from passage*) (a) For cause, the State  
2324 Contracting Standards Board may review, terminate or recommend

2325 termination of any contract or procurement agreement undertaken by  
2326 any state contracting agency after providing fifteen days notice to the  
2327 state contracting agency and the applicable contractor, and consulting  
2328 with the Attorney General. Such termination of a contract or  
2329 procurement agreement by the board may occur only after (1) the  
2330 board has consulted with the contracting agency to determine the  
2331 impact of an immediate termination of the contract, (2) a determination  
2332 has been made jointly by the board and the contracting agency that an  
2333 immediate termination of the contract will not create imminent peril to  
2334 the public health, safety or welfare, and (3) a vote of two-thirds of the  
2335 members of the board present and voting for that purpose. Such action  
2336 shall be accompanied by notice to the state contracting agency and any  
2337 other affected party. For the purpose of this section, "for cause" means:  
2338 (A) A violation of section 1-84 or 1-86e of the general statutes; (B)  
2339 wanton or reckless disregard of any state contracting and procurement  
2340 process by any person substantially involved in such contract or state  
2341 contracting agency; or (C) notification from the Attorney General to  
2342 the state contracting agency that an investigation pursuant to section 4-  
2343 61dd of the general statutes has concluded that the process by which  
2344 such contract was awarded was compromised by fraud, collusion or  
2345 other serious ethical improprieties.

2346 (b) Following consultation with the state contracting agency and  
2347 upon providing fifteen days' notice and the opportunity for a hearing,  
2348 the State Contracting Standards Board may restrict or terminate the  
2349 authority of any state contracting agency to enter into any contract or  
2350 procurement agreement if: (1) The board, upon a vote of two-thirds of  
2351 the members of the board present and voting for such purpose,  
2352 determines that such state contracting agency failed to comply with  
2353 statutory contracting and procurement requirements and evidenced a  
2354 reckless disregard for applicable procedures and policy; and (2) such  
2355 limitation, restriction or termination of authority is in the state's best  
2356 interest, provided the board has made arrangements for the exercise of  
2357 the contracting power of such agency during the period of limitation,  
2358 restriction or termination. Such limitation, restriction or termination of  
2359 authority shall remain in effect until such time as the board determines

2360 that such state contracting agency has implemented corrective  
2361 measures and demonstrated compliance with uniform procurement  
2362 code requirements.

2363 (c) Following consultation with the state contracting agency, and  
2364 thereafter upon providing fifteen days' notice and the opportunity for  
2365 a hearing, the State Contracting Standards Board may require a state  
2366 contracting agency to take appropriate action to restrict or terminate  
2367 the authority of an employee or agent to enter into any contract or  
2368 procurement agreement if the board, upon a vote of two-thirds of the  
2369 members of the board present and voting for such purpose, determines  
2370 that such employee or agent failed to comply with statutory  
2371 contracting and procurement requirements, and evidenced a reckless  
2372 disregard for applicable procedures and policy. Such limitation,  
2373 restriction or termination of authority shall remain in effect until such  
2374 time as the board determines that such state contracting agency has  
2375 implemented corrective measures and demonstrated compliance with  
2376 uniform procurement code requirements.

2377 Sec. 46. (NEW) (*Effective from passage*) There is established a  
2378 Contracting Standards Advisory Council, which shall consist of  
2379 representatives from the Office of Policy and Management,  
2380 Departments of Administrative Services, Transportation, Public Works  
2381 and Information Technology and representatives of at least three  
2382 additional contracting agencies designated by the Governor. The Chief  
2383 Procurement Officer shall be a member of the council and serve as  
2384 chairperson. The advisory council shall meet at least four times per  
2385 year to discuss state procurement issues of the council and to make  
2386 recommendations for improvement of the procurement processes to  
2387 the State Contracting Standards Board. The advisory council may  
2388 conduct studies, research and analyses and make reports and  
2389 recommendations with respect to subjects or matters within the  
2390 jurisdiction of the State Contracting Standards Board.

2391 Sec. 47. (NEW) (*Effective from passage*) (a) There shall be a Vendor  
2392 and Citizen Advisory Panel, comprised of fifteen members appointed,

2393 as follows: Three members by the Governor, two members by each of  
2394 the following: The speaker of the House of Representatives, the  
2395 majority and minority leaders of the House of Representatives, the  
2396 president pro tempore of the Senate and the majority and minority  
2397 leaders of the Senate. There shall be no more than six vendors with  
2398 state procurement experience on the panel and the remaining citizen  
2399 members shall have demonstrated sufficient knowledge by education,  
2400 training or experience in several of the following enumerated areas: (1)  
2401 Government procurement; (2) contract negotiation, drafting and  
2402 management; (3) contract risk assessment; (4) preparing requests for  
2403 proposals, invitations to bid and other procurement solicitations; (5)  
2404 evaluating proposals, bids and quotations; (6) real property  
2405 transactions; (7) business insurance and bonding; (8) the state code of  
2406 ethics; (9) federal and state statutes, policies and regulations; (10)  
2407 outsourcing and privatization proposal analysis; (11) governmental  
2408 taxation and finance; and (12) small and minority business enterprise  
2409 development, provided such education, training or experience shall  
2410 have been acquired over not less than a continuous five-year period  
2411 and within the ten-year period preceding such appointment. The  
2412 chairperson of the panel shall be the Chief Procurement Officer, who  
2413 shall be an ex-officio member.

2414 (b) The panel shall make recommendations to the board regarding  
2415 best practices in state procurement processes and project management  
2416 as well as other issues pertaining to stakeholders in the system.

2417 Sec. 48. (NEW) (*Effective from passage*) (a) On and after October 1,  
2418 2009, the powers, duties, obligations and other governmental functions  
2419 of the State Properties Review Board, established under subsection (a)  
2420 of section 4b-3 of the general statutes, shall transfer to the State  
2421 Contracting Standards Board. The powers, duties, obligations and  
2422 other governmental functions of the State Properties Review Board,  
2423 shall thereafter vest in the State Contracting Standards Board, in  
2424 accordance with the provisions of sections 4-38d and 4-39 of the  
2425 general statutes.

2426 (b) On or before October 1, 2009, the State Contracting Standards  
2427 Board shall establish a three-member subcommittee of the board to be  
2428 known as the state properties review subcommittee to perform the  
2429 duties described under subsection (a) of this section. The  
2430 subcommittee shall perform the duties established under subsection  
2431 (a) of this section in accordance with rules and procedures established  
2432 by the board. The State Contracting Standards Board shall constitute a  
2433 successor department to the State Properties Review Board in  
2434 accordance with the provisions of sections 4-38d and 4-39 of the  
2435 general statutes.

2436 Sec. 49. (NEW) (*Effective from passage*) (a) The board shall be  
2437 available to provide assistance to the Secretary of the State,  
2438 Comptroller, Treasurer and Attorney General to develop best  
2439 procurement practices specific to the constitutional responsibilities of  
2440 each office and consistent with the provisions of the uniform  
2441 procurement code.

2442 (b) Each of the above-referenced officers shall adopt a code of  
2443 procurement practices on or before July 1, 2009.

2444 Sec. 50. (NEW) (*Effective from passage*) (a) On or before January 1,  
2445 2009, the Judicial Branch and the Legislative Branch shall prepare a  
2446 procurement code applicable to contracting expenditures, including,  
2447 but not limited to, expenditures: (1) Involving contracting and  
2448 procurement processes for purchasing or leasing of supplies, materials  
2449 or equipment, consultant or consultant services, personal service  
2450 agreements or purchase of service agreements; and (2) relating to  
2451 contracts for the renovation, alteration or repair of any Judicial Branch  
2452 and the Legislative Branch facility in accordance with section 4b-1 of  
2453 the general statutes.

2454 (b) The procurement code described in subsection (a) of this section  
2455 shall be designed to: (1) Establish uniform contracting standards and  
2456 practices; (2) simplify and clarify contracting standards and  
2457 procurement policies and practices, including, but not limited to,  
2458 procedures for competitive sealed bids, competitive sealed proposals,

2459 small purchases, sole source procurements, emergency procurements  
2460 and special procurements; (3) ensure the fair and equitable treatment  
2461 of all businesses and persons who deal with the procurement system;  
2462 (4) include a process to maximize the use of small contractors and  
2463 minority business enterprises; (5) provide increased economy in  
2464 procurement activities and maximize purchasing value to the fullest  
2465 extent possible; (6) ensure that the procurement of supplies, materials,  
2466 equipment, services, real property and construction is obtained in a  
2467 cost-effective and responsive manner; (7) include a process to ensure  
2468 contractor and Judicial Branch accountability; and (8) provide a  
2469 process for competitive sealed bids, competitive sealed proposals,  
2470 small purchases, sole source procurements, emergency procurements,  
2471 special procurements, best value selection, qualification based  
2472 selection and the conditions for their use.

2473 (c) On or before February 1, 2009, the Judicial Branch shall submit  
2474 such procurement code for review and approval to the joint standing  
2475 committee of the General Assembly having cognizance of matters  
2476 relating to the judiciary.

2477 (d) On or before February 1, 2009, the Joint Committee on  
2478 Legislative Management shall develop such procurement code.

2479 Sec. 51. (NEW) (*Effective from passage*) (a) The Department of  
2480 Administrative Services, in consultation with the State Contracting  
2481 Standards Board, shall establish and maintain a single electronic portal  
2482 available on the World Wide Web and located on the Department of  
2483 Administrative Services' web site for purposes of posting all  
2484 contracting opportunities with state agencies in the executive branch,  
2485 the constituent units of the state system of higher education and quasi-  
2486 public agencies. Such electronic portal shall be know as the State  
2487 Contracting Portal.

2488 (b) The State Contracting Portal shall, among other things, include:  
2489 (1) All requests for bids or proposals, and other solicitations regardless  
2490 of the method of source selection, related materials and all resulting  
2491 contracts and agreements by state agencies; (2) a searchable database

2492 for locating information; (3) personal services agreements purchase of  
2493 service agreements; (4) a state procurement and contract manual or  
2494 other similar information designated by the Department of  
2495 Administrative Services as describing approved contracting processes  
2496 and procedures; and (5) prominent features to encourage the active  
2497 recruitment and participation of small businesses and women and  
2498 minority owned enterprises in the state contracting process.

2499 (c) All state agencies in the executive branch, the constituent units of  
2500 the state system of higher education and quasi-public agencies shall  
2501 post all bids, requests for proposals and all resulting contracts and  
2502 agreements on the State Contracting Portal and shall, with the  
2503 assistance of the Department of Administrative Services and the  
2504 Department of Information Technology as needed, develop the  
2505 infrastructure and capability to electronically communicate with the  
2506 State Contracting Portal.

2507 (d) All state agencies in the executive, the constituent units of the  
2508 state system of higher education and quasi-public agencies shall  
2509 develop written policies and procedures to ensure that information  
2510 posted to the State Contracting Portal is done in a timely, complete and  
2511 accurate manner consistent with the highest legal and ethical  
2512 standards of state government.

2513 (e) The Department of Administrative Services shall periodically  
2514 report to the Governor and the State Contracting Standards Board on  
2515 the progress of all state agencies in the executive branch, the  
2516 constituent units of the state system higher education and quasi-public  
2517 agencies, in developing the capacity, infrastructure, policies and  
2518 procedures to electronically communicate with the State Contracting  
2519 Portal as well as the Department of Administrative Services' progress  
2520 toward establishment and maintenance of the State Contracting Portal.

2521 Sec. 52. (NEW) (*Effective July 1, 2008*) (a) Sections 53 to 112, inclusive,  
2522 and section 116 of this act shall be construed to promote the  
2523 underlying purposes and objectives pertaining to the uniform  
2524 procurement code.

2525 (b) The underlying purposes and objectives of the uniform  
2526 procurement code are to:

2527 (1) Establish uniform contracting standards and practices among the  
2528 various state contracting agencies in order to foster effective broad-  
2529 based competitive values and protocols;

2530 (2) Simplify and clarify the state's laws governing contracting  
2531 standards and the state's procurement policies and practices,  
2532 including, but not limited to, procedures for competitive sealed bids,  
2533 competitive sealed proposals, special procurements, best value  
2534 selection, qualification-based selection and the conditions for their use;

2535 (3) Permit the continued development of the best procurement  
2536 practices by the state and to provide for increased public confidence in  
2537 the procedures followed in public procurement by the state by  
2538 providing safeguards for the maintenance of a procurement system of  
2539 quality and integrity;

2540 (4) Ensure the fair and equitable treatment of all businesses and  
2541 persons who deal with the procurement system of the state;

2542 (5) Include a process to maximize the use of small contractors and  
2543 minority business enterprises;

2544 (6) Ensure that the procurement of supplies, materials, equipment,  
2545 services, real property and construction required by any state agency is  
2546 obtained in a cost-effective and responsive manner;

2547 (7) Provide increased economy in state procurement activities and  
2548 to maximize, to the fullest extent practicable, the purchasing value of  
2549 public funds expended by the state, taking into account, where  
2550 applicable, performance and cost of contracts and purchase orders;

2551 (8) Preserve and maintain the existing contracting, procurement,  
2552 disqualification and termination authority and discretion of any state  
2553 contracting agency when such contracting and procurement  
2554 procedures represent best practices;

2555 (9) Include a process to improve contractor and state contracting  
2556 agency accountability; and

2557 (10) Establish standards for leases and lease-purchase agreements  
2558 and for the purchase and sale of real estate.

2559 Sec. 53. (NEW) (*Effective July 1, 2008*) All parties involved in the  
2560 negotiation, performance or administration of state contracts shall act  
2561 in good faith.

2562 Sec. 54. (NEW) (*Effective July 1, 2008*) (a) The provisions of sections  
2563 53 to 112, inclusive, of this act shall be known as the uniform  
2564 procurement code and shall apply to contracts solicited or entered into  
2565 after the effective date of this section.

2566 (b) Except as otherwise provided, the uniform procurement code  
2567 shall apply to every expenditure of public funds regardless of their  
2568 source, involving any state contracting and procurement processes,  
2569 including, but not limited to, leasing and property transfers,  
2570 purchasing or leasing of supplies, materials or equipment, consultant  
2571 or consultant services, personal service agreements, purchase of  
2572 service agreements or privatization contracts, and relating to contracts  
2573 for the construction, reconstruction, alteration, remodeling, repair or  
2574 demolition of any public building.

2575 (c) Nothing in this section shall be construed to require the  
2576 application of uniform procurement code procedures when such  
2577 procurement involves the expenditure of federal assistance or contract  
2578 funds and federal law provides applicable procurement procedures to  
2579 the extent such procedures are inconsistent with the uniform  
2580 procurement code.

2581 (d) The provisions of the uniform procurement code shall apply to  
2582 quasi-public agencies and the constituent units of the state system of  
2583 higher education on and after July 1, 2009.

2584 (e) On and after July 1, 2010, the provisions of the uniform  
2585 procurement code shall apply to municipalities, political subdivisions

2586 and municipal district commissions procurement processes that utilize  
2587 state funds.

2588 (f) All political subdivisions and other local public agencies of the  
2589 state may adopt all or any part of the uniform procurement code and  
2590 its accompanying regulations.

2591 Sec. 55. (NEW) (*Effective July 1, 2008*) For the purposes of sections 53  
2592 to 112, inclusive, of this act:

2593 (1) "Award authority" means the authority granted to a state  
2594 contracting agency either by the Commissioner of Administrative  
2595 Services, the Chief Information Officer or as otherwise provided by  
2596 law to permit state contracting agencies to make direct purchases of  
2597 the supplies, materials, equipment or contractual services, including  
2598 procurement for infrastructure facilities and services, listed from the  
2599 sources specified without prior approval of the Commissioner or the  
2600 Chief Information Officer;

2601 (2) "Best value selection" means a contract selection process in which  
2602 the award of a contract is based on a combination of quality, cost and  
2603 other factors;

2604 (3) "Bid" means an offer, submitted in response to an invitation to  
2605 bid, to furnish supplies, materials, equipment, construction or  
2606 contractual services to the state under certain prescribed conditions at  
2607 a stated price;

2608 (4) "Bidder" means a person, firm or corporation submitting a  
2609 competitive bid in response to a solicitation;

2610 (5) "Business" means any individual or sole proprietorship,  
2611 partnership, firm, corporation, trust, limited liability company, limited  
2612 liability partnership, joint stock company, joint venture or other legal  
2613 entity through which business for profit or not-for-profit is conducted;

2614 (6) "Change order" means a written order signed by the designated  
2615 official, assigned by the department head, directing the contractor to

2616 make changes which the changes clause of the contract authorizes the  
2617 designated officer to order without the consent of the contractor;

2618 (7) "Competitive bidding" means the submission of prices by  
2619 persons, firms or corporations competing for a contract to provide  
2620 supplies, materials, equipment or contractual services, under a  
2621 procedure in which the contracting authority does not negotiate prices,  
2622 as set forth in the uniform procurement code;

2623 (8) "Competitive negotiation" means a procedure for contracting for  
2624 supplies, materials, equipment, contractual services and personal  
2625 service contractors, in which (A) proposals are solicited from qualified  
2626 suppliers by a request for proposals, and (B) changes may be  
2627 negotiated in proposals and prices after being submitted;

2628 (9) "Consultant" means (A) any architect, professional engineer,  
2629 landscape architect, land surveyor, accountant, interior designer,  
2630 environmental professional or construction administrator, who is  
2631 registered or licensed to practice such person's profession in  
2632 accordance with the applicable provisions of the general statutes, or  
2633 (B) any planner or any environmental, management or financial  
2634 specialist;

2635 (10) "Consultant services" means those professional services  
2636 rendered by architects, professional engineers, landscape architects,  
2637 land surveyors, accountants, interior designers, environmental  
2638 professionals, construction administrators, planners or environmental,  
2639 management or financial specialists, as well as incidental services that  
2640 members of these professions and those in their employ are authorized  
2641 to perform;

2642 (11) "Construction" means the process of building, altering,  
2643 repairing, improving, or demolishing any public infrastructure facility,  
2644 including any public structure, public building, or other public  
2645 improvements of any kind to state property or other property or space  
2646 in which the state has an interest. "Construction" does not include the  
2647 routine operation, routine repair or routine maintenance of any

2648 existing public infrastructure facility, including structures, buildings or  
2649 real property;

2650 (12) "Construction item" means commodities or services involved in  
2651 the process of building, designing, altering or repairing a public  
2652 structure or building, or other improvements to any state property.  
2653 "Construction item" does not include routine operation, routine repair  
2654 or routine maintenance of existing structures, buildings or property;

2655 (13) "Contract" or "state contract" means an agreement or a  
2656 combination or series of agreements between a state agency or quasi-  
2657 public agency and a person, firm or corporation for:

2658 (A) A project for the construction, reconstruction, alteration,  
2659 remodeling, repair or demolition of any public building or public  
2660 work;

2661 (B) Services, including, but not limited to, consulting and  
2662 professional services;

2663 (C) The acquiring or disposing of all manner of real and personal  
2664 property;

2665 (D) Goods and services, including, but not limited to, using  
2666 purchase of services contracts and personal service agreements;

2667 (E) Transactions involving information technology, state agency  
2668 information system or telecommunication system facilities, equipment  
2669 or services, that is awarded pursuant to the uniform procurement code  
2670 or subsection (e) of section 1-205 of the general statutes, subsection (c)  
2671 of section 1-211 of the general statutes, subsection (b) of section 1-212  
2672 of the general statutes, section 4-5 of the general statutes, section 42 of  
2673 this act, 10a-151b of the general statutes, subsection (a) of section 19a-  
2674 110, of the general statutes, or subsection (b) of section 32-6i of the  
2675 general statutes;

2676 (F) A lease; or

2677 (G) A licensing agreement, and includes all government functions  
2678 that relate to such activities;

2679 "Contract" or "state contract" does not include a contract between a  
2680 state agency or a quasi-public agency and a political subdivision of the  
2681 state;

2682 (14) "Term contract" means the agreement reached when the state  
2683 accepts a bid or proposal to furnish supplies, materials, equipment or  
2684 contractual services at a stated price for a specific period of time in  
2685 response to an invitation to bid;

2686 (15) "Public works contract" means any agreement between any  
2687 individual, firm or corporation and the state or any political  
2688 subdivision of the state other than a municipality for construction,  
2689 rehabilitation, conversion, extension, demolition or repair of a public  
2690 building, highway or other changes or improvements in real property,  
2691 or which is financed in whole or in part by the state, including, but not  
2692 limited to, matching expenditures, grants, loans, insurance or  
2693 guarantees;

2694 (16) "Contract modification" means any written alteration in  
2695 specifications, delivery point, rate of delivery, period of performance,  
2696 price, quantity or other provisions of any contract accomplished by  
2697 mutual action of the parties to the contract, other than change orders,  
2698 which were previously defined;

2699 (17) "Contract risk assessment" means (A) the identification and  
2700 evaluation of loss exposures and risks, including, but not limited to,  
2701 business and legal risks associated with the contracting process and  
2702 the contracted goods and services, and (B) the identification,  
2703 evaluation and implementation of measures available to minimize  
2704 potential loss exposures and risks;

2705 (18) "Contractor" means any person or business entity who is  
2706 awarded, or participating as a subcontractor under, a contract or an  
2707 amendment to a contract with the state under the procedure set forth

2708 in the uniform procurement code, including, but not limited to, a small  
2709 contractor, minority business enterprise, organization providing  
2710 products and services by persons with disabilities, and an individual  
2711 with a disability;

2712 (19) "Contractual services" or "services" means (A) the furnishing of  
2713 labor, time, or effort by a contractor, not involving the delivery of a  
2714 specific end product other than reports, which are merely incidental to  
2715 the required performance; and (B) any and all laundry and cleaning  
2716 service, pest control service, janitorial service, security service, the  
2717 rental and repair, or maintenance, of equipment, machinery and other  
2718 state-owned personal property, advertising and photostating,  
2719 mimeographing, and other service arrangements where the services  
2720 are provided by persons other than state employees. "Contractual  
2721 services" includes the design, development and implementation of  
2722 technology, communications or telecommunications systems or the  
2723 infrastructure pertaining thereto, including hardware and software  
2724 and services for which a contractor is conferred a benefit by the state,  
2725 whether or not compensated by the state. "Contractual services" does  
2726 not include employment agreements, collective bargaining agreements  
2727 or professional services;

2728 (29) "Cost reimbursement contract" means a contract under which a  
2729 contractor is reimbursed for costs which are allowable and allocable in  
2730 accordance with the contract terms and the uniform procurement code  
2731 and a fee, if any;

2732 (21) "Data" means recorded information, regardless of form or  
2733 characteristic;

2734 (22) "Designee" means a duly authorized representative of a person  
2735 holding a superior position;

2736 (23) "Design-bid-build" means a project delivery method in which  
2737 the state sequentially awards separate contracts, the first for  
2738 architectural and engineering services to design the project and the  
2739 second for construction of the project according to the design;

2740 (24) "Design-build" means a project delivery method in which the  
2741 state enters into a single contract for design and construction of an  
2742 infrastructure facility;

2743 (25) "Design requirements" means the written description of the  
2744 infrastructure facility or service to be procured under this part B  
2745 including: (A) Required features, functions, characteristics, qualities,  
2746 and properties that are required by the state; (B) the anticipated  
2747 schedule, including start, duration, and completion; (C) estimated  
2748 budgets as applicable to the specific procurement for design,  
2749 construction, operation and maintenance. The design requirements  
2750 may, but need not, include drawings and other documents illustrating  
2751 the scale and relationship of the features, functions and characteristics  
2752 of the project;

2753 (26) "Electronic" means electrical, digital, magnetic, optical,  
2754 electromagnetic, or any other similar technology;

2755 (27) "Emergency procurement" means procurement by a state  
2756 contracting agency, quasi-public agency, as defined in section 1-120 of  
2757 the general statutes, judicial department or constituent unit of higher  
2758 education that is made necessary by a sudden, unexpected occurrence  
2759 that poses a clear and imminent danger to public safety or requires  
2760 immediate action to prevent or mitigate the loss or impairment of life,  
2761 health, property or essential public services or in response to a court  
2762 order, settlement agreement or other similar legal judgment;

2763 (28) "Equipment" means personal property of a durable nature that  
2764 retains its identity throughout its useful life;

2765 (29) "Established catalogue price" means the price included in a  
2766 catalogue, price list, schedule or other form that:

2767 (A) Is regularly maintained by a manufacturer or contractor;

2768 (B) Is either published or otherwise available for inspection by  
2769 customers; and

2770 (C) States prices at which sales are currently or were last made to a  
2771 significant number of any category of buyers or buyers constituting the  
2772 general buying public for the supplies or services involved;

2773 (30) "Excess supplies" means any supplies other than expendable  
2774 supplies having a remaining useful life but which are no longer  
2775 required by the using agency in possession of the supplies;

2776 (31) "Expendable supplies" means all tangible supplies other than  
2777 nonexpendable supplies;

2778 (32) "Firm" means any individual, partnership, corporation, joint  
2779 venture, association or other legal entity authorized by law to practice  
2780 the profession of architecture, landscape architecture, engineering,  
2781 land surveying, accounting, planning or environmental, management  
2782 or financial specialization;

2783 (33) "Governmental body" means any department, commission,  
2784 council, board, bureau, committee, institution, legislative body,  
2785 agency, government corporation, or other establishment or official of  
2786 the executive, legislative or judicial branch of the state;

2787 (34) "Grant" or "loan" means the furnishing by the state of assistance,  
2788 whether financial or otherwise, to any person to support a program  
2789 authorized by law. "Grant" or "loan" does not include an award whose  
2790 primary purpose is to procure an end product, whether in the form of  
2791 supplies, services or construction;

2792 (35) "Highest scoring bidder in a multiple criteria bid" means the  
2793 bidder whose bid receives the highest score for a combination of  
2794 attributes, including, but not limited to, price, skill, ability and  
2795 integrity necessary for the faithful performance of the work, based on  
2796 multiple criteria considering quality of product, warranty, life-cycle  
2797 cost, past performance, financial responsibility and other objective  
2798 criteria that are established in the bid solicitation for the contract;

2799 (36) "Independent peer reviewer services" means additional  
2800 architectural and engineering services provided to the state;

2801 (37) "Infrastructure facility" means a building; structure; or  
2802 networks of buildings, structures, pipes, controls and equipment that  
2803 provide transportation, utilities, public education or public safety  
2804 services. Included are government office buildings, public schools;  
2805 jails; water treatment plants, distribution systems and pumping  
2806 stations; waste water treatment plant, collections systems, and  
2807 pumping stations; solid waste disposal plants, incinerators, landfills,  
2808 and related facilities; public roads and streets; highways; public  
2809 parking facilities; public transportation systems, terminals, and rolling  
2810 stock; rail, air and water port structures, terminals and equipment;

2811 (38) "Invitation for bids" means all documents, whether attached or  
2812 incorporated by reference, utilized for soliciting bids;

2813 (39) "Lowest responsible qualified bidder" means the bidder whose  
2814 bid is the lowest of those bidders possessing the skill, ability and  
2815 integrity necessary to faithful performance of the work based on  
2816 objective criteria considering past performance and financial  
2817 responsibility;

2818 (40) "Materials" means items required to perform a function or used  
2819 in a manufacturing process, particularly those incorporated into an  
2820 end product or consumed in its manufacture;

2821 (41) "Minor irregularities" means informalities that are matters of  
2822 form rather than substance evident from the bid document, or  
2823 insignificant mistakes that can be waived or corrected without  
2824 prejudice to other bidders; that is, the effect on price, quantity, quality,  
2825 delivery, or contractual conditions is negligible;

2826 (42) "Multistep competitive sealed bidding" means a competitive  
2827 process calling for separate submissions of proposals or responses  
2828 following the issuance of a request for information, request for  
2829 qualifications or other solicitation prior to the issuance of an invitation  
2830 to bid;

2831 (43) "Nonexpendable supplies" means all tangible supplies having

2832 an original acquisition cost per unit, as determined, from time to time,  
2833 by the Commissioner of Administrative Services, and a probable  
2834 useful life of more than one year;

2835 (44) "Nonprofit agency" means any organization that is not a for-  
2836 profit business and provides services contracted for by (A) the state, or  
2837 (B) a nonstate entity;

2838 (45) "Operations and maintenance" means a project delivery method  
2839 whereby the state enters into a single contract for the routine  
2840 operation, routine repair, and routine maintenance of an infrastructure  
2841 facility;

2842 (46) "Personal service agreement" means a written agreement  
2843 between the state and a personal services contractor for services  
2844 rendered to the state which are infrequent or unique, which defines the  
2845 services or end product to be delivered by a personal service  
2846 contractor to a state agency, excluding any agreement with a personal  
2847 service contractor that the state accounting manual does not require to  
2848 be submitted to the Comptroller;

2849 (47) "Personal service contractor" means any person, firm or  
2850 corporation not employed by the state, who is hired by a state agency  
2851 for a fee to provide services to the agency. "Personal service contractor"  
2852 does not include (A) a person, firm or corporation providing  
2853 contractual services, as defined in this section, to the state, (B) a  
2854 consultant, as defined in this section, (C) a consultant providing  
2855 services to the Department of Transportation, (D) an agency of the  
2856 federal government, of the state or of a political subdivision of the  
2857 state, or (E) a person, firm or corporation providing consultant services  
2858 for information and telecommunications systems;

2859 (48) "Professional services" means any type of service to the public  
2860 that requires that members of a profession rendering such service  
2861 obtain a license or other legal authorization as a condition precedent to  
2862 the rendition thereof, limited to the professional services of architects,  
2863 professional engineers, or jointly by architects and professional

2864 engineers, landscape architects, certified public accountants and public  
2865 accountants, land surveyors, attorneys-at-law, psychologists, licensed  
2866 marital and family therapists, licensed professional counselors and  
2867 licensed clinical social workers as well as such other professional  
2868 services described in section 33-182a of the general statutes;

2869 (49) "Privatization contract" means an agreement or series of  
2870 agreements between a state contracting agency and a person or entity,  
2871 in which such person or entity agrees to provide services valued at one  
2872 million dollars or more over the life of the contract that are  
2873 substantially similar to and in lieu of services provided, in whole or in  
2874 part, by employees of such agency or by employees of another state  
2875 agency and that results in the layoff of any full time state employee  
2876 who is a member of a collective bargaining unit. "Privatization  
2877 contract" does not include the renewal, modification or extension of a  
2878 contract in effect on or before the effective date of this section;

2879 (50) "Procurement" means contracting for, buying, purchasing,  
2880 renting, leasing or otherwise acquiring or disposing of, any supplies,  
2881 services, including but not limited to, contracts for purchase of services  
2882 and personal service agreements, interest in real property, or  
2883 construction, and includes all government functions that relate to such  
2884 activities, including best value selection and qualification based  
2885 selection;

2886 (51) "Proposal development documents" means drawings and other  
2887 design related documents that are sufficient to fix and describe the size  
2888 and character of an infrastructure facility as to architectural, structural,  
2889 mechanical and electrical systems, materials, and such other elements  
2890 as may be appropriate to the applicable project delivery method;

2891 (52) "Proposer" means a person, firm or corporation submitting a  
2892 proposal in response to a request for proposals or other competitive  
2893 sealed proposal;

2894 (53) "Public record" means a public record, as defined in section 1-  
2895 200 of the general statutes, and also includes any recorded data or

2896 information relating to the conduct of the public's business prepared,  
2897 owned, used, received or retained by a contractor or subcontractor for  
2898 work under a contract, subcontract or amendment to a contract or  
2899 subcontract, whether such data or information be handwritten, typed,  
2900 tape-recorded, printed, photostated, photographed or recorded by any  
2901 other method;

2902 (54) "Purchase description" means the words used in a solicitation to  
2903 describe the supplies, services, or construction to be purchased, and  
2904 includes specifications attached to, or made a part of the solicitation;

2905 (55) "Qualification based selection" means a contract selection  
2906 process in which the award of a contract is primarily based on an  
2907 assessment of contractor qualifications and on the negotiation of a fair  
2908 and reasonable price;

2909 (56) "Quasi-public agency" or "quasi public" means quasi-public  
2910 agency, as defined in subdivision (1) of section 1-120 of the general  
2911 statutes;

2912 (57) "Regulation" means regulation, as defined in section 4-166 of  
2913 the general statutes;

2914 (58) "Request for proposals" means all documents, whether attached  
2915 or incorporated by reference, utilized for soliciting proposals;

2916 (59) "Responsible bidder" or "responsible proposer" means a person  
2917 who has the capability in all respects to perform fully the contract  
2918 requirements, and the integrity and reliability which will assure good  
2919 faith performance;

2920 (60) "Signature" means signature, as defined in section 1-274 of the  
2921 general statutes;

2922 (61) "Specification" means any description of the physical or  
2923 functional characteristics, or of the nature of a supply, service or  
2924 construction item and includes a description of any requirement for  
2925 inspecting, testing or preparing a supply, service or construction item

2926 for delivery;

2927 (62) "State contracting agency", "state agency" or "agency" means  
2928 any executive branch agency, each state board, commission,  
2929 department, office, institution or council, including but not limited to  
2930 constituent units of the state system of higher education; political  
2931 subdivisions of the state; and, quasi-public agencies that receive state  
2932 funds, that are authorized by law to enter into contracts for goods or  
2933 services itself or through its head. "State contracting agency" does not  
2934 include the office of the Secretary of the State, the office of the State  
2935 Treasurer, the office of the State Comptroller, the office of the Attorney  
2936 General or the judicial or legislative branches of the state;

2937 (63) "Subcontractor" means a subcontractor of a contractor for work  
2938 under a contract or an amendment to a contract;

2939 (64) "Supplies" means any and all articles of personal property,  
2940 including, but not limited to, equipment, materials, printing, insurance  
2941 and leases of real property, excluding land or a permanent interest in  
2942 land furnished to or used by any state agency, including all printing,  
2943 binding, publication of laws, stationery, forms and reports; and

2944 (65) "Surplus supplies" means any supplies other than expendable  
2945 supplies no longer having any use to the state including obsolete  
2946 supplies, scrap materials and nonexpendable supplies that have  
2947 completed their useful life cycle.

2948 Sec. 56. (NEW) (*Effective from passage*) At the initiation of the  
2949 purchase of supplies, materials, equipment or contractual services,  
2950 including infrastructure facilities and services, each state contracting  
2951 agency shall establish a requisition system, subject to the approval of  
2952 the Commissioner of Administrative Services.

2953 Sec. 57. (NEW) (*Effective from passage*) (a) Except for such emergency  
2954 purchases as are made by a budgeted agency under regulations  
2955 adopted by the Commissioner of Administrative Services, no budgeted  
2956 agency or any agent of such agency shall incur any obligation, by

2957 order, contract or otherwise, except by the issue of a purchase order or  
2958 any other documentation approved by the Comptroller, necessary to  
2959 process the transaction transmitted by the budgeted agency or its  
2960 agents to the commissioner and the Comptroller, provided the amount  
2961 to be charged against the appropriation for a budgeted agency in any  
2962 year for a purchase order for a current expenditure shall be the amount  
2963 anticipated to be spent in such year. The amount to be charged against  
2964 the appropriation for any budgeted agency in any year for a capital  
2965 expenditure, including an installment purchase, shall be the state's  
2966 total cost for such capital expenditure unless otherwise authorized by  
2967 the General Assembly or approved by the Finance Advisory  
2968 Committee. Upon the receipt of any such purchase order or any other  
2969 documentation approved by the Comptroller necessary to process the  
2970 transaction, the Comptroller shall immediately charge the same to the  
2971 specific appropriation of the budgeted agency issuing the same and  
2972 certify on the face of the purchase order or approve such other  
2973 documentation that the purchase is approved and recorded, if the  
2974 proposed purchase is within the applicable specific appropriation and  
2975 the budgeted agency has unencumbered funds sufficient to defray  
2976 such expenditure. In transactions requiring purchase orders, the  
2977 Comptroller shall promptly transmit such certified purchase order to  
2978 the vendor named in the purchase order.

2979 (b) Notwithstanding the provisions of subsection (a) of this section,  
2980 the Comptroller may delegate to any budgeted agency the certification  
2981 and transmission requirements of purchase orders using authorized  
2982 electronic methods, provided such agency transmits the information  
2983 contained in such purchase orders to the Comptroller. Upon receipt of  
2984 any such electronic transmission, the Comptroller shall immediately  
2985 charge the same to the specific appropriation of the budgeted agency  
2986 issuing the same and shall electronically certify that the purchase is  
2987 approved and recorded, if the proposed purchase is within the  
2988 applicable specific appropriation and the budgeted agency has  
2989 unencumbered funds sufficient to defray such expenditure. Upon  
2990 receipt of the Comptroller's certification, the budgeted agency shall  
2991 transmit the purchase order to the vendor named in the purchase

2992 order.

2993 (c) Notwithstanding the provisions of subsection (a) or (b) of this  
2994 section, the Comptroller may allow budgeted agencies to use  
2995 purchasing cards for purchases of ten thousand dollars or less. No  
2996 budgeted agency, or any official, employee or agent of a budgeted  
2997 agency, shall incur any obligation using such a card, except in  
2998 accordance with procedures established by the Comptroller.

2999 Sec. 58. (NEW) (*Effective from passage*) All purchases of, and contracts  
3000 for, supplies, materials, equipment and contractual services, except  
3001 purchases and contracts made pursuant to the provisions of the  
3002 uniform procurement code and public utility services shall be awarded  
3003 by one of the following methods, unless otherwise authorized by law:

3004 (a) Competitive sealed bidding as set forth in the uniform  
3005 procurement code.

3006 (b) Competitive sealed proposals as set forth in the uniform  
3007 procurement code.

3008 (c) Small purchases as set forth in the uniform procurement code.

3009 (d) Sole source procurement as set forth in the uniform procurement  
3010 code.

3011 (e) Emergency procurements as set forth in the uniform  
3012 procurement code.

3013 (f) Waiver of bid or proposal requirement for extraordinary  
3014 conditions as set forth in the uniform procurement code.

3015 (g) Waiver pertaining to the purchase of alternative fuel vehicles  
3016 and certain public utility services as set forth in the uniform  
3017 procurement code.

3018 (h) Special procurements as set forth in the uniform procurement  
3019 code.

3020       Sec. 59. (NEW) (*Effective July 1, 2008*) (a) Contracts and purchase  
3021 orders, in an amount in excess of fifty thousand dollars, shall be  
3022 awarded by competitive sealed bidding unless the Commissioner of  
3023 Administrative Services or other appropriate award authority  
3024 determines that an alternate method of source selection, as set forth in  
3025 the uniform procurement code.

3026       (b) An invitation for bids shall be issued and shall include a  
3027 purchase description, and all contractual terms and conditions  
3028 applicable to the procurement.

3029       (c) Adequate public notice of the invitation for bids shall be given  
3030 by providing notice of the planned purchase in a form and manner  
3031 that the Commission of Administrative Services determines, in  
3032 accordance with regulations, will promote competition and maximize  
3033 public participation, including participation by small contractors, as  
3034 defined in the uniform procurement code.

3035       (1) In the case of an expenditure which is estimated to exceed fifty  
3036 thousand dollars, such notice shall be inserted, at least five calendar  
3037 days before the final date of submitting bids, in two or more  
3038 publications, at least one of which shall be a major daily newspaper  
3039 published in the state or shall be posted on the Internet.

3040       (2) Each notice of a planned purchase under this subsection shall  
3041 indicate the following:

3042       (A) The type of goods and services to be purchased and the  
3043 estimated value of the contract award; and

3044       (B) The state contract requirements concerning nondiscrimination  
3045 and affirmative action pursuant to the uniform procurement code and,  
3046 when applicable, requirements concerning the awarding of contracts to  
3047 small contractors, minority business enterprises, individuals with a  
3048 disability and nonprofit corporations pursuant to the uniform  
3049 procurement code.

3050       (d) Bids shall be opened publicly in the presence of one or more

3051 witnesses at the time and place designated in the invitation for bids.  
3052 The amount of each bid, and such other relevant information as may  
3053 be specified by regulation, together with the name of each bidder shall  
3054 be recorded; the record and each bid shall be open to public inspection.  
3055 Each bid shall be kept sealed or secured until opened publicly at the  
3056 time stated in the notice soliciting such bid.

3057 (e) Bids shall be unconditionally accepted without alteration or  
3058 correction, except as authorized in this act and the regulations  
3059 hereunder. The invitation for bid may set forth the evaluation criteria  
3060 to be used. No criteria may be used in a bid evaluation that are not set  
3061 forth in the invitation for bids. In the event there is no specific  
3062 evaluation criterion set forth in the invitation for bids, evaluation will  
3063 be based on a determination of the lowest responsible, qualified and  
3064 responsive bidder as set forth in the uniform procurement code.

3065 (1) Bids shall be evaluated by the state contracting agency or  
3066 consultants if so designated by the Commissioner of Administrative  
3067 Services, based on the requirements set forth in the invitation for bids,  
3068 which may include criteria to determine acceptability such as  
3069 inspection, testing, quality, workmanship, delivery and suitability for a  
3070 particular purpose; and

3071 (2) Those criteria that will affect the bid price and be considered in  
3072 evaluation for award shall be objectively measurable, such as  
3073 discounts, transportation costs and total or life cycle costs.

3074 (f) Correction or withdrawal of inadvertently erroneous bids before  
3075 or after award, or cancellation of awards of contracts or purchase  
3076 orders based on such bid mistakes, shall be permitted in accordance  
3077 with regulations proposed by the Commissioner of Administrative  
3078 Services. Said regulations shall take into consideration preservation of  
3079 the integrity of the competitive sealed bidding process under this  
3080 chapter.

3081 (1) After bid opening, no changes in bid prices or other provisions of  
3082 bids prejudicial to the interest of the state or fair competition shall be

3083 permitted.

3084 (2) Except as otherwise provided by regulation, all decisions to  
3085 permit the correction or withdrawal of bids, or cancel awards of  
3086 contracts or purchase orders based on bid mistakes shall be supported  
3087 by a written determination made by the Commissioner of  
3088 Administrative Services.

3089 (g) (1) The contract shall be awarded with reasonable promptness  
3090 by written notice to the lowest responsible, qualified bidder whose bid  
3091 meets the requirements and evaluation criteria set forth in the  
3092 invitation for bids, taking into consideration the following: The  
3093 qualities of the articles to be supplied, their conformity with the  
3094 specifications, their suitability to the requirements of the state  
3095 government and the delivery terms being taken into consideration  
3096 and, at the discretion of the Commissioner of Administrative Services,  
3097 life-cycle costs and trade-in or resale value of the articles may be  
3098 considered where it appears to be in the best interest of the state.

3099 (A) In considering past performance of a bidder for the purpose of  
3100 determining the "lowest responsible qualified bidder" or the "highest  
3101 scoring bidder in a multiple criteria bid", the commissioner shall  
3102 evaluate the skill, ability and integrity of the bidder in terms of the  
3103 bidder's fulfillment of past contract obligations and the bidder's  
3104 experience or lack of experience in delivering supplies, materials,  
3105 equipment or contractual services of the size or amount for which bids  
3106 have been solicited.

3107 (B) In determining the lowest responsible qualified bidder for the  
3108 purposes of this section, the commissioner may give a price preference  
3109 of up to ten per cent for:

3110 (i) The purchase of goods made with recycled materials or the  
3111 purchase of recyclable or remanufactured products if the  
3112 commissioner determines that such preference would promote  
3113 recycling or remanufacturing. As used in this subsection, "recyclable"  
3114 means able to be collected, separated or otherwise recovered from the

3115 solid waste stream for reuse, or for use in the manufacture or assembly  
3116 of another package or product, by means of a recycling program which  
3117 is reasonably available to at least seventy-five per cent of the state's  
3118 population, "remanufactured" means restored to its original function  
3119 and thereby diverted from the solid waste stream by retaining the bulk  
3120 of components that have been used at least once and by replacing  
3121 consumable components and "remanufacturing" means any process by  
3122 which a product is remanufactured;

3123 (ii) The purchase of motor vehicles powered by a clean alternative  
3124 fuel; or

3125 (iii) The purchase of motor vehicles powered by fuel other than a  
3126 clean alternative fuel and conversion equipment to convert such motor  
3127 vehicles allowing the vehicles to be powered by either the exclusive  
3128 use of clean alternative fuel or dual use of a clean alternative fuel and a  
3129 fuel other than a clean alternative fuel. As used in this subsection,  
3130 "clean alternative fuel" shall mean natural gas or electricity when used  
3131 as a motor vehicle fuel.

3132 (C) All other factors being equal, preference shall be given to  
3133 supplies, materials and equipment produced, assembled or  
3134 manufactured in the state and services originating and provided in the  
3135 state.

3136 (2) Unless otherwise prohibited by federal or state law, regulation or  
3137 agency requirement, with respect to construction projects only, the  
3138 Commissioner of relevant state contracting agency, subject to approval  
3139 by the State Contracting Standards Board, is authorized to negotiate an  
3140 adjustment of the bid price, including changes in the bid requirements,  
3141 with the low responsible and responsive bidder, in order to bring the  
3142 bid within the amount of available funds, in the event:

3143 (A) All bids for a construction project exceed available funds as  
3144 certified by the head of the state contracting agency;

3145 (B) The low responsible and responsive bid does not exceed such

3146 funds by more than five per cent; and

3147 (C) The time or economic considerations preclude resolicitation of  
3148 work of a reduced scope.

3149 (3) If any such bidder refuses to accept, within ten days, a contract  
3150 awarded to such bidder, such contract may be awarded to the next  
3151 lowest responsible qualified bidder or the next highest scoring bidder  
3152 in a multiple criteria bid, whichever is applicable, and so on until such  
3153 contract is awarded and accepted.

3154 (4) A contract valued at one million dollars or more shall be  
3155 awarded to a bidder other than the lowest responsible qualified bidder  
3156 or the highest scoring bidder in a multiple criteria bid, whichever is  
3157 applicable, only with written approval signed by the Commissioner of  
3158 Administrative Services and by the Comptroller.

3159 (h) When it is considered impractical to initially issue an invitation  
3160 for bid, the Commissioner of Administrative Services may issue a  
3161 request for information or request for proposals or request for  
3162 qualifications as the first step in the process, to be followed by an  
3163 invitation for bids which may be limited to those bidders who have  
3164 been qualified under the criteria set forth in the first solicitation.

3165 (i) The Commissioner of Administrative Services may issue a  
3166 request for information for a multiple criteria bid. The contract shall be  
3167 awarded to the highest scoring bidder in a multiple criteria bid, in  
3168 accordance with the criteria set forth in the bid solicitation for the  
3169 contract. The Commissioner of Administrative Services shall adopt  
3170 regulations, in accordance with the provisions of chapter 54 of the  
3171 general statutes, indicating the types of objective criteria that the  
3172 commissioner may use in determining the highest scoring bidder in a  
3173 multiple criteria bid under this section. Said commissioner shall  
3174 submit a report on such date, concerning the status of the adoption of  
3175 said regulations by the commissioner, to the joint standing committee  
3176 of the General Assembly having cognizance of matters relating to  
3177 government administration.

3178       Sec. 60. (NEW) (*Effective July 1, 2008*) (a) (1) A contract may be  
3179 entered into by competitive sealed proposals when the Commissioner  
3180 of Administrative Services or other appropriate award authority  
3181 determines in writing, pursuant to regulations, that the use of  
3182 competitive sealed bidding is either not practicable or not  
3183 advantageous to the state.

3184       (2) The Commissioner of Administrative Services may adopt  
3185 regulations, in accordance with chapter 54 of the general statutes, that  
3186 establish the criteria in determining when competitive sealed bidding  
3187 to procure specified types of supplies, services or construction that is  
3188 either not practicable or not advantageous to the state.

3189       (3) Contracts for the project delivery methods specified in the  
3190 uniform procurement code shall be entered into by competitive sealed  
3191 proposals, except as otherwise provided in the uniform procurement  
3192 code.

3193       (b) Proposals shall be solicited through a request for proposals, as  
3194 required by the Commissioner of Administrative Services, a request  
3195 for information, request for quotation or request for qualifications or  
3196 other forms of solicitation may be utilized to ascertain information or  
3197 to establish qualifications for the request for proposals. The  
3198 solicitations shall also contain, among other things, a description of the  
3199 projected scope of services or system requirements, a notice of  
3200 mandatory state contractual provisions or terms and conditions  
3201 required by this chapter or federal agencies. Services shall be selected  
3202 on the basis of a request for proposals. Each request for proposals for  
3203 "design plus" contract:

3204       (1) Shall include design requirements;

3205       (2) Shall solicit proposal development documents; and

3206       (3) May, when the relevant state contracting agency determines that  
3207 the cost of procuring proposals is high in view of the size, estimated  
3208 price and complexity of the procurement:

3209 (A) Prequalify proposers by issuing a request for qualifications in  
3210 advance of the request for proposals; and

3211 (B) Select a short list of responsible proposers prior to discussions  
3212 and evaluations under this act, provided that the number of proposals  
3213 short listed is stated in the request for proposals and prompt public  
3214 notice is given to all proposers as to which proposals are short listed.

3215 (c) Adequate public notice of the request for proposals, request for  
3216 information or request for qualifications shall be given in the same  
3217 manner as provided for in the uniform procurement code.

3218 (d) Proposals shall be opened so as to avoid disclosure of contents to  
3219 competing proposers during the process of negotiation. A register of  
3220 proposals shall be prepared in accordance with regulations and shall  
3221 be opened for public inspection after contract award, with the  
3222 exception of confidential trade and business information withheld in  
3223 accordance with the general statutes.

3224 (e) The request for proposals shall state the relative importance of  
3225 price and other factors and subfactors, if any.

3226 (f) As provided in the request for proposals, and under regulations,  
3227 discussions may be conducted with responsible proposers who submit  
3228 proposals determined to be reasonably susceptible of being selected  
3229 for award for the purpose of clarification to assure full understanding  
3230 of, and responsiveness to, the solicitation requirements.

3231 (1) Proposers shall be accorded fair and equal treatment with  
3232 respect to any opportunity for discussion and revision of proposals,  
3233 and such revisions may be permitted after submission and prior to  
3234 award for the purpose of obtaining best and final offers.

3235 (2) In conducting discussions, there shall be no disclosure of any  
3236 information derived from proposals submitted by competing  
3237 proposers, except for such information which may be disclosed by law.

3238 (3) Proposals shall be evaluated only on the basis of evaluation

3239 factors stated in the request for proposals. The following factors may  
3240 be appropriate to use in conducting the evaluation. The relative  
3241 importance of these and other factors will vary according to the type of  
3242 supplies, materials, equipment or contractual services being procured.  
3243 Notwithstanding any provision of the general statutes to the contrary,  
3244 each state contracting agency awarding a contract through competitive  
3245 negotiation shall include price as an explicit factor in the criteria in the  
3246 request for proposals and for the contract award.

3247 (4) All proposals submitted as provided in the uniform procurement  
3248 code shall be based on such standard specifications as may be adopted  
3249 by the Commissioner of Administrative Services, the commissioner's  
3250 designee or such other head of a state contracting agency as may be  
3251 authorized by the uniform procurement code. Proposers shall submit  
3252 with their responses essential information concerning their  
3253 qualifications, in such form as the commissioner may require by  
3254 specification in the request documents. The commissioner may, after  
3255 adopting the regulations required by the uniform procurement code,  
3256 waive minor irregularities in proposals if the commissioner determines  
3257 that such a waiver would be in the best interest of the state. The  
3258 commissioner shall state the reasons for any such waiver in writing  
3259 and include such statement in the contract file.

3260 (g) Notwithstanding any provision of the general statutes, a  
3261 constituent unit of the state system of higher education or an  
3262 institution of the Connecticut State University system, may purchase,  
3263 by negotiation, supplies, materials, equipment and contractual  
3264 services, as defined in section 55 of this act, for the constituent unit or  
3265 institution, as appropriate, when the supplies, materials, equipment or  
3266 contractual services (1) are required to implement a grant, contract or  
3267 financial agreement between the constituent unit or institution, as  
3268 appropriate, and the donor of funds or other things of value which are  
3269 given with an obligation for service primarily to the donor by the  
3270 constituent unit or institution, as appropriate, and (2) are specified in  
3271 such grant, contract or financial agreement.

3272 (h) (1) Award shall be made to the responsible proposer whose  
3273 proposal is deemed by the commissioner, designee or such other head  
3274 of a state contracting agency as may be authorized by this act or  
3275 designated by the Commissioner of Administrative Services, to be the  
3276 most advantageous to the state, in accordance with the criteria set forth  
3277 in the request for proposals, including price and evaluation factors and  
3278 conforms to the solicitation and is determined in writing to be the most  
3279 advantageous to the state taking into consideration price and the  
3280 evaluation factors set forth in the request for proposals. No other  
3281 factors or criteria shall be used in the evaluation. The contract file shall  
3282 contain the basis on which the award is made. Written notice of the  
3283 award of a contract to the successful proposer shall be promptly given  
3284 to all proposers. If any such proposer refuses to accept, within ten  
3285 days, a contract awarded to such proposer, such contract shall be  
3286 awarded to the next most advantageous proposer, and so on until the  
3287 contract is awarded and accepted.

3288 (2) No other factors or criteria, not included in the request for  
3289 proposals, shall be used in the evaluation.

3290 (3) The contract or purchase order files shall contain the basis on  
3291 which the award is made.

3292 (4) Written notice of the award of a contract or purchase order to the  
3293 successful proposer shall be promptly given to all proposers. The  
3294 contracting officials are authorized to provide debriefings that furnish  
3295 the basis for the source selection decision and contract award.

3296 Sec. 61. (NEW) (*Effective July 1, 2008*) (a) Any procurement not  
3297 exceeding fifty thousand dollars may be made in accordance with  
3298 small purchase procedures, provided procurement requirements shall  
3299 not be artificially divided so as to constitute a small purchase under  
3300 this section.

3301 (1) The Commissioner of Administrative Services or other  
3302 appropriate award authority shall award the contract to the lowest  
3303 responsible bidder. If the contract is not given to the lowest responsible

3304 bidder, a written explanation shall be made by the commissioner and  
3305 be filed as a public record with the other documents pertinent to the  
3306 transaction.

3307 (2) The Commissioner of Administrative Services has the authority  
3308 to determine that a state contracting agency has artificially divided  
3309 procurement requirements so as to constitute a small purchase under  
3310 this section and thereby prohibit the state contracting agency from  
3311 utilizing the small purchase procedures.

3312 (b) The Commissioner of Administrative Services or other  
3313 appropriate award authority may, at his or her discretion, waive the  
3314 requirement of competitive bidding or competitive negotiation in the  
3315 case of minor, non-recurring and emergency purchases of ten  
3316 thousand dollars or less in amount.

3317 Sec. 62. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any other  
3318 provision of the uniform procurement code, the Commissioner of  
3319 Administrative Services, or other appropriate award authority, may  
3320 make emergency procurements when there exists a threat to public  
3321 health, welfare or safety under emergency conditions as defined in  
3322 regulations, provided such emergency procurements shall be made  
3323 with such competition as is practicable under the circumstances.

3324 (b) A written determination of the basis for the emergency and for  
3325 the selection of the particular contractor shall be included in the  
3326 contract file and transmitted to the Governor, the president pro  
3327 tempore of the Senate, the majority and minority leaders of the Senate,  
3328 the speaker of the House of Representatives and the majority and  
3329 minority leaders of the House of Representatives.

3330 (c) Such determination shall be based upon need and shall not be  
3331 utilized in order to satisfy preferences or convenience of the state  
3332 contracting agency, for preventing funds from lapsing at the end of a  
3333 fiscal year or for any reason that would circumvent the procurement  
3334 methods set forth in the uniform procurement code.

3335 Sec. 63. (NEW) (*Effective July 1, 2008*) (a) There shall be a  
3336 Standardization Committee that shall consist of the Commissioner of  
3337 Administrative Services, the Comptroller or the Comptroller's  
3338 designee, the Treasurer or the Treasurer's designee, and such  
3339 administrative heads of state departments or their authorized agents as  
3340 designated by the Governor.

3341 (b) Whenever an emergency exists by reason of extraordinary  
3342 conditions or contingencies that could not reasonably be foreseen and  
3343 guarded against, or because of unusual trade or market conditions, the  
3344 Commissioner of Administrative Services or, in the case of purchases,  
3345 leases and contracts for information systems, information technology  
3346 personal property and telecommunications systems, the Chief  
3347 Information Officer may, upon a determination that it is in the best  
3348 interest of the state, waive the competitive bid or proposal  
3349 requirements of the uniform procurement code. If any such  
3350 procurement is estimated to cost fifty thousand dollars or more, such  
3351 waiver shall be subject to the approval of the Standardization  
3352 Committee. A statement of all purchases made under the provisions of  
3353 this section shall be contained in the annual report of the  
3354 Commissioner of Administrative Services.

3355 (c) Any determination described in subsection (b) of this section  
3356 shall be based upon need and shall not be utilized in order to satisfy  
3357 preferences or convenience of the state contracting agency, for  
3358 preventing funds from lapsing at the end of a fiscal year or for any  
3359 reason that would circumvent the procurement methods set forth in  
3360 the uniform procurement code.

3361 (d) The Commissioner of Administrative Services, the  
3362 Commissioner of Transportation, the Commissioner of Public Works  
3363 or the Chief Information Officer may, at his or her discretion, waive  
3364 the requirement of competitive bidding or competitive negotiation in  
3365 the case of minor, nonrecurring and emergency purchases of ten  
3366 thousand dollars or less.

3367 Sec. 64. (NEW) (*Effective July 1, 2008*) Notwithstanding any other

3368 provision of the uniform procurement code, the Commissioner of  
3369 Administrative Services may, with prior public notice, initiate a  
3370 procurement above the small purchase amount specified in the  
3371 uniform procurement code whenever the commissioner determines,  
3372 with the concurrence of the State Contracting Standards Board, that an  
3373 unusual or unique situation exists that makes the application of all  
3374 requirements of competitive sealed bidding or competitive sealed  
3375 proposals contrary to the public interest. Any special procurement  
3376 under this section shall be made with such level of competition as is  
3377 practicable under the circumstances. A written determination of the  
3378 basis for the procurement and for the selection of the particular  
3379 contractor shall be included by the commissioner in the contract file,  
3380 and a report shall be made publicly available annually describing all  
3381 such determinations made subsequent to the prior report.

3382       Sec. 65. (NEW) (*Effective July 1, 2008*) (a) Any invitation for bids, any  
3383 request for proposals, or other solicitation may be cancelled, or any or  
3384 all bids or proposals may be rejected in whole or in part as may be  
3385 specified in the solicitation, when, in the opinion of the Commissioner  
3386 of Administrative Services, the best interests of the state will be served.  
3387 The reasons for such cancellation shall be made part of the contract file  
3388 and shall be sent to the State Contracting Standards Board.

3389       (b) If all such bids or proposals are so rejected, the commissioner  
3390 shall advertise again for bids or proposals and such bids or proposals  
3391 shall be opened, awarded and approved in like manner as provided in  
3392 the uniform procurement code.

3393       (c) If all such bids or proposals received on a pending contract are  
3394 for the same unit price or total amount and no distinction can be made  
3395 in favor of supplies, materials and equipment produced, assembled or  
3396 manufactured in the state or services originating and provided in the  
3397 state, the commissioner shall have authority to order the rejection of all  
3398 bids or proposals and to order the purchase of the required supplies,  
3399 materials, equipment or contractual services in the open market,  
3400 provided the price paid in the open market shall not exceed the bid or

3401 proposal price.

3402 (d) The commissioner may reserve the right to award by item, or  
3403 part thereof, groups of items, or parts thereof, or all items of the bid, to  
3404 reject any and all bids in whole or in part, to waive minor irregularities  
3405 and omissions and permit the bidder or responder to correct them if, in  
3406 the commissioner's judgment, the best interest of the state will be  
3407 served.

3408 Sec. 66. (NEW) (*Effective July 1, 2008*) (a) A written determination of  
3409 nonresponsibility of a bidder or proposer shall be made in accordance  
3410 with regulations adopted by the board. The unreasonable failure of a  
3411 bidder or proposer to promptly supply information in connection with  
3412 an inquiry with respect to responsibility may be grounds for a  
3413 determination of nonresponsibility with respect to such bidder or  
3414 proposer.

3415 (1) For the purpose of indicating the types of objective criteria in  
3416 determining the lowest responsible qualified bidder, as defined in the  
3417 uniform procurement code, or the best proposer, the invitation to bid  
3418 or request for proposals shall state the evaluation factors, including  
3419 price, and their relative importance. Past performance and financial  
3420 responsibility shall always be factors in making such determination.

3421 (2) There shall be a written evaluation made of each bid and  
3422 proposal. This evaluation shall identify the vendors and their  
3423 respective costs and prices, document the reason why any vendor is  
3424 deemed to be nonresponsive and recommend a vendor for award.

3425 (b) Confidential information furnished by a bidder or offer or  
3426 pursuant to this section shall not be disclosed outside of the  
3427 Department of Administrative Services, the State Contracting Agency  
3428 or State Contracting Standards Board without prior written consent by  
3429 the bidder or proposer.

3430 Sec. 67. (NEW) (*Effective July 1, 2008*) Prospective suppliers may be  
3431 prequalified for particular types of supplies, services, and construction.

3432 The method of submitting prequalification information and the  
3433 information required in order to be prequalified shall be determined  
3434 by the Commissioner of Administrative Services following  
3435 consultation with the heads of all affected state contracting agencies.

3436 Sec. 68. (NEW) (*Effective July 1, 2008*) (a) Any contract for the  
3437 construction, reconstruction, alteration, remodeling, repair or  
3438 demolition of any public building for work by the state, which is  
3439 estimated to cost more than five hundred thousand dollars, except:

3440 (1) A contract awarded by the Commissioner of Public Works for  
3441 (A) a community court project; (B) the downtown Hartford higher  
3442 education center project; (C) a correctional facility project; (D) a  
3443 juvenile detention center project; or (E) a student residential facility for  
3444 the Connecticut State University system that is a priority higher  
3445 education facility project, as defined in the uniform procurement code;  
3446 or

3447 (2) A project, as defined in subdivision (16) of section 10a-109c of the  
3448 general statutes, undertaken and controlled by The University of  
3449 Connecticut in accordance with section 10a-109n of the general  
3450 statutes, shall be awarded to the lowest responsible and qualified  
3451 general bidder who is prequalified pursuant the uniform procurement  
3452 code on the basis of competitive bids in accordance with the  
3453 procedures set forth in the uniform procurement code, after the  
3454 Commissioner of Public Works or, in the case of a contract for the  
3455 construction of or work on a building under the supervision and  
3456 control of the Joint Committee on Legislative Management of the  
3457 General Assembly, the joint committee or, in the case of a contract for  
3458 the construction of or work on a building under the supervision and  
3459 control of one of the constituent units of the state system of higher  
3460 education, the constituent unit, has invited such bids by  
3461 advertisements inserted at least once in one or more newspapers  
3462 having a circulation in each county in the state. The Commissioner of  
3463 Public Works, the joint committee or the constituent unit, as the case  
3464 may be, shall indicate the prequalification classification required for

3465 the contract in such advertisement. As used in this section,  
3466 "prequalification classification" means the prequalification  
3467 classifications established by the Commissioner of Administrative  
3468 Services pursuant to the uniform procurement code.

3469 (b) The Commissioner of Public Works, the joint committee or the  
3470 constituent unit, as the case may be, shall determine the manner of  
3471 submission and the conditions and requirements of such bids, and the  
3472 time within which the bids shall be submitted, consistent with the  
3473 provisions of sections 4b-91 to 4b-96, inclusive, of the general statutes  
3474 subject to approval by the State Contracting Standards Board. Such  
3475 award shall be made not later than sixty days after the opening of such  
3476 bids. If the general bidder selected as the general contractor fails to  
3477 perform the general contractor's agreement to execute a contract in  
3478 accordance with the terms of the general contractor's general bid and  
3479 furnish a performance bond and also a labor and materials or payment  
3480 bond to the amount specified in the general bid form, an award shall  
3481 be made to the next lowest responsible and qualified general bidder.  
3482 No employee of the Department of Public Works, the joint committee  
3483 or a constituent unit with decision-making authority concerning the  
3484 award of a contract and no public official, as defined in section 1-79 of  
3485 the general statutes, may communicate with any bidder prior to the  
3486 award of the contract if the communication results in the bidder  
3487 receiving information about the contract that is not available to other  
3488 bidders, except that if the lowest responsible and qualified bidder's  
3489 price submitted is in excess of funds available to make an award, the  
3490 Commissioner of Public Works, the Joint Committee on Legislative  
3491 Management or the constituent unit, as the case may be, may negotiate  
3492 with such bidder and award the contract on the basis of the funds  
3493 available, without change in the contract specifications, plans and  
3494 other requirements. If the award of a contract on said basis is refused  
3495 by such bidder, the Commissioner of Public Works, the Joint  
3496 Committee on Legislative Management or the constituent unit, as the  
3497 case may be, may negotiate with other contractors who submitted bids  
3498 in ascending order of bid prices without change in the contract,  
3499 specifications, plans and other requirements. In the event of

3500 negotiation with general bidders as provided in this section, the  
3501 general bidder involved may negotiate with subcontractors on the  
3502 same basis, provided such general bidder shall negotiate only with  
3503 subcontractors named on such general bidder's general bid form.

3504 (c) No person may bid on a contract or perform work pursuant to a  
3505 contract, except for a project described in subdivision (2) of subsection  
3506 (a) of this section, for the construction, reconstruction, alteration,  
3507 remodeling, repair or demolition of any public building for work by  
3508 the state or a municipality, which is estimated to cost more than five  
3509 hundred thousand dollars and is paid for, in whole or in part, with  
3510 state funds, unless the person is prequalified in accordance with the  
3511 uniform procurement code.

3512 (d) Each bid submitted for a contract described in subsection (c) of  
3513 this section shall include a copy of a prequalification certificate issued  
3514 by the Commissioner of Administrative Services. The bid shall also be  
3515 accompanied by an update bid statement in such form as the  
3516 Commissioner of Administrative Services prescribes. The form for  
3517 such update bid statement shall provide space for information  
3518 regarding all bonded projects completed by the bidder since the date  
3519 the bidder's prequalification certificate was issued or renewed, all  
3520 bonded projects the bidder currently has under contract, including the  
3521 percentage of work on such projects not completed, the names and  
3522 qualifications of the personnel who will have supervisory  
3523 responsibility for the performance of the contract, any significant  
3524 changes in the bidder's financial position or corporate structure since  
3525 the date the certificate was issued or renewed, any change in the  
3526 contractor's qualification status as determined by the provisions of the  
3527 uniform procurement code and such other relevant information as the  
3528 Commissioner of Administrative Services prescribes. Any bid  
3529 submitted without a copy of the prequalification certificate and an  
3530 update statement shall be invalid. Any public agency that awards a  
3531 contract to a bidder who failed to submit a copy of such  
3532 prequalification certificate and an update bid statement, as required by  
3533 this section, shall be ineligible for the receipt of any state funds related

3534 to such bid.

3535 (e) Any person who bids on a contract described in subsection (c) of  
3536 this section shall certify under penalty of false statement at the  
3537 conclusion of the bidding process that the information in the bid is  
3538 true, that there has been no substantial change in the bidder's financial  
3539 position or corporate structure since the bidder's most recent  
3540 prequalification certificate was issued or renewed, other than those  
3541 changes noted in the update bid statement, and that the bid was made  
3542 without fraud or collusion with any person.

3543 (f) Any person who receives information from a state employee or  
3544 public official that is not available to the general public concerning any  
3545 construction, reconstruction, alteration, remodeling, repair or  
3546 demolition project on a public building prior to the date that an  
3547 advertisement for bids on the project is published shall be disqualified  
3548 from bidding on the project.

3549 (g) Notwithstanding the provisions of this section regarding  
3550 competitive bidding procedures, the Commissioner of Administrative  
3551 Services may select and interview at least three responsible and  
3552 qualified general contractors who are prequalified pursuant to the  
3553 uniform procurement code and submit the three selected contractors to  
3554 the construction services award panel's process described in the  
3555 uniform procurement code and any regulation adopted by the  
3556 commissioner. The commissioner may negotiate with the successful  
3557 bidder a contract which is both fair and reasonable to the state for a  
3558 community court project; the downtown Hartford higher education  
3559 center project; a correctional facility project; a juvenile detention center  
3560 project; or a student residential facility for the Connecticut State  
3561 University system that is a priority higher education facility project, as  
3562 defined in the uniform procurement code. The Commissioner of Public  
3563 Works, prior to entering any such contract or performing any work on  
3564 such project, shall submit such contract to the State Properties Review  
3565 Board for review and approval or disapproval by the board, pursuant  
3566 to subsection (i) of this section. Any general contractor awarded a

3567 contract pursuant to this subsection shall be subject to the same  
3568 requirements concerning the furnishing of bonds as a contractor  
3569 awarded a contract pursuant to subsection (b) of this section.

3570 (h) Any agency that seeks to have a project awarded without being  
3571 subject to competitive bidding procedures shall certify to the joint  
3572 committee of the General Assembly having cognizance of matters  
3573 relating to government administration that the project is of such an  
3574 emergency nature that an exception to the competitive bidding  
3575 procedures of this section is required. Such certification shall include  
3576 input from all affected agencies, detail the need for the exception and  
3577 include any relevant documentation.

3578 (i) The General Assembly may approve legislation authorizing an  
3579 exception to the competitive bidding process for a project, provided  
3580 such legislation is approved, in whole, by a two-thirds vote of the  
3581 members of each house of the General Assembly. If rejected, the  
3582 legislation proposing an exception for such project shall not be valid  
3583 and shall not be implemented. The legislation shall be deemed rejected  
3584 if the General Assembly fails to vote to approve or reject the legislation  
3585 (1) prior to the adjournment of the regular session of the General  
3586 Assembly during which the legislation is filed, (2) prior to the  
3587 adjournment of the next regular session of the General Assembly  
3588 following the date on which the legislation is filed if the General  
3589 Assembly is not in regular session on such date, or (3) prior to the  
3590 adjournment of a special session convened before the next regular  
3591 session of the General Assembly for the purpose of considering the  
3592 legislation if the General Assembly is not in regular session on the date  
3593 on which the legislation is filed. However, if the legislation is filed less  
3594 than thirty days before the end of a regular session, the General  
3595 Assembly may vote to approve or reject the legislation (A) not later  
3596 than thirty days after the first day of a special session convened before  
3597 the next regular session of the General Assembly for the purpose of  
3598 considering the legislation, or (B) not later than thirty days after the  
3599 first day of the next regular session of the General Assembly. In the  
3600 event that the General Assembly approves legislation authorizing an

3601 exception to the competitive bidding process for a project, the State  
3602 Properties Review Board shall complete a review of the contract for  
3603 such project and approve or disapprove such contract no later than  
3604 thirty days after the Commissioner of Public Works submits such  
3605 contract to the board. Such review shall be conducted in accordance  
3606 with the provisions of section 4b-3 of the general statutes. On and after  
3607 October 1, 2008, such review shall be conducted by the applicable  
3608 subcommittee of the State Contracting Standards Board. In the event  
3609 that such review does not occur within the thirty-day period  
3610 prescribed by this subsection, such contract shall be deemed to be  
3611 approved.

3612 (j) On and after July 1, 2007, no person whose subcontract exceeds  
3613 five hundred thousand dollars in value may perform work as a  
3614 subcontractor, except for a project described in subdivision (2) of  
3615 subsection (a) of this section, for the construction, reconstruction,  
3616 alteration, remodeling, repair or demolition of any public building for  
3617 work by the state or a municipality, which is estimated to cost more  
3618 than five hundred thousand dollars and is paid for, in whole or in part,  
3619 with state funds, unless the person is prequalified in accordance with  
3620 the uniform procurement code.

3621 Sec. 69. (NEW) (*Effective July 1, 2008*) As used in the uniform  
3622 procurement code and except as otherwise provided, the words  
3623 "lowest responsible and qualified bidder" shall mean the bidder who is  
3624 prequalified pursuant the uniform procurement code, and whose bid  
3625 is the lowest of those bidders possessing the skill, ability and integrity  
3626 necessary to faithful performance of the work based on objective  
3627 criteria considering past performance and information contained in the  
3628 update statement submitted pursuant to the uniform procurement  
3629 code. Essential information in regard to such qualifications shall be  
3630 submitted with the bid in such form as the awarding authority may  
3631 require by specification in the bid documents and on the bid form.  
3632 Every general bid shall be accompanied by a bid bond or a certified  
3633 check in an amount which shall be ten per cent of the bid, provided no  
3634 such bid bond or certified check shall be required in relation to any

3635 general bid in which the total estimated cost of labor and materials  
3636 under the contract with respect to which such general bid is submitted  
3637 is less than fifty thousand dollars. Failure to execute a contract  
3638 awarded as specified and bid shall result in the forfeiture of such bid  
3639 bond or certified check. In considering past performance the awarding  
3640 authority shall evaluate the skill, ability and integrity of bidders in  
3641 terms of the bidders' fulfillment of contract obligations and of the  
3642 bidders' experience or lack of experience with projects of the nature  
3643 and scope of the project for which the bids are submitted.

3644 Sec. 70. (NEW) (*Effective July 1, 2008*) (a) Every contract subject to the  
3645 uniform procurement code shall include plans and specifications  
3646 detailing all labor and materials to be furnished thereunder. Such  
3647 specifications shall have a separate section for each of the following  
3648 classes of work if, in the estimate of the awarding authority, the class  
3649 of work will exceed twenty-five thousand dollars: (1) Masonry work;  
3650 (2) electrical work; (3) mechanical work other than heating, ventilating  
3651 and air conditioning work; and (4) heating, ventilating and air  
3652 conditioning work. Such specifications shall also have a separate  
3653 section for each other class of work for which the awarding authority  
3654 deems it necessary or convenient.

3655 (b) Each separate section in the specifications provided for by this  
3656 section shall specify by number each sheet of plans showing work to  
3657 be done by the subcontractor under this section, and shall require the  
3658 subcontractor to install all materials to be furnished under this section  
3659 other than materials which, in the opinion of the awarding authority, it  
3660 is not customary under current trade practices for such subcontractor  
3661 to install and the installation of which is expressly required by another  
3662 section of the specifications. Each class of work set forth in a separate  
3663 section of the specifications pursuant to this section shall be a sub trade  
3664 designated in the general bid form and shall be the matter of a  
3665 subcontract made in accordance with the procedure set forth in the  
3666 uniform procurement code.

3667 (c) Whenever the awarding authority has designated a separate

3668 section for a class of work, under subsection (a) of this section, the  
3669 general contractor shall, when applicable, state as part of its  
3670 application for partial payment that it considers the work required to  
3671 be done under any such separate section to be fully completed in  
3672 accordance with the terms of the contract. The awarding authority  
3673 shall thereupon conduct an inspection of the work in such class, and if  
3674 it finds that such work has been fully completed in accordance with  
3675 the terms of the contract, it shall issue a statement certifying that such  
3676 work is accepted as fully completed, and shall pay the general  
3677 contractor in full for such work.

3678       Sec. 71. (NEW) (*Effective July 1, 2008*) (a) As used in this section: (1)  
3679 "Prequalification" means prequalification issued by the Commissioner  
3680 of Administrative Services to bid on a contract or perform work  
3681 pursuant to a contract for the construction, reconstruction, alteration,  
3682 remodeling, repair or demolition of any public building by the state or  
3683 a municipality or to perform work under such a contract as a  
3684 substantial subcontractor; (2) "subcontractor" means a person who  
3685 performs work with a value in excess of twenty-five thousand dollars  
3686 for a contractor pursuant to a contract for work for the state or a  
3687 municipality which is estimated to cost more than five hundred  
3688 thousand dollars; (3) "principals and key personnel" includes officers,  
3689 directors, shareholders, members, partners and managerial employees;  
3690 (4) "aggregate work capacity rating" means the maximum amount of  
3691 work an applicant is capable of undertaking for any and all projects;  
3692 (5) "single project limit" means the highest estimated cost of a single  
3693 project that an applicant is capable of undertaking; (6) "contract"  
3694 means an agreement for work for the state or a municipality that is  
3695 estimated to cost more than five hundred thousand dollars and is  
3696 funded, in whole or in part, by state funds; (7) "public building" means  
3697 a structure, paid for in whole or in part with state funds, with a roof  
3698 and exterior walls or fire walls and includes, but is not limited to,  
3699 sewage treatment plants, water treatment plants, sewer or drainage  
3700 systems, pump houses and other utility systems, and (8) "substantial  
3701 subcontractor" means a person who performs work with a value in  
3702 excess of five hundred thousand dollars for a contractor pursuant to a

3703 contract for work for the state or a municipality which is estimated to  
3704 cost more than five hundred thousand dollars.

3705 (b) (1) Any person may apply for prequalification to the Department  
3706 of Administrative Services. Such application shall be made on such  
3707 form as the Commissioner of Administrative Services prescribes and  
3708 shall be accompanied by a nonrefundable application fee as set forth in  
3709 subdivision (2) of this subsection. The application shall be signed  
3710 under penalty of false statement.

3711 (2) The application fee shall be as follows:

3712 Aggregate Work Capacity Rating Fee

3713 \$ 5,000,000.00 or less \$ 600.00

3714 \$ 5,000,000.01 - \$ 8,000,000.00 \$ 750.00

3715 \$ 8,000,000.01 - \$ 10,000,000.00 \$ 850.00

3716 \$ 10,000,000.01 - \$ 15,000,000.00 \$ 1,000.00

3717 \$ 15,000,000.01 - \$ 20,000,000.00 \$ 1,500.00

3718 \$ 20,000,000.01 - \$ 40,000,000.00 \$ 2,000.00

3719 \$ 40,000,000.01 or more \$ 2,500.00

3720 (c) The application form shall, at a minimum, require the applicant  
3721 to supply information concerning:

3722 (1) The applicant's form of organization;

3723 (2) The applicant's principals and key personnel and any names  
3724 under which the applicant, principals or key personnel conducted  
3725 business during the past five years;

3726 (3) Any legal or administrative proceedings pending or concluded  
3727 adversely against the applicant or any of the applicant's principals or  
3728 key personnel within the past five years which relate to the

3729 procurement or performance of any public or private construction  
3730 contract and whether the applicant is aware of any investigation  
3731 pending against the applicant or any principal or key personnel;

3732 (4) The nature of any financial, personal or familial relationship  
3733 between the applicant and any public or private construction project  
3734 owner listed on the application as constituting construction experience;

3735 (5) A statement of whether (A) the applicant has been disqualified  
3736 pursuant to section 4b-95 of the general statutes, this section or the  
3737 uniform procurement code, (B) the applicant is on the list distributed  
3738 by the Labor Commissioner pursuant to the uniform procurement  
3739 code, (C) the applicant is disqualified or prohibited from being  
3740 awarded a contract pursuant to the uniform procurement code, (D) the  
3741 applicant has been disqualified by another state, (E) the applicant has  
3742 been disqualified by a federal agency or pursuant to federal law, (F)  
3743 the applicant's registration has been suspended or revoked by the  
3744 Department of Consumer Protection pursuant to section 20-341gg of  
3745 the general statutes, (G) the applicant has been disqualified by a  
3746 municipality, and (H) the matters that gave rise to any such  
3747 disqualification, suspension or revocation have been eliminated or  
3748 remedied; and

3749 (6) Other information as the commissioner deems relevant to the  
3750 determination of the applicant's qualifications and responsibilities.

3751 (d) The applicant shall include a statement of financial condition  
3752 prepared by a certified public accountant which includes information  
3753 concerning the applicant's assets and liabilities, plant and equipment,  
3754 bank and credit references, bonding company and maximum bonding  
3755 capacity, and other information as the commissioner deems relevant to  
3756 an evaluation of the applicant's financial capacity and responsibility.

3757 (e) Information contained in the application shall be current as of  
3758 the time of filing except that the statement of financial condition shall  
3759 pertain to the applicant's most recently-completed fiscal year.

3760 (f) The commissioner shall determine whether to prequalify an  
3761 applicant on the basis of the application and on relevant past  
3762 performance according to procedures and criteria set forth in  
3763 regulations which the commissioner shall adopt, in accordance with  
3764 chapter 54 of the general statutes. Such criteria shall include, at a  
3765 minimum, the record of the applicant's performance, including, but  
3766 not limited to, written evaluations of the applicant's performance on  
3767 public or private projects the applicant's past experience on projects of  
3768 various size and type, the skill, ability and integrity of the applicant  
3769 and any subcontractors used by the applicant, the experience and  
3770 qualifications of supervisory personnel employed by the applicant, the  
3771 maximum amount of work the applicant is capable of undertaking as  
3772 demonstrated by the applicant's financial condition, bonding capacity,  
3773 size of past projects and present and anticipated work commitments,  
3774 and any other relevant criteria that the commissioner prescribes. Such  
3775 regulations shall also (1) provide that the criteria considered shall be  
3776 assigned separate designated numerical values and weights and that  
3777 the applicant shall be assigned an overall numerical rating on the basis  
3778 of all criteria, and (2) establish prequalification classifications,  
3779 aggregate work capacity ratings and single project limits. Such  
3780 prequalification classifications shall be used to establish the types of  
3781 work a contractor or substantial subcontractor is qualified to perform  
3782 and the aggregate work capacity ratings shall be used to establish the  
3783 maximum amount of work a contractor or substantial subcontractor is  
3784 capable of undertaking.

3785 (g) (1) The applicant shall indicate the prequalification  
3786 classifications, aggregate work capacity ratings and single project  
3787 limits that are sought. The commissioner may issue a certificate of  
3788 prequalification to any applicant who meets the requirements of this  
3789 section. Such certificate shall be effective for one year from the date  
3790 issued and shall indicate the contractor's or substantial subcontractor's  
3791 prequalification classifications, aggregate work capacity ratings and  
3792 single project limits. The commissioner may cause the initial certificate  
3793 of prequalification to be effective for a period not to exceed two years  
3794 and may require the applicant to remit payment of the application fee,

3795 as set forth in subsection (b) of this section, for the first twelve months  
3796 of certification as well as a prorated application fee, as described in  
3797 subdivision (3) of this subsection, for any additional period of  
3798 certification beyond the first twelve months.

3799 (2) A prequalified contractor or substantial subcontractor may apply  
3800 at any time for additional prequalification classifications, aggregate  
3801 work capacity ratings or single project limits by submitting the  
3802 applicable increase in fee, a completed update statement and other  
3803 information the commissioner requires.

3804 (3) The commissioner may renew a prequalification certificate upon  
3805 receipt of a completed update statement, any other material the  
3806 commissioner requires and a nonrefundable fee in an amount not less  
3807 than one-half of the application fee for the applicable aggregate work  
3808 capacity rating as set forth in subsection (b) of this section.

3809 (h) Not later than sixty days after receiving a completed application,  
3810 the commissioner shall mail or send by electronic mail a notice to the  
3811 applicant concerning the commissioner's preliminary determination  
3812 regarding the conditions of the prequalification certification, a denial  
3813 of certification, a reduction in the level of certification sought or  
3814 nonrenewal of certification. Any applicant aggrieved by the  
3815 commissioner's preliminary determination may request copies of the  
3816 information upon which the commissioner relied in making the  
3817 preliminary determination, provided such request is made not later  
3818 than ten days after the date the notice was mailed or sent by electronic  
3819 mail to the applicant. Not later than twenty days after the date the  
3820 notice was mailed or sent by electronic mail, the applicant may submit  
3821 additional information to the commissioner with a request for  
3822 reconsideration. The commissioner shall issue a final determination  
3823 regarding the application not later than ninety days after the date the  
3824 commissioner mailed or sent by electronic mail the notice of the  
3825 preliminary determination, which ninety-day period may be extended  
3826 for an additional period not to exceed ninety days if (1) the  
3827 commissioner gives written notice to the applicant that the

3828 commissioner requires additional time, and (2) such notice is mailed or  
3829 sent by electronic mail during the initial ninety-day period.

3830 (i) The commissioner may not issue or renew a prequalification  
3831 certificate to any contractor or substantial subcontractor who (1) is  
3832 disqualified pursuant to the uniform procurement code, or (2) has a  
3833 principal or key personnel who, within the past five years, has a  
3834 conviction or has entered a plea of guilty or nolo contendere for or has  
3835 admitted to commission of an act or omission that reasonably could  
3836 have resulted in disqualification pursuant to any provision of the  
3837 uniform procurement code, as determined by the commissioner.

3838 (j) The commissioner may revoke a contractor's or substantial  
3839 subcontractor's prequalification or reduce the contractor's or  
3840 substantial subcontractor's prequalification classification or aggregate  
3841 work capacity ratings, after an opportunity for a hearing, if the  
3842 commissioner receives additional information that supports such  
3843 revocation or reduction or if such contractor is suspended from  
3844 bidding on a state contract pursuant to the uniform procurement code.  
3845 Prior to the initiation of such hearing or during the course of such  
3846 hearing, the commissioner may suspend a contractor's prequalification  
3847 certificate if the commissioner determines that there is probable cause  
3848 to believe that such contractor engaged in conduct that significantly  
3849 undermines the skill, ability or integrity of such contractor. Any such  
3850 suspension shall not exceed a period of three months and shall be  
3851 accompanied by a written decision of the commissioner that sets forth  
3852 the reasons for and duration of such suspension. The commissioner  
3853 shall send notification of any such suspension to such contractor by  
3854 certified mail, return receipt requested.

3855 (k) (1) Any substantial evidence indicating fraud in obtaining or  
3856 maintaining prequalification or any materially false statement in the  
3857 application or any update statement or any update bid statement may,  
3858 in the discretion of the awarding authority, result in termination of any  
3859 contract awarded the applicant by the awarding authority. The  
3860 awarding authority shall provide written notice to the commissioner of

3861 such false statement not later than thirty days after discovering such  
3862 false statement. The commissioner shall provide written notice of such  
3863 false statement to the Commissioner of Public Works, the  
3864 Commissioner of Consumer Protection and the chair of the  
3865 construction management oversight committee of The University of  
3866 Connecticut not later than thirty days after discovering such false  
3867 statement or receiving such notice.

3868 (2) The commissioner shall deny or revoke the prequalification of  
3869 any person if the commissioner finds that the person has included any  
3870 materially false statement in such application, update statement, or  
3871 update bid statement has been convicted of a crime related to the  
3872 procurement or performance of any public or private construction  
3873 contract has been disqualified by the State Contracting Standards  
3874 Board from bidding on state contracts pursuant to the uniform  
3875 procurement code or, within the past five years, has otherwise  
3876 engaged in fraud in obtaining or maintaining prequalification. Any  
3877 revocation made pursuant to this subsection shall be made only after  
3878 an opportunity for a hearing. Any person whose prequalification has  
3879 been revoked pursuant to this subsection shall be disqualified for a  
3880 period of two years after which the person may reapply for  
3881 prequalification, except that a person whose prequalification has been  
3882 revoked on the basis of conviction of a crime or engaging in fraud shall  
3883 be disqualified for a period of five years after which the person may  
3884 reapply for prequalification and a person whose prequalification has  
3885 been revoked on the basis of disqualification by the State Contracting  
3886 Standards Board shall be disqualified for the same length of time as the  
3887 disqualification period imposed by the State Contracting Standards  
3888 Board pursuant to the uniform procurement code. The commissioner  
3889 shall not prequalify a person whose prequalification has been revoked  
3890 pursuant to this subdivision until the expiration of said suspension or  
3891 other applicable disqualification period and the commissioner is  
3892 satisfied that the matters that gave rise to the revocation have been  
3893 eliminated or remedied.

3894 (l) The commissioner shall provide written notice of any revocation,

3895 disqualification, reduction in classification or capacity rating or  
3896 reinstated prequalification to the Commissioner of Public Works, the  
3897 Commissioner of Consumer Protection and the chair of the  
3898 construction management oversight committee of The University of  
3899 Connecticut not later than thirty days after any final determination.

3900 (m) The provisions of this section shall not apply to subcontractors.

3901 (n) The commissioner shall establish an update statement for use by  
3902 bidders and substantial subcontractors for purposes of renewing or  
3903 upgrading a prequalification certificate and an update bid statement  
3904 for purposes of submitting a bid.

3905 (o) Any applicant aggrieved by the commissioner's final  
3906 determination concerning a preliminary determination, a denial of  
3907 certification, a reduction in prequalification classification or aggregate  
3908 work capacity rating or a revocation or nonrenewal of certification  
3909 may appeal to the Superior Court in accordance with section 4-183 of  
3910 the general statutes.

3911 (p) Not later than one hundred twenty days after becoming  
3912 prequalified, any contractor or substantial subcontractor prequalified  
3913 under the provisions of this section shall participate in an ethics  
3914 training course approved by the State Contracting Standards Board.

3915 (q) The commissioner shall, with the approval of the State  
3916 Contracting Standards Board, adopt regulations, in accordance with  
3917 chapter 54 of the general statutes, to establish a schedule of application  
3918 fees for substantial subcontractors.

3919 Sec. 72. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
3920 Administrative Services shall, in consultation with the State  
3921 Contracting Standards Board, adopt regulations, in accordance with  
3922 chapter 54 of the general statutes, to establish a standard contractor  
3923 evaluation form. Such form shall include, at a minimum, the following  
3924 evaluation criteria:

3925 (1) Timeliness of performance;

3926 (2) Quality of performance;

3927 (3) Cost containment, including, but not limited to, the contractor's  
3928 ability to work within the contract's allotted cost, the accuracy of the  
3929 contractor's billing, and the number and cause of change orders and  
3930 the manner in which the contractor determined the price on the change  
3931 orders;

3932 (4) Safety;

3933 (5) The quality of the contractor's working relationship with the  
3934 agency and the quality of the contractor's supervision of the work area;

3935 (6) Communication with the agency;

3936 (7) The quality of the contractor's required documentation;

3937 (8) The performance of the contractor's subcontractors and  
3938 substantial subcontractors, to the extent known by the official who  
3939 completes the evaluation; and

3940 (9) The contractor's and any subcontractor's compliance with part III  
3941 of chapter 557 of the general statutes, or chapter 558 of the general  
3942 statutes, or the provisions of the federal Davis-Bacon Act, 40 USC,  
3943 Sections 276a to 276a-5, inclusive, as from time to time amended, to the  
3944 extent known by the official who completes the evaluation.

3945 (b) Each state contracting agency shall compile evaluation  
3946 information during the performance of the contract and complete and  
3947 submit the evaluation form to the commissioner after completion of a  
3948 building project under the agency's control if the building project is  
3949 funded, in whole or in part, by state funds. Such evaluation  
3950 information shall be filed with the Commissioner of Administrative  
3951 Services and the State Contracting Standards Board and made  
3952 available to any state contracting agency for purposes of assessing the  
3953 responsibility of the contractor during a bid selection and evaluation  
3954 process. The Agency Procurement Officer shall certify that the  
3955 information contained in the evaluation form represents, to the best of

3956 the certifying officer's knowledge, a true and accurate analysis of the  
3957 contractor's performance record on the contract. The commissioner  
3958 shall include the evaluation in the contractor's prequalification file. The  
3959 official shall mail a copy of the completed evaluation form to the  
3960 contractor. Any contractor who wishes to contest any information  
3961 contained in the evaluation form may submit a written response to the  
3962 commissioner not later than thirty days after the date the form was  
3963 mailed as indicated by the postmark on the envelope. Such response  
3964 shall set forth any additional information concerning the building  
3965 project or the oversight of the contract by the state contracting agency  
3966 that may be relevant in the evaluation of the contractor's performance  
3967 on the project. The commissioner shall include any such response in  
3968 the contractor's prequalification file.

3969 (c) As used in this section, "state contracting agency" means a state  
3970 contracting agency, as defined in the uniform procurement code, but  
3971 does not include The University of Connecticut with respect to any  
3972 project, as defined in subdivision (16) of section 10a-109c of the general  
3973 statutes, that is undertaken and controlled by the university, "contract"  
3974 means an agreement for work for the state or a municipality that is  
3975 estimated to cost more than five hundred thousand dollars and is  
3976 funded in whole or in part by state funds, and "subcontractor" means a  
3977 person who performs work with a value in excess of twenty-five  
3978 thousand dollars for a contractor pursuant to a contract, and  
3979 "substantial subcontractor" means a substantial contractor, as defined  
3980 in the uniform procurement code.

3981 (d) Upon fifty per cent completion of any building project under a  
3982 state contracting agency's control, the agency shall advise the  
3983 contractor in writing of the agency's preliminary evaluation of the  
3984 contractor's performance on the project.

3985 (e) No state contracting agency, employee of a state contracting  
3986 agency or an Agency Procurement Officer shall be held liable to any  
3987 contractor for any loss or injury sustained by such contractor as the  
3988 result of the completion of an evaluation form, as required by this

3989 section, unless such agency, employee or official is found by a court of  
3990 competent jurisdiction to have acted in a wilful, wanton or reckless  
3991 manner.

3992 (f) Any state contracting agency that fails to submit a completed  
3993 evaluation form to the commissioner and the State Contracting  
3994 Standards Board, as required by this section, not later than seventy  
3995 days after the completion of a project, shall be ineligible for the receipt  
3996 of any public funds disbursed by the state for the purposes of the  
3997 construction, reconstruction, alteration, remodeling, repair or  
3998 demolition of any public building or any public works project until  
3999 such completed evaluation form is submitted.

4000 (g) Notwithstanding the provisions of subsection (a) of this section,  
4001 any political subdivision of the state, when evaluating the performance  
4002 of a contractor's subcontractors or substantial subcontractors, to the  
4003 extent known, may rely on an evaluation of such subcontractors or  
4004 substantial subcontractors that is conducted by the contractor.

4005 Sec. 73. (NEW) (*Effective July 1, 2008*) The commissioner of the state  
4006 contracting agency may request factual information reasonably  
4007 available to the bidder or proposer to substantiate that the price or cost  
4008 offered, or some portion of it, is reasonable, if:

4009 (1) The price is not:

4010 (A) Based on adequate price competition;

4011 (B) Based on established catalogue or market prices; or

4012 (C) Set by law or regulation; and

4013 (2) The price or cost exceeds an amount established by regulation.

4014 Sec. 74. (NEW) (*Effective July 1, 2008*) The Commissioner of  
4015 Administrative Services shall adopt regulations, in accordance with the  
4016 provisions of chapter 54 of the general statutes, in consultation with  
4017 the State Contracting Standards Board, establishing standards for the

4018 preparation, maintenance, and content of specifications for supplies,  
4019 services, and construction required by the state.

4020       Sec. 75. (NEW) (*Effective July 1, 2008*) The State Contracting  
4021 Standards Board shall monitor the use of specifications for supplies,  
4022 services and construction required by each state contracting agency.

4023       Sec. 76. (NEW) (*Effective July 1, 2008*) The Department of  
4024 Administrative Services shall obtain expert advice and assistance from  
4025 personnel of state contracting agencies in the development of  
4026 specifications and may delegate, in writing, to a state contracting  
4027 agency the authority to prepare and utilize its own specifications.

4028       Sec. 77. (NEW) (*Effective July 1, 2008*) All specifications shall seek to  
4029 promote overall economy for the purposes intended and encourage  
4030 competition in satisfying the state's needs, and shall not be unduly  
4031 restrictive.

4032       Sec. 78. (NEW) (*Effective July 1, 2008*) The requirements of the  
4033 uniform procurement code regarding the purposes and  
4034 nonrestrictiveness of specifications shall apply to all specifications  
4035 prepared other than by state personnel, including, but not limited to,  
4036 those prepared by architects, engineers and designers.

4037       Sec. 79. (NEW) (*Effective July 1, 2008*) (a) Subject to the limitations of  
4038 this section, any type of contract that will promote the best interests of  
4039 the state may be used, provided the use of a cost-plus-a-percentage-of-  
4040 cost contract shall be prohibited. A cost-reimbursement contract may  
4041 be used only when a determination is made in writing that such  
4042 contract is likely to be less costly to the state than any other type or  
4043 that it is impracticable to obtain the supplies, services or construction  
4044 required except under such a contract.

4045       (b) Each bid or proposal, with the name of the bidder, or proposer,  
4046 shall be entered on a record, and each record, with the successful bid  
4047 or proposal indicated thereon, shall, after the award of the order or  
4048 contract, be open to public inspection.

4049 (c) All contracts shall be approved as to form by the Attorney  
4050 General and a copy of each contract shall be filed with the Comptroller  
4051 and the State Contracting Standards Board.

4052 Sec. 80. (NEW) (*Effective July 1, 2008*) The State Contracting  
4053 Standards Board shall adopt regulations, in accordance with chapter 54  
4054 of the general statutes, requiring that contractors submit appropriate  
4055 documentation prior to the award of contracts in which the state  
4056 agrees to reimburse costs, confirming that:

4057 (1) The proposed contractor's accounting system will permit timely  
4058 development of all necessary cost data in the form required by the  
4059 specific contract type contemplated; and

4060 (2) The proposed contractor's accounting system is adequate to  
4061 allocate costs in accordance with generally accepted accounting  
4062 principles.

4063 Sec. 81. (NEW) (*Effective July 1, 2008*) (a) Unless otherwise provided  
4064 by law, a contract for supplies or services may be entered into for any  
4065 period of time deemed to be in the best interests of the state provided  
4066 the term of the contract and conditions of renewal or extension, if any,  
4067 are included in the solicitation and funds are available for the first  
4068 fiscal period at the time of contracting. Payment and performance  
4069 obligations for succeeding fiscal periods shall be subject to the  
4070 availability and appropriation of funds therefor.

4071 (b) A multiyear contract is authorized where:

4072 (1) Estimated requirements cover the period of the contract and are  
4073 firm and continuing; and

4074 (2) Such a contract will serve the best interests of the state by  
4075 encouraging effective competition or otherwise promoting economies  
4076 in procurement.

4077 (c) When funds are not appropriated or otherwise made available to  
4078 support continuation of performance in a subsequent fiscal period, the

4079 contract shall be cancelled and the contractor shall be reimbursed for  
4080 the reasonable value of any non-recurring costs incurred but not  
4081 amortized in the price of the supplies or services delivered under the  
4082 contract. The cost of cancellation may be paid from any appropriations  
4083 available for such purposes.

4084 Sec. 82. (NEW) (*Effective July 1, 2008*) A state contracting agency  
4085 may, at reasonable times, inspect the part of the plant or place of  
4086 business of a contractor or any subcontractor that is related to the  
4087 performance of any contract awarded or to be awarded by the state.

4088 Sec. 83. (NEW) (*Effective July 1, 2008*) (a) A state contracting agency  
4089 may, at reasonable times and places, audit the books and records of  
4090 any person who has submitted data in substantiation of offered prices  
4091 to the extent that such books and records relate to that data. Any  
4092 person who receives a contract, change order, or contract modification  
4093 for which such data is required, shall maintain such books and records  
4094 that relate to such cost or pricing data for three years from the  
4095 expiration of the contract, unless a shorter period is otherwise  
4096 authorized in writing.

4097 (b) A state contracting agency shall be entitled to audit the books  
4098 and records of a contractor or any subcontractor under any negotiated  
4099 contract or subcontract to the extent that such books and records relate  
4100 to the performance of such contract or subcontract. Such books and  
4101 records shall be maintained by the contractor for a period of three  
4102 years from the date of final payment under the prime contract and by  
4103 the subcontractor for a period of three years from the expiration of the  
4104 subcontract, unless a shorter period is otherwise authorized in writing.

4105 Sec. 84. (NEW) (*Effective July 1, 2008*) When for any reason collusion  
4106 or other anticompetitive practices are suspected among any bidders or  
4107 proposers, a notice of the relevant facts shall be transmitted to the  
4108 Attorney General.

4109 Sec. 85. (NEW) (*Effective July 1, 2008*) All procurement records shall  
4110 be retained and disposed of in accordance with records retention

4111 guidelines and schedules approved by the Public Records  
4112 Administrator.

4113 Sec. 86. (NEW) (*Effective July 1, 2008*) The Agency Procurement  
4114 Officer shall maintain a record listing all contracts made under the  
4115 uniform procurement code for a minimum of five years. The record  
4116 shall contain:

4117 (1) Each contractor's name;

4118 (2) The amount and type of each contract; and

4119 (3) A listing of the supplies, services, or construction procured  
4120 under each contract.

4121 Sec. 87. (NEW) (*Effective July 1, 2008*) The department head of each  
4122 state contracting agency shall submit to the State Contracting  
4123 Standards Board, the joint standing committee of the General  
4124 Assembly having cognizance of matters relating to government  
4125 administration, the State Auditors and the Comptroller, an annual  
4126 report of all awards made pursuant to the provisions of the uniform  
4127 procurement code.

4128 Sec. 88. (NEW) (*Effective from passage*) (a) (1) Whenever a state  
4129 contracting agency seeks to find the best value for the citizens of the  
4130 state, the state contracting agency shall evaluate whether delivering  
4131 services or activities effectively and efficiently is best done using  
4132 internal state resources or contracted resources with a person or entity  
4133 not a part of state service. Such an evaluation should be done using  
4134 both quantitative and qualitative analysis through the development of  
4135 a business case. Whenever it appears that a person or entity not a part  
4136 of state service can more effectively and efficiently provide services  
4137 that are currently being provided by state employees the state  
4138 contracting agency shall first develop a business case to evaluate  
4139 feasibility, cost-effectiveness and efficiency.

4140 (2) Upon the completion of such business case in accordance with  
4141 subsection (c) of this section, the state contracting agency shall submit

4142 such proposal to the State Contracting Standards Board.

4143 (3) This section shall not apply to a procurement of contractual  
4144 services that are obtained with federal funds.

4145 (b) (1) Upon receipt of the business case the State Contracting  
4146 Standards Board shall immediately refer the proposal to the  
4147 privatization contract committee of the board.

4148 (2) There shall be a privatization contract committee of the State  
4149 Contracting Standards Board that shall review, evaluate, issue  
4150 advisory reports and make recommendations on business cases  
4151 submitted to the State Contracting Standards Board for its approval.  
4152 The privatization contract committee shall consist of five members of  
4153 the State Contracting Standards Board who represent both the majority  
4154 and minority parties and who are appointed by the chairperson. The  
4155 chairperson of the board shall serve as the chairperson of the  
4156 privatization contract committee.

4157 (3) The privatization contract committee shall employ a standard  
4158 process for reviewing, evaluating and recommending business cases  
4159 for privatization proposals requested by the proposing state  
4160 contracting agency.

4161 (4) Each state contracting agency shall submit to the State  
4162 Contracting Standards Board all information, documents, or other  
4163 materials required by the board, the privatization contract committee  
4164 or this chapter.

4165 (c) (1) For any proposed privatization contract, the state contracting  
4166 agency shall develop a business case that includes, but is not limited  
4167 to:

4168 (A) A detailed description of the service or activity for which the  
4169 privatization contract is proposed;

4170 (B) A description and analysis of the state agency's current  
4171 performance of the service or activity;

4172 (C) The goals desired to be achieved through the proposed  
4173 privatization and the rationale for such goals;

4174 (D) A description of available options for achieving the goals;

4175 (E) An analysis of the advantages and disadvantages of each option,  
4176 including, at a minimum, potential performance improvements and  
4177 risks;

4178 (F) A description of the current market for the contractual services  
4179 that are under consideration for privatization;

4180 (G) A cost-benefit analysis documenting the direct and indirect  
4181 specific costs, savings, and qualitative and quantitative benefits  
4182 involved in or resulting from the implementation of the recommended  
4183 option or options. Such analysis shall specify the schedule that, at a  
4184 minimum, shall be adhered to in order to achieve the estimated  
4185 savings. All elements of cost shall be clearly identified in the cost-  
4186 benefit analysis, described in the business case, and supported by  
4187 applicable records and reports. The state agency head shall attest that,  
4188 based on the data and information underlying the business case, all  
4189 projected costs, savings, and benefits are valid and achievable. As used  
4190 in this section, the term "cost," means the reasonable, relevant, and  
4191 verifiable cost, which may include, but is not limited to, elements such  
4192 as salary, fringe benefits, materials and supplies, services, equipment,  
4193 capital depreciation, rent, maintenance and repairs, utilities, insurance,  
4194 personnel travel, overhead, and interim and final payments. The  
4195 appropriate elements shall depend on the nature of the specific  
4196 initiative. As used in this section, the term "savings" means the  
4197 difference between the direct and indirect actual annual baseline costs  
4198 compared to the projected annual cost for the contracted functions or  
4199 responsibilities in any succeeding state fiscal year during the term of  
4200 the proposed contract;

4201 (H) A description of the specific performance standards that shall, at  
4202 a minimum, be met to ensure adequate performance by any party  
4203 performing the service or activity;

4204 (I) The projected timeframe for key events from the beginning of the  
4205 procurement process through the expiration of a contract;

4206 (J) A specific and feasible contingency plan addressing contractor  
4207 nonperformance and a description of the tasks involved in and costs  
4208 required for its implementation; and

4209 (K) A transition plan for addressing changes in the number of  
4210 agency personnel, affected business processes, employee transition  
4211 issues, and communication with affected stakeholders, such as agency  
4212 clients and the public. The transition plan shall contain a  
4213 reemployment and retraining assistance plan for employees who are  
4214 not retained by the state or employed by the contractor.

4215 (2) The Department of Administrative Services, in consultation with  
4216 the board, shall:

4217 (A) Recommend and implement standards and processes for state  
4218 agencies to develop business cases to privatize, including templates for  
4219 use by state agencies in submitting business cases to the privatization  
4220 contract committee, policies and procedures to guide agencies to  
4221 complete business case for privatization contracts, and any other  
4222 assistance necessary as determined by the Commissioner of  
4223 Administrative Services;

4224 (B) Recommend incorporation of any lessons learned from  
4225 privatization contracting functions, services, and activities into  
4226 business case standards, procedures, and guidelines, and as  
4227 appropriate, regarding best practices in privatization contracting  
4228 efforts; and

4229 (C) Develop guidelines and procedures for assisting state employees  
4230 whose jobs are eliminated as a result of a privatization contract.

4231 (3) The Office of Policy and Management, in consultation with the  
4232 board shall develop policies and procedures, including templates for  
4233 use by state agencies in submitting business cases to the privatization  
4234 contract committee, to assist agencies in developing a cost benefit

4235 analysis for a business case and shall review with each agency the  
4236 budgetary impact of such a contract and any need to request budget  
4237 adjustments.

4238 (d) (1) To privatize a service or activity that has a projected cost  
4239 exceeding one million dollars over the life of the contract, the state  
4240 contracting agency shall conduct a complete business case analysis  
4241 prior to publishing any notice soliciting bids for such privatization  
4242 contract. Such business case shall be submitted to the Governor, the  
4243 president pro tempore of the Senate, the speaker of the House of  
4244 Representatives, the State Contracting Standards Board and any  
4245 collective bargaining unit affected by the proposal. The privatization  
4246 contract committee shall evaluate the business case and submit its  
4247 evaluation to the State Contracting Standards Board for review and  
4248 approval.

4249 (2) The State Contracting Standards Board shall, not later than sixty  
4250 days after the receipt of the business case, provide to the agency  
4251 conducting the procurement, the Governor, the president pro tempore  
4252 of the Senate, and the speaker of the House of Representatives and any  
4253 collective bargaining unit affected by the proposal a report detailing its  
4254 review, evaluation and disposition regarding such business case. The  
4255 report shall contain the business case, the evaluation of the business  
4256 case by the privatization contract committee, reasons for approval or  
4257 disapproval, any relevant recommendations, and sufficient  
4258 information to assist the state contracting agency proposing to  
4259 privatize in determining if additional steps are necessary to move  
4260 forward with the publication of a notice to solicit bids for a  
4261 privatization contract.

4262 (3) Only after the board approves the business case may the  
4263 requesting state contacting agency publish any notice soliciting bids  
4264 for a privatization contract.

4265 (4) Each state contracting agency shall notify, in writing, the State  
4266 Contracting Standards Board, of any changes to a board approved  
4267 business case, as a proposed amendment to the business case, for

4268 review and approval by the board. The board may approve or  
4269 disapprove of any such proposed amendment to a business case  
4270 within thirty days of the receipt of such proposed amendment.

4271 (e) (1) The privatization contract requirements, as defined in  
4272 subsection (d) of this section, shall apply to quasi-public agencies,  
4273 constituent units of higher education and the judicial and legislative  
4274 branches of state government in accordance with the implementation  
4275 dates contained in the uniform procurement code.

4276 (2) The board shall conduct a study of the privatization policies and  
4277 practices of quasi-public agencies and the constituent units of higher  
4278 education by January 1, 2008.

4279 (f) Notwithstanding the provisions of this section, a state  
4280 contracting agency may enter into a privatization contract without  
4281 prior completion or submission of a business case in accordance with  
4282 subsection (c) and without prior approval of the State Contracting  
4283 Standards Board if (1) the agency finds that a privatization contract is  
4284 required (A) due to an imminent peril to the public health, safety or  
4285 welfare, and (B) the agency states in writing its reasons for such  
4286 finding, and (2) the Governor approves such finding in writing.

4287 Sec. 89. (NEW) (*Effective July 1, 2008*) The State Contracting  
4288 Standards Board may, in its discretion, establish, by regulation  
4289 adopted in accordance with the provisions of chapter 54 of the general  
4290 statutes, a procedure for resolving protested solicitations or awards.

4291 Sec. 90. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice, a  
4292 hearing and consultation with the relevant state contracting agency  
4293 and the Attorney General, the State Contracting Standards Board,  
4294 acting through a subcommittee of three members appointed by the  
4295 chairperson, may disqualify any contractor, bidder or proposer, for a  
4296 period of not more than five years, from bidding on, applying for, or  
4297 participating as a contractor or subcontractor under, contracts with the  
4298 state. Such disqualification shall be upon the vote of two-thirds of the  
4299 members of the board subcommittee present and voting for that

4300 purpose. Such hearing shall be conducted in accordance with chapter  
4301 54 of the general statutes. The board subcommittee shall issue a  
4302 written decision not later than ninety days after the conclusion of such  
4303 hearing and state in the decision the reasons for the action taken and, if  
4304 the contractor, bidder or proposer is being disqualified, the period of  
4305 such disqualification. The existence of a cause for disqualification, as  
4306 described in subsection (b) of this section, may not be the sole factor to  
4307 be considered by the board subcommittee in determining whether the  
4308 contractor, bidder or proposer shall be disqualified. In determining  
4309 whether to disqualify a contractor, bidder or proposer, the board shall  
4310 consider the seriousness of the acts or omissions of the contractor,  
4311 bidder or proposer and any mitigating factors. The board  
4312 subcommittee shall send the decision to the contractor, bidder or  
4313 proposer by certified mail, return receipt requested. The written  
4314 decision shall be a final decision for purposes of sections 4-180 and 4-  
4315 183 of the general statutes.

4316 (b) Causes for such disqualification shall include the following:

4317 (1) Conviction of, or entry of a plea of guilty or nolo contendere or  
4318 admission to, the commission of a criminal offense as an incident to  
4319 obtaining or attempting to obtain a public or private contract or  
4320 subcontract, or in the performance of such contract or subcontract;

4321 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
4322 admission to, the violation of any state or federal law for  
4323 embezzlement, theft, forgery, bribery, falsification or destruction of  
4324 records, receiving stolen property or any other offense indicating a  
4325 lack of business integrity or business honesty which affects  
4326 responsibility as a state contractor, bidder or proposer;

4327 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
4328 admission to, a violation of any state or federal antitrust, collusion or  
4329 conspiracy law arising out of the submission of bids or proposals on a  
4330 public or private contract or subcontract;

4331 (4) Accumulation of two or more suspensions pursuant to the

4332 uniform procurement code within a twenty-four-month period;

4333 (5) A wilful, negligent or reckless failure to perform in accordance  
4334 with the terms of one or more contracts or subcontracts, agreements or  
4335 transactions with state contracting agencies;

4336 (6) A history of failure to perform or of unsatisfactory performance  
4337 on one or more public contracts, agreements or transactions with state  
4338 contracting agencies;

4339 (7) A wilful violation of a statutory or regulatory provision or  
4340 requirement applicable to a contract, agreement or transaction with  
4341 state contracting agencies;

4342 (8) A wilful or egregious violation of the ethical standards set forth  
4343 in the uniform procurement code; or

4344 (9) Any other cause or conduct the board determines to be so  
4345 serious and compelling as to affect responsibility as a state contractor,  
4346 bidder or proposer including, but not limited to:

4347 (A) Disqualification by another state for cause;

4348 (B) The fraudulent, criminal or seriously improper conduct of any  
4349 officer, director, shareholder, partner, employee or other individual  
4350 associated with a contractor, bidder or proposer of such contractor,  
4351 bidder or proposer, provided such conduct occurred in connection  
4352 with the individual's performance of duties for or on behalf of such  
4353 contractor, bidder or proposer and such contractor, bidder or proposer  
4354 knew or had reason to know of such conduct. The term "other  
4355 seriously improper conduct" shall not include advice from an attorney,  
4356 accountant or other paid consultant if it was reasonable for the  
4357 contractor to rely on such advice;

4358 (C) The fraudulent, criminal or other seriously improper conduct of  
4359 a contractor may be imputed to any officer, director, shareholder,  
4360 partner, employee or other individual associated with the contractor,  
4361 bidder or proposer who participated in, knew of or had reason to

4362 know of the conduct of the contractor, bidder or proposer;

4363 (D) The fraudulent, criminal or other seriously improper conduct of  
4364 one contractor, bidder or proposer participating in a joint venture or  
4365 similar arrangement may be imputed to other participating  
4366 contractors, bidders or proposers if the conduct occurred for or on  
4367 behalf of the joint venture or similar arrangement and these  
4368 contractors, bidders or proposers knew of or had reason to know of  
4369 such conduct; and

4370 (E) The existence of an informal or formal business relationship with  
4371 a contractor who has been disqualified from bidding or proposing on  
4372 state contracts.

4373 (c) Upon written request by the affected state contractor, bidder or  
4374 proposer, the State Contracting Standards Board may reduce the  
4375 period or extent of disqualification for a contractor, bidder or proposer  
4376 if documentation supporting any of the following reasons for  
4377 modification is provided to the board by the contractor, bidder or  
4378 proposer:

4379 (1) Newly discovered material evidence;

4380 (2) Reversal of the conviction upon which the disqualification was  
4381 based;

4382 (3) Bona fide change in ownership or management; or

4383 (4) Elimination of other causes for which the disqualification was  
4384 imposed.

4385 (d) Disqualification of a contractor, bidder or proposer is a serious  
4386 action that shall be used only in the public interest and for the state  
4387 government's protection and not for purposes of punishment or in lieu  
4388 of other applicable enforcement or compliance procedures. The causes  
4389 for and consequences of disqualification under this section shall be  
4390 separate from and in addition to causes for and consequences of  
4391 disqualification under other sections of the general statutes. The

4392 Commissioners of Administrative Services, Public Works and  
4393 Transportation, the chief executive of each constituent unit of the state  
4394 system of higher education and other heads of state contracting  
4395 agencies shall conduct reviews of contractors and shall file reports  
4396 pertaining to any of the reasons set forth in this section of this act that  
4397 may be the basis for disqualification. Each of the foregoing may file  
4398 complaints with the State Contracting Standards Board.

4399 (e) The State Contracting Standards Board may grant an exception  
4400 permitting a disqualified contractor to participate in a particular  
4401 contract or subcontract upon a written determination by the head of  
4402 the contract awarding agency that there is good cause, in the interest of  
4403 the public, for such action.

4404 Sec. 91. (NEW) (*Effective July 1, 2008*) (a) After reasonable notice and  
4405 a hearing, conducted in accordance with the provisions of chapter 54  
4406 of the general statutes, the department head of any state contracting  
4407 agency may suspend any contractor, bidder or proposer for a period of  
4408 not more than six months from bidding on, applying for or performing  
4409 work as a contractor or subcontractor under, contracts with the state.  
4410 The department head shall issue a written decision not later than  
4411 ninety days after the conclusion of such hearing and state in the  
4412 decision the reasons for the action taken and, if the contractor, bidder  
4413 or proposer is being suspended, the period of such suspension. The  
4414 existence of a cause for suspension, as described in subsection (b) of  
4415 this section, may not be the sole factor to be considered by the board  
4416 subcommittee in determining whether the contractor, bidder or  
4417 proposer shall be suspended. In determining whether to suspend a  
4418 contractor, bidder or proposer, the department head shall consider the  
4419 seriousness of the acts or omissions of the contractor, bidder or  
4420 proposer and any mitigating factors. The department head shall send  
4421 such decision to the contractor and the State Contracting Standards  
4422 Board by certified mail, return receipt requested. Such decision shall be  
4423 a final decision for purposes of sections 4-180 and 4-183 of the general  
4424 statutes.

4425 (b) Causes for such suspension shall include the following:

4426 (1) Failure without good cause to perform in accordance with  
4427 specifications or within the time limits provided in the contract;

4428 (2) A record of failure to perform or of unsatisfactory performance  
4429 in accordance with the terms of one or more contracts, provided failure  
4430 to perform or unsatisfactory performance caused by acts beyond the  
4431 control of the contractor, bidder or proposer shall not be considered to  
4432 be a basis for suspension;

4433 (3) Any cause the complainant state contracting agency determines  
4434 to be so serious and compelling as to affect the responsibility of a state  
4435 contractor, bidder or proposer including suspension by another state  
4436 contracting agency for cause; or

4437 (4) A violation of the ethical standards set forth in the uniform  
4438 procurement code.

4439 (c) The State Contracting Standards Board may grant an exception  
4440 permitting a suspended contractor to participate in a particular  
4441 contract or subcontract upon a written determination by the board that  
4442 there is good cause for such exception and that such exception is in the  
4443 best interest of the state.

4444 (d) The departments of each state contracting agency shall conduct  
4445 reviews of contractors and shall file reports pertaining to any of the  
4446 reasons set forth in this section of this act that may be the basis for  
4447 disqualification.

4448 Sec. 92. (NEW) (*Effective July 1, 2008*) (a) Any bidder or proposer on  
4449 a state contract may contest the solicitation or award of a contract to a  
4450 subcommittee of the State Contracting Standards Board, appointed by  
4451 the chairperson. Such contest shall be submitted, in writing, not later  
4452 than fourteen days after such bidder or proposer knew or should have  
4453 known of the facts giving rise to such contest and shall be limited to  
4454 the procedural elements of the solicitation or award process, or claims  
4455 of an unauthorized or unwarranted, noncompetitive selection process.

4456 (b) The assigned subcommittee of the State Contracting Standards  
4457 Board, shall have the authority to settle and resolve any such contest.

4458 (c) In the event such contest is not resolved by mutual agreement,  
4459 the assigned subcommittee of the State Contracting Standards Board,  
4460 shall issue a decision, in writing, not later than thirty days after receipt  
4461 of any such contest. Such decision shall:

4462 (1) Describe the procedure used by such agency in soliciting and  
4463 awarding such contract;

4464 (2) Indicate such agency's finding as to the merits of such bidder or  
4465 proposers contest; and

4466 (3) Inform such bidder or proposer of the right to review, as  
4467 provided under the uniform procurement code.

4468 (d) A copy of such decision shall be provided to such bidder or  
4469 proposer.

4470 Sec. 93. (NEW) (*Effective July 1, 2008*) (a) Any contractor, bidder or  
4471 proposer may appeal a decision issued by the board subcommittee,  
4472 concerning the solicitation or award of a contract, to the full State  
4473 Contracting Standards Board.

4474 (b) Any such request for review shall be filed with the board not  
4475 later than fourteen days after such contractor's, bidder's or proposer's  
4476 receipt of a decision issued pursuant to section 92 of this act. Such  
4477 bidder or proposer shall set forth the facts supporting its claim in  
4478 sufficient detail for the State Contracting Standards Board to determine  
4479 whether the procedural elements of the solicitation or award failed to  
4480 comply with the uniform procurement code or whether an  
4481 unauthorized or unwarranted, noncompetitive selection process was  
4482 utilized.

4483 (c) Any appeal filed pursuant to subsection (b) of this section shall  
4484 not be deemed to prohibit the award or execution of any such  
4485 contested contract.

4486 (d) The State Contracting Standards Board shall create a three-  
4487 member appeals review subcommittee, not including any members of  
4488 the subcommittee that first heard such contest, which shall review any  
4489 request filed pursuant to subsection (b) of this section and decide  
4490 whether such solicitation or award was in compliance with the code,  
4491 and whether allegations of an unauthorized or unwarranted,  
4492 noncompetitive selection process have been demonstrated. A  
4493 unanimous vote of such appeals review subcommittee shall be  
4494 dispositive of any such appeal. A split vote of such appeals review  
4495 subcommittee shall result in a review of the appeal by the full  
4496 membership of the board which, by a vote of two-thirds of its  
4497 members present and voting for such purpose, shall decide whether  
4498 the solicitation or award of such contract was in compliance with the  
4499 code and whether allegations of an unauthorized or unwarranted,  
4500 noncompetitive selection process have been demonstrated.

4501 (e) Such appeals review subcommittee shall issue a written decision  
4502 or take other appropriate action on each appeal not later than ninety  
4503 days after the filing of such appeal. A written copy of any such  
4504 decision shall be provided to such bidder or proposer.

4505 (f) In the event of an appeal review by the full board, the board shall  
4506 issue a written decision or take other appropriate action on such  
4507 appeal not later than ninety days after receipt of the appeal from the  
4508 appeals review subcommittee. A written copy of any such decision  
4509 shall be provided to such bidder or proposer.

4510 (g) In the event that the appeals review subcommittee or the board  
4511 determines that a procedural violation occurred, or that allegations of  
4512 an unauthorized or unwarranted, noncompetitive selection process  
4513 have been substantiated, the board shall direct the state contracting  
4514 agency to take corrective action not later than thirty days after the date  
4515 of the subcommittee's or board's decision, as applicable.

4516 (h) In the event such appeal is found to be frivolous by the appeals  
4517 review subcommittee or the full board, such frivolous appeal may  
4518 serve as a basis for disqualification pursuant to the uniform

4519 procurement code.

4520 (i) Any three members of the board may request a full board review  
4521 of any contract deliberation or award process of a state contracting  
4522 agency.

4523 (j) A decision issued by the board or appeals review subcommittee  
4524 under this section shall be final and not subject to appeal under  
4525 sections 4-180 and 4-183 of the general statutes.

4526 Sec. 94. (NEW) (*Effective July 1, 2008*) Acting by one or more of its  
4527 members, the State Contracting Standards Board shall issue a decision  
4528 in writing or take other appropriate action on each appeal submitted  
4529 pursuant to section 93 of this act. A copy of any board decision on such  
4530 appeal shall be provided to all parties, the department head of the state  
4531 contracting agency and the Chief Procurement Officer.

4532 Sec. 95. (NEW) (*Effective July 1, 2008*) The provisions of sections 96 to  
4533 98, inclusive, of this act shall apply when it is determined  
4534 administratively, or upon administrative or judicial review, that a  
4535 solicitation or award of a contract is in violation of law.

4536 Sec. 96. (NEW) (*Effective July 1, 2008*) If, prior to award, it is  
4537 determined that a solicitation or proposed award of a contract is in  
4538 violation of law, then the solicitation or proposed award shall be:

4539 (1) Cancelled; or

4540 (2) Revised to comply with the law.

4541 Sec. 97. (NEW) (*Effective July 1, 2008*) If after an award it is  
4542 determined that a solicitation or award of a contract is in violation of  
4543 law, then:

4544 (1) If the person awarded the contract has not acted fraudulently or  
4545 in bad faith:

4546 (A) The contract may be ratified and affirmed, provided it is  
4547 determined that doing so is in the best interests of the state; or

4548 (B) The contract may be terminated and the person awarded the  
4549 contract shall be compensated for the actual expenses reasonably  
4550 incurred under the contract, plus a reasonable profit, prior to the  
4551 termination.

4552 (2) If the person awarded the contract has acted fraudulently or in  
4553 bad faith:

4554 (A) The contract may be declared null and void; or

4555 (B) The contract may be ratified and affirmed if such action is in the  
4556 best interests of the state, as determined by the State Contracting  
4557 Standards Board, in writing, without prejudice to the state's rights to  
4558 such damages as may be appropriate.

4559 Sec. 98. (NEW) (*Effective July 1, 2008*) Interest on amounts ultimately  
4560 determined under section 96 or 97 of this act to be due to a contractor  
4561 or the state shall be payable at the statutory rate applicable to  
4562 judgments from the date the claim arose through the date of decision  
4563 or judgment, whichever is later.

4564 Sec. 99. (NEW) (*Effective July 1, 2008*) (a) The following project  
4565 delivery methods are authorized for procurements relating to  
4566 infrastructure facilities and services in this state:

4567 (1) Design-bid-build, including construction management at-risk;

4568 (2) Operations and maintenance;

4569 (3) Design-build; and

4570 (4) Related methods, as may be set forth in the regulations of the  
4571 award authority or state contracting agency.

4572 (b) Participation in a report or study that is subsequently used in the  
4573 preparation of design requirements for a project shall not disqualify a  
4574 firm from participating as a member of a proposing team in a design-  
4575 build or related procurement unless such participation would provide  
4576 the firm with a substantial competitive advantage, as determined by

4577 the state contracting agency.

4578 Sec. 100. (NEW) (*Effective July 1, 2008*) (a) The source selection  
4579 methods applicable to procurements for the project delivery methods  
4580 are as identified in section 99 of this act, except as provided in sections  
4581 59 through 102, 103 and 107 of this act.

4582 (b) Design-bid-build:

4583 (1) The qualifications-based selection process set forth in the  
4584 uniform procurement code shall be used to procure architectural and  
4585 engineering services in design-bid-build procurements.

4586 (2) Competitive sealed bidding, as set forth in the uniform  
4587 procurement code, shall be used to procure construction in design-bid-  
4588 build procurements, except where regulations authorize the use of  
4589 competitive sealed proposals, as set forth in the uniform procurement  
4590 code, for contracts for construction management at-risk.

4591 (3) Contracts for operations and maintenance shall be procured as  
4592 set forth in section 99 of this act.

4593 (4) Contracts for design-build and related methods shall be  
4594 procured by competitive sealed proposals, as set forth in the uniform  
4595 procurement code, except that regulations adopted by the board, in  
4596 accordance with chapter 54 of the general statutes, may describe the  
4597 circumstances under which particular design-build procurements will  
4598 not require the submission of proposal development documents as  
4599 required under the uniform procurement code.

4600 Sec. 101. (NEW) (*Effective July 1, 2008*) The Departments of  
4601 Administrative Services, Public Works and Transportation shall adopt  
4602 regulations, in accordance with chapter 54 of the general statutes, and  
4603 in consultation with the State Contracting Standards Board, describing  
4604 the project delivery methods listed in the uniform procurement code.  
4605 Such regulations shall:

4606 (1) Set forth criteria to be used in determining which project

4607 delivery method is to be used for a particular project;

4608 (2) Grant to the head of the state contracting agency or designee,  
4609 responsible for carrying out the project, the discretion to select an  
4610 appropriate project delivery method for a particular project;

4611 (3) Describe the bond, insurance and other security provisions  
4612 contained in the uniform procurement code that apply to each project;

4613 (4) Describe the appropriate contract clauses and fiscal  
4614 responsibility requirements contained in this act that apply to each  
4615 project; and

4616 (5) Require the procurement officer to execute and include in the  
4617 contract file a written statement setting forth the facts which led to the  
4618 selection of a particular project delivery method for each project.

4619 Sec. 102. (NEW) (*Effective July 1, 2008*) (a) In addition to any other  
4620 requirements of the uniform procurement code, the procedures in this  
4621 section shall apply to procurements for design-build or any related  
4622 method.

4623 (b) Each request for proposals for design-build or any related  
4624 method: (1) Shall include design requirements; (2) shall solicit proposal  
4625 development documents; and (3) may, when the state contracting  
4626 agency determines that the cost of preparing proposals is high in view  
4627 of the size, estimated price and complexity of the procurement: (A)  
4628 Prequalify proposers by issuing a request for qualifications in advance  
4629 of the request for proposals; and (B) select a short list of responsible  
4630 proposers prior to discussions and evaluations under the uniform  
4631 procurement code, provided that the number of proposals that will be  
4632 short-listed is stated in the request for proposals and prompt public  
4633 notice is given to all proposers as to which proposals have been short-  
4634 listed; or (C) pay stipends to unsuccessful proposers, provided that the  
4635 amount of such stipends and the terms under which stipends shall be  
4636 paid are stated in the request for proposals.

4637 (c) Each request for proposals for design-build or related methods

4638 authorized by regulation:

4639 (1) Shall state the relative importance of (A) demonstrated  
4640 compliance with the design requirements; (B) proposer qualifications;  
4641 (C) financial capacity; (D) project schedule; (E) price or life-cycle price  
4642 for design-build related methods procurements; and (F) other factors,  
4643 if any; and

4644 (2) Shall require each proposer, when the contract price is estimated  
4645 to exceed ten million dollars or in circumstances established by  
4646 regulation, to identify an independent peer reviewer whose  
4647 competence and qualifications to provide such services shall be an  
4648 additional evaluation factor in the award of the contract.

4649 Sec. 103. (NEW) (*Effective July 1, 2008*) (a) The state shall publicly  
4650 announce all requirements for architectural and engineering services  
4651 and negotiate contracts for architectural and engineering services on  
4652 the basis of demonstrated competence and qualification for the type of  
4653 services required, and at fair and reasonable prices.

4654 (b) In the procurement of architectural and engineering services, the  
4655 Commissioner of Administrative Services shall encourage firms  
4656 engaged in the lawful practice of their profession to submit annually a  
4657 statement of qualifications and performance data. The Commissioner  
4658 of Administrative Services or the commissioner's designee, the Agency  
4659 Procurement Officer or the officer's designee and the project manager  
4660 for the project in question shall comprise an architect-engineer  
4661 selection committee for each architectural and engineering services  
4662 contract with a value of fifty thousand dollars or more. The selection  
4663 committee for architectural and engineering services contracts under  
4664 such amount shall be established in accordance with regulations  
4665 adopted in accordance with chapter 54 of the general statutes by the  
4666 State Contracting Standards Board. The selection committee shall  
4667 evaluate current statements of qualifications and performance data on  
4668 file with the state, together with those that may be submitted by other  
4669 firms regarding the proposed contract. The selection committee shall  
4670 conduct discussions with no less than three firms regarding the

4671 contract and the relative utility of alternative methods of approach for  
4672 furnishing the required services, and then shall select therefrom, in  
4673 order of preference, based upon criteria established and published by  
4674 the selection committee, no less than three of the firms deemed to be  
4675 the most highly qualified to provide the services required.

4676 (c) The department head of the state contracting agency or designee  
4677 shall negotiate a contract with the highest qualified firm for  
4678 architectural and engineering services at compensation which the  
4679 agency head determines, in writing, to be fair and reasonable to the  
4680 state. In making this decision, the agency head shall take into account  
4681 the estimated value, the scope, the complexity, and the professional  
4682 nature of the services to be rendered. Should the agency head be  
4683 unable to negotiate a satisfactory contract with the firm considered to  
4684 be the most qualified, at a price the agency head determines to be fair  
4685 and reasonable to the state, negotiations with that firm shall be  
4686 formally terminated. The agency head shall then undertake  
4687 negotiations with the second most qualified firm. Failing accord with  
4688 the second most qualified firm, the agency head shall formally  
4689 terminate negotiations. The agency head shall then undertake  
4690 negotiations with the third most qualified firm. Should the agency  
4691 head be unable to negotiate a contract at a fair and reasonable price  
4692 with any of the selected firms, the agency head shall select additional  
4693 firms in order of their competence and qualifications, and the agency  
4694 shall continue negotiations in accordance with this section until an  
4695 agreement is reached.

4696 Sec. 104. (NEW) (*Effective July 1, 2008*) (a) Bid security shall be  
4697 required for all competitive sealed bidding for construction contracts  
4698 in a design-bid-build procurement when the price is estimated by the  
4699 state contracting agency to exceed an amount established by  
4700 regulations pertaining to the agency. Bid security shall be a bond  
4701 provided by a surety company authorized to do business in this state,  
4702 or the equivalent in cash, or otherwise supplied in a form satisfactory  
4703 to the state. Nothing in this section shall be construed to prevent the  
4704 requirement of such bonds on such contracts under the amount set by

4705 regulation when the circumstances warrant.

4706 (b) Bid security shall be in an amount equal to at least five per cent  
4707 of the amount of the bid.

4708 (c) When the invitation for bids requires security, noncompliance  
4709 requires that the bid be rejected unless, pursuant to regulations, it is  
4710 determined that the bid fails to comply in a non-substantial manner  
4711 with the security requirements.

4712 (d) After such bids are opened, they shall be irrevocable for the  
4713 period specified in the invitation for bids. If a bidder is permitted to  
4714 withdraw its bid before award, or is excluded from the competition  
4715 before award, no action shall be had against the bidder or the bid  
4716 security.

4717 Sec. 105. (NEW) (*Effective July 1, 2008*) (a) When a construction,  
4718 design-build or related methods contract is awarded in excess of the  
4719 amount, set forth in regulation, the following bonds or security shall be  
4720 delivered to the state and shall become binding on the parties upon the  
4721 execution of the contract:

4722 (1) A performance bond satisfactory to the state, executed by a  
4723 surety company authorized to do business in this state or otherwise  
4724 secured in a manner satisfactory to the state, in an amount equal to one  
4725 hundred per cent of the portion of the contract price that does not  
4726 include the cost of operation, maintenance, and finance; and

4727 (2) A payment bond satisfactory to the state, executed by a surety  
4728 company authorized to do business in this state or otherwise secured  
4729 in a manner satisfactory to the state, for the protection of all persons  
4730 supplying labor and material to the contractor or its subcontractors for  
4731 the performance of the construction work provided for in the contract.  
4732 The bond shall be in an amount equal to one hundred per cent of the  
4733 portion of the contract price that does not include the cost of operation,  
4734 maintenance and finance.

4735 (b) Regulations may authorize the State Contracting Standards

4736 Board to reduce the amount of performance and payment bonds to  
4737 fifty per cent of the amounts established in subsection (a) of this  
4738 section.

4739 (c) Nothing in this section shall be construed to limit the authority of  
4740 the state to require a performance bond or other security in addition to  
4741 such bonds, or in circumstances other than specified in subsection (a)  
4742 of this section.

4743 Sec. 106. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of  
4744 Administrative Services shall adopt regulations, in accordance with  
4745 chapter 54 of the general statutes, with the advice of the State  
4746 Contracting Standards Board, concerning the form of the bonds  
4747 required by the uniform procurement code.

4748 (b) Any person may request and obtain from the state a certified  
4749 copy of a bond upon payment of the cost of reproduction of the bond  
4750 and postage, if any. A certified copy of a bond shall be prima facie  
4751 evidence of the contents, execution, and delivery of the original.

4752 Sec. 107. (NEW) (*Effective July 1, 2008*) The Commissioner of  
4753 Administrative Services shall adopt regulations, in accordance with  
4754 chapter 54 of the general statutes, with the advice of the state  
4755 Contracting Standards Board, that specify when the state contracting  
4756 agency shall require proposers to provide appropriate errors and  
4757 omissions insurance to cover architectural and engineering services  
4758 under the project delivery methods set forth in the uniform  
4759 procurement code.

4760 Sec. 108. (NEW) (*Effective July 1, 2008*) (a) With respect to  
4761 infrastructure facilities and services, the State Contracting Standards  
4762 Board, in consultation with the state contracting agencies, shall adopt  
4763 regulations, in accordance with chapter 54 of the general statutes,  
4764 requiring the inclusion in state contracts issued under the uniform  
4765 procurement code of clauses providing for adjustments in prices, time  
4766 of performance, or other contract provisions, as appropriate, and  
4767 covering the following subjects:

- 4768 (1) The unilateral right of the state to order in writing:
- 4769 (A) Changes in the work within the scope of the contract; and
- 4770 (B) Changes in the time of performance of the contract that do not  
4771 alter the scope of the contract work;
- 4772 (2) Variations occurring between estimated quantities of work in a  
4773 contract and actual quantities;
- 4774 (3) Suspension of work ordered by the state; and
- 4775 (4) Site conditions differing from those indicated in the contract, or  
4776 ordinarily encountered, except that differing site conditions clauses  
4777 promulgated by the board need not be included in a contract:
- 4778 (A) When the contract is negotiated;
- 4779 (B) When the contractor provides the site or design; or
- 4780 (C) When the parties have otherwise agreed with respect to the risk  
4781 of differing site conditions.
- 4782 (b) (1) Adjustments in price pursuant to clauses promulgated under  
4783 subsection (a) of this section shall be computed in one or more of the  
4784 following ways:
- 4785 (A) By agreement on a fixed-price adjustment before  
4786 commencement of the pertinent performance or as soon thereafter as  
4787 practicable;
- 4788 (B) By unit prices specified in the contract or subsequently agreed  
4789 upon;
- 4790 (C) By the costs attributable to the events or situations under such  
4791 clauses with adjustment of profit or fee, all as specified in the contract  
4792 or subsequently agreed upon;
- 4793 (D) In such other manner as the contracting parties may mutually  
4794 agree; or

4795 (E) In the absence of agreement by the parties, by a unilateral  
4796 determination by the state of the costs attributable to the events or  
4797 situations under such clauses with adjustment of profit or fee, all as  
4798 computed by the state in accordance with applicable sections of  
4799 regulations adopted in accordance with chapter 54 of the general  
4800 statutes.

4801 (2) A contractor shall be required to submit cost or pricing data if  
4802 any adjustment in contract price is subject to the provisions of the  
4803 uniform procurement code.

4804 (c) Regulations shall be adopted, in accordance with chapter 54 of  
4805 the general statutes, requiring the inclusion in state construction  
4806 contracts of clauses providing for appropriate remedies and covering  
4807 the following subjects:

4808 (1) Liquidated damages as appropriate;

4809 (2) Specified excuses for delay or nonperformance;

4810 (3) Termination of the contract for default; and

4811 (4) Termination of the contract in whole or in part for the  
4812 convenience of the state.

4813 Sec. 109. (NEW) (*Effective July 1, 2008*) Every contract modification,  
4814 change order, or contract price adjustment under a construction  
4815 contract with the state in excess of fifty thousand dollars shall be  
4816 subject to prior written certification by the fiscal officer of the state  
4817 contracting agency or other agency responsible for funding the project  
4818 or the contract, or other official responsible for monitoring and  
4819 reporting upon the status of the costs of the total project budget or  
4820 contract budget, as to the effect of the contract modification, change  
4821 order or adjustment in contract price on the total project budget or the  
4822 total contract budget. In the event that the certification of the fiscal  
4823 officer or other responsible official discloses a resulting increase in the  
4824 total project budget or the total contract budget, the Agency  
4825 Procurement Officer shall not execute or make such contract

4826 modification, change order or adjustment in contract price unless  
4827 sufficient funds are available therefor, or the scope of the project or  
4828 contract is adjusted so as to permit the degree of completion that is  
4829 feasible within the total project budget or total contract budget as it  
4830 existed prior to the contract modification, change order or adjustment  
4831 in contract price under consideration, provided with respect to the  
4832 validity as to the contractor, of any executed contract modification,  
4833 change order, or adjustment in contract price which the contractor has  
4834 reasonably relied upon, it shall be presumed that there has been  
4835 compliance with the provisions of this section.

4836 Sec. 110. (NEW) (*Effective July 1, 2008*) (a) With respect to contracts  
4837 for supplies and services, the State Contracting Standards Board, in  
4838 consultation with state contracting agencies may adopt regulations in  
4839 accordance with chapter 54 of the general statutes permitting or  
4840 requiring the inclusion of clauses providing for adjustments in prices,  
4841 time of performance, or other contract provisions as appropriate  
4842 covering the following subjects:

4843 (1) The unilateral right of the state to order in writing:

4844 (A) Changes in the work within the scope of the contract; and

4845 (B) Temporary stopping of the work or delaying performance; and

4846 (2) Variations occurring between estimated quantities of work in a  
4847 contract and actual quantities.

4848 (b) (1) Adjustments in price pursuant to clauses adopted under  
4849 subsection (a) of this section shall be computed in one or more of the  
4850 following ways:

4851 (A) By agreement on a fixed-price adjustment before  
4852 commencement of the pertinent performance or as soon thereafter as  
4853 practicable;

4854 (B) By unit prices specified in the contract or subsequently agreed  
4855 upon;

4856 (C) By the costs attributable to the events or situations under such  
4857 clauses with adjustment of profit or fee, all as specified in the contract  
4858 or subsequently agreed upon;

4859 (D) In such other manner as the contracting parties may mutually  
4860 agree; or

4861 (E) In the absence of agreement by the parties, by a unilateral  
4862 determination by the state of the costs attributable to the events or  
4863 situations under such clauses with adjustment of profit or fee, all as  
4864 computed by the state in accordance with applicable sections of the  
4865 regulations adopted under the uniform procurement code.

4866 (c) The Commissioner of Administrative Services may adopt  
4867 regulations, in accordance with chapter 54 of the general statutes,  
4868 following consultation with the State Contracting Standards Board,  
4869 permitting or requiring the inclusion in state contracts of clauses  
4870 providing for appropriate remedies and covering the following  
4871 subjects:

4872 (1) Liquidated damages as appropriate;

4873 (2) Specified excuses for delay or nonperformance;

4874 (3) Termination of the contract for default; and

4875 (4) Termination of the contract in whole or in part for the  
4876 convenience of the state.

4877 Sec. 111. (NEW) (*Effective July 1, 2008*) The Commissioner of  
4878 Administrative Services may adopt regulations, in accordance with  
4879 chapter 54 of the general statutes, with the advice of the State  
4880 Contracting Standards Board, governing:

4881 (1) The management of supplies during their entire life cycle;

4882 (2) The sale, lease, or disposal of surplus supplies by public auction,  
4883 competitive sealed bidding, or other appropriate method designated  
4884 by regulation, provided that no employee of the owning or disposing

4885 agency shall be entitled to purchase any such supplies; and

4886 (3) Transfer of excess supplies.

4887 Sec. 112. (NEW) (*Effective July 1, 2008*) Unless otherwise provided by  
4888 law, the Commissioner of Administrative Services shall be empowered  
4889 to allocate proceeds from the sale, lease or disposal of surplus supplies.

4890 Sec. 113. (NEW) (*Effective from passage*) For purposes of sections 114  
4891 and 115 of this act:

4892 (1) "Procurement" means contracting for, buying, purchasing,  
4893 renting, leasing or otherwise acquiring or disposing of, any supplies,  
4894 services, including but not limited to, contracts for purchase of services  
4895 and personal service agreements, interest in real property, or  
4896 construction, and includes all government functions that relate to such  
4897 activities, including best value selection and qualification based  
4898 selection.

4899 (2) "Emergency procurement" means procurement by a state agency  
4900 that is made necessary by a sudden, unexpected occurrence that poses  
4901 a clear and imminent danger to public safety or requires immediate  
4902 action to prevent or mitigate the loss or impairment of life, health,  
4903 property or essential public services or in response to a court order,  
4904 settlement agreement or other similar legal judgment.

4905 (3) "Best value selection" means a contract selection process in which  
4906 the award of a contract is based on a combination of quality and cost  
4907 considerations.

4908 (4) "Qualification based selection" means a contract selection process  
4909 in which the award of a contract is primarily based on an assessment  
4910 of contractor qualifications and on the negotiation of a fair and  
4911 reasonable price.

4912 (5) "State contracting agency" means any state agency or political  
4913 subdivision of the state, other than the State Contracting Standards  
4914 Board, that is authorized by law to enter into contracts, including, but

4915 not limited to, any quasi-public agency, as defined in section 1-120 of  
4916 the general statutes, and any state agency, as defined in section 4a-50  
4917 of the general statutes, that receives state funds. State contracting  
4918 agency does not include the Judicial Department or the Joint  
4919 Committee on Legislative Management.

4920 (6) "Contractor" means any person or entity bidding on, submitting  
4921 a proposal for, applying for or participating as a subcontractor for, a  
4922 transaction, procurement or contract including, but not limited to, a  
4923 small contractor, minority business enterprise, and an individual with  
4924 a disability, as defined in section 4a-60g of the general statutes.

4925 (7) "Contract risk assessment" means (A) the identification and  
4926 evaluation of loss exposures and risks, including, but not limited to,  
4927 business and legal risks associated with the contracting process and  
4928 the contracted goods and services, and (B) the identification,  
4929 evaluation and implementation of measures available to minimize  
4930 potential loss exposures and risks.

4931 (8) "Privatization contract" means an agreement or series of  
4932 agreements between a state contracting agency and a person, in which  
4933 such person agrees to provide services valued at five hundred  
4934 thousand dollars or more over the life of the contract that are  
4935 substantially similar to and in lieu of services provided, in whole or in  
4936 part, by employees of such agency or by employees of another state  
4937 agency for such state agency. "Privatization contract" does not include  
4938 an agreement to only provide legal services, litigation support or  
4939 management or financial consulting.

4940 (9) "Comparative costs" means a comparison of the costs of entering  
4941 into a privatization contract to the costs of the state providing the  
4942 services that are the subject of the privatization contract, using a  
4943 comparative costs analysis.

4944 (10) "Comparative costs analysis" means an examination of all direct  
4945 and indirect costs or savings to the state and an examination of the  
4946 effect of a proposed privatization contract on the public health and

4947 safety of residents of the state who may utilize such privatized service.

4948 (11) "Purchase of service agreement" means any contract between a  
4949 state agency and a nonprofit agency, partnership or corporation for the  
4950 purchase by the state of ongoing and routine health and human  
4951 services for clients of the Departments of Social Services, Children and  
4952 Families, Mental Retardation, Mental Health and Addiction Services,  
4953 Public Health and Correction which is overseen by the Office of Policy  
4954 and Management.

4955 (12) "Rebidding" means a state contracting agency's requesting of  
4956 proposals or qualifications for a contract to provide goods or services  
4957 that are specific to an existing facility or program provided such goods  
4958 or services are being provided under a contract in effect as of the  
4959 effective date of this section.

4960 (13) "Established wage rate" means (A) for for-profit contractors a  
4961 minimum wage rate for employee positions with duties that are  
4962 substantially similar to the duties performed by a regular agency,  
4963 which rate shall be the lesser of step one of the grade or classification  
4964 under which the comparable regular agency employee is paid, or the  
4965 standard private sector wage rate for said position, as determined by  
4966 the Labor Commissioner in accordance with section 31-57f of the  
4967 general statutes and shall include a percentage representing the  
4968 normal costs of health care and pension benefits for comparable state  
4969 employees hired at the time of the contract; (B) for non-profit  
4970 providers, a rate no lesser than step one of the grade or classification  
4971 under which the most comparable regular agency employee is paid  
4972 and shall include a percentage representing the normal costs of health  
4973 care and pension benefits for comparable state employees hired at the  
4974 time of the contract; and (C) for nonprofit providers receiving less than  
4975 ninety per cent of their funding for personal services from the state, the  
4976 established rate may be lowered, provided that all additional funding  
4977 for wage and benefits required by section 115 of this act is used in a  
4978 manner designed to assure that all similarly situated workers are paid  
4979 as closely as possible in accordance with section 115 and is used to

4980 provide wage or benefit increases to employees covered by the state  
4981 contract and to other employees who are providing the services or  
4982 performing functions comparable to those covered by the state  
4983 contract.

4984 (14) "Wage" shall include wages and salaries.

4985 Sec. 114. (NEW) (*Effective January 1, 2008*) (a) On or before January 1,  
4986 2007, the State Contracting Standards Board shall prepare a uniform  
4987 procurement code applicable to state contracting agency expenditures,  
4988 including, but not limited to, expenditures: (1) By municipalities that  
4989 receive state funds, (2) involving any state contracting and  
4990 procurement processes, including, but not limited to, leasing and  
4991 property transfers, purchasing or leasing of supplies, materials or  
4992 equipment, as defined in section 4a-50 of the general statutes,  
4993 consultant or consultant services, as defined in section 4b-55 of the  
4994 general statutes, personal service agreements, as defined in section 4-  
4995 212 of the general statutes, purchase of service agreements or  
4996 privatization contracts, and (3) relating to contracts for the  
4997 construction, reconstruction, alteration, remodeling, repair or  
4998 demolition of any public building. Nothing in this section shall be  
4999 construed to require the application of uniform procurement code  
5000 procedures when such procurement involves the expenditure of  
5001 federal assistance or contract funds and federal law provides  
5002 applicable procurement procedures to the extent such procedures are  
5003 inconsistent with the uniform procurement code.

5004 (b) The uniform procurement code described in subsection (a) of  
5005 this section shall be designed to: (1) Establish uniform contracting  
5006 standards and practices among the various state contracting agencies;  
5007 (2) simplify and clarify the state's laws governing contracting  
5008 standards and procurement policies and practices, including, but not  
5009 limited to, procedures for competitive sealed bids, competitive sealed  
5010 proposals, small purchases, sole source procurements, emergency  
5011 procurements and special procurements; (3) ensure the fair and  
5012 equitable treatment of all businesses and persons who deal with the

5013 procurement system of the state; (4) include a process to maximize the  
5014 use of small contractors and minority business enterprises, as defined  
5015 in section 4a-60g of the general statutes; (5) provide increased economy  
5016 in state procurement activities and maximize purchasing value to the  
5017 fullest extent possible; (6) ensure that the procurement of supplies,  
5018 materials, equipment, services, real property and construction required  
5019 by any state contracting agency is obtained in a cost-effective and  
5020 responsive manner; (7) preserve and maintain the existing contracting,  
5021 procurement, disqualification and termination authority and discretion  
5022 of any state contracting agency when such contracting and  
5023 procurement procedures represent best practices; (8) include a process  
5024 to improve contractor and state contracting agency accountability; (9)  
5025 include standards by which state contracting agencies must evaluate  
5026 proposals to privatize state or quasi-public agency services and  
5027 privatization contract bid proposals. Such standards shall, at a  
5028 minimum, include: (A) A requirement for a comparative costs analysis  
5029 to be completed prior to any state or quasi-public agency decision to  
5030 privatize services, (B) adequate notification requirements to affected  
5031 employees and, where applicable, certified bargaining agents, (C) a  
5032 requirement for the preparation of an employee impact statement  
5033 including measures that may be taken by the bidder to retain qualified  
5034 state and quasi-public agency employees, (D) a provision for any  
5035 privatization contract that would require the layoff, transfer or  
5036 reassignment of one hundred or more state employees, to require state  
5037 agencies and quasi-public agencies to provide adequate information to  
5038 their employees for the purpose of encouraging and assisting such  
5039 state or quasi-public employees to organize and submit a bid to  
5040 provide the services that are the subject of the privatization contract,  
5041 (E) a requirement that bidders disclose all relevant information  
5042 pertaining to past performance, pending or concluded legal or  
5043 regulatory proceedings or complaints, including, but not limited to,  
5044 compliance with fair employment practices and nondiscrimination  
5045 standards, as described in section 46a-60 of the general statutes, and  
5046 compliance with federal fair employment and nondiscrimination  
5047 standards, (F) a requirement that where any applicable collective

5048 bargaining agreement allows layoffs resulting from privatization, any  
5049 for-profit contractor will offer available employee positions pursuant  
5050 to the contract to qualified regular employees of the agency whose  
5051 state employment is terminated because of such privatization contract  
5052 provided such employees satisfy the hiring criteria of the contractor,  
5053 and (G) provisions for a fair wage according to objective standards,  
5054 such as the established wage rate defined in section 1 of this act; (10)  
5055 provide that the renewal, modification, extension or rebidding of a  
5056 privatization agreement in effect on or before the effective date of this  
5057 section, or reentered into after the effective date of this section, shall be  
5058 subject to the procurement code on and after January 1, 2010; (11)  
5059 establish standards for leases and lease-purchase agreements and for  
5060 the purchase and sale of real estate; and (12) provide a process for  
5061 competitive sealed bids, competitive sealed proposals, small  
5062 purchases, sole source procurements, emergency procurements,  
5063 special procurements, best value selection, qualification based  
5064 selection and the conditions for their use.

5065 (c) In preparing the uniform procurement code described in  
5066 subsection (a) of this section, the State Contracting Standards Board  
5067 shall conduct a comprehensive review of existing state contracting and  
5068 procurement laws, regulations and practices and shall utilize existing  
5069 procurement procedures and guidelines that the board deems  
5070 appropriate.

5071 (d) Upon request by the State Contracting Standards Board, each  
5072 state contracting agency engaged in procurement shall provide the  
5073 board, in a timely manner, with such procurement information as the  
5074 board deems necessary. The board shall have access to all information,  
5075 files and records related to any state contracting agency in furtherance  
5076 of this purpose. Nothing in this section shall be construed to require  
5077 the board's disclosure of documents that are exempt from disclosure  
5078 pursuant to chapter 14 of the general statutes or that may be protected  
5079 from disclosure under claim of an attorney-client privilege.

5080 (e) Such uniform procurement code shall be submitted to the

5081 General Assembly for its approval. The board shall file such code with  
5082 the clerks of the House of Representatives and the Senate not later than  
5083 January 15, 2008, and not later than January 20, 2008, the speaker of the  
5084 House of Representatives and the president pro tempore of the Senate  
5085 shall submit such code to the joint standing committee of the General  
5086 Assembly having cognizance of matters relating to government  
5087 administration and elections. Said committee shall hold a public  
5088 hearing on such code and shall report its recommendations, including  
5089 any changes thereto, to the House of Representatives and the Senate  
5090 concerning the approval or rejection of the code. The General  
5091 Assembly shall take a vote on such code not later than the end of the  
5092 2008 regular session.

5093 Sec. 115. (NEW) (*Effective from passage*) (a) From the effective date of  
5094 this section, until the passage and signing into law of a uniform  
5095 procurement code, no state agency may enter into a privatization  
5096 contract other than an emergency procurement, unless each of the  
5097 following conditions have been met:

5098 (1) Such contract is cost effective and fiscally prudent taking into  
5099 consideration comparative costs including all direct and indirect costs  
5100 to the state and the impact of such privatization contract on the public  
5101 health and safety and the residents of Connecticut who use the services  
5102 that are the subject of the privatization contract.

5103 (2) Such agency has complied with the provisions of subsection (b)  
5104 of this section.

5105 (3) Prior to any state agency's solicitation of bids for a privatization  
5106 contract, such agency shall prepare an analysis of the costs and  
5107 benefits to the agency of (A) privatizing services, and (B) continuing to  
5108 provide such services using state employees of the state agency. Such  
5109 analysis shall include, but not be limited to: (i) An examination of all  
5110 direct and indirect costs to the state, not including wages and benefits,  
5111 but including, unemployment compensation costs of state employees  
5112 terminated as a result of the privatization contract, gain or loss of  
5113 income tax and sales tax revenue to the state, and (ii) an examination

5114 of the effect of such proposed privatization on the quality of service,  
5115 the public health and safety and residents of the state who may utilize  
5116 such privatized service. Additionally, the state agency shall include in  
5117 such cost analysis any costs or penalties the state may incur if such  
5118 contract is terminated by the state prior to the termination date  
5119 contained in such contract. Each state agency shall transmit such  
5120 analysis to the Secretary of the State who shall maintain copies of each  
5121 such proposed contract and analysis as public records and to the  
5122 Auditors of Public Accounts who may review and comment on such  
5123 analysis.

5124 (4) At least sixty days prior to publishing any notice soliciting bids  
5125 for a privatization contract, a state agency shall notify each collective  
5126 bargaining organization representing employees of the agency of such  
5127 planned solicitation. Where the contract would result in the layoff,  
5128 transfer or reassignment of one hundred or more state or quasi-public  
5129 agency employees, after consulting with the potentially affected  
5130 bargaining units, if any, the agency shall provide adequate resources  
5131 for the purpose of encouraging and assisting present agency  
5132 employees to organize and submit a bid to provide the services that  
5133 are the subject of the privatization contract. In determining what  
5134 resources are adequate for this purpose, the agency shall refer to an  
5135 existing collective bargaining agreement of a similar employee  
5136 organization whose members perform the subject services, if available,  
5137 which agreement provides similar resources in the same or other  
5138 agencies. If no such collective bargaining agreement exists, the agency  
5139 shall refer to any existing collective bargaining agreements providing  
5140 such resources, and shall provide such resources at the minimum level  
5141 of assistance provided in such agreements. The state agency shall also  
5142 provide to the state employees its analysis and any report of the  
5143 Auditors of Public Accounts prepared in accordance with this act. The  
5144 agency shall consider any such employee bid on the same basis as all  
5145 other bids. An employee bid may be made as a joint venture with other  
5146 persons.

5147 (b) The state agency soliciting bids for a privatization contract shall

5148 require the bidders to include the following information in their bid  
5149 submission:

5150 (1) The wage rate or annual salary for each employee as required by  
5151 the established wage rate or, if not known, each position covered by  
5152 the privatization contract;

5153 (2) An agreement by any for-profit bidder or contractor to offer  
5154 available positions qualified regular employees of the state agency  
5155 whose state employment is terminated because of the privatization  
5156 contract and who satisfy the hiring criteria of the contractor;

5157 (3) An agreement by the bidder or the contractor to refrain from  
5158 engaging in discriminatory employment practices, as defined in  
5159 section 46a-51 of the general statutes, and to take affirmative steps to  
5160 provide such equal opportunity for all such persons;

5161 (4) The annual rate of employee turnover;

5162 (5) Any legal or administrative proceedings pending or concluded  
5163 adversely against the applicant or any of the applicant's principals or  
5164 key personnel within the past five years that relate to the procurement  
5165 or performance of any public or private construction contract,  
5166 employee safety and health, labor relations or other employment  
5167 requirements and whether the applicant is aware of any investigation  
5168 pending against the applicant or any principal or key personnel. Such  
5169 information shall specify the date of the complaint, citation, court  
5170 finding or administrative finding, the enforcement agency, rule, law or  
5171 regulation involved and any additional information the contractor  
5172 elects to submit; and

5173 (6) Any collective bargaining agreements or personnel policies  
5174 covering the employees that will provide services to the state.

5175 (c) Any state agency selecting a bidder for a privatization contract  
5176 shall develop a contract that is acceptable to the bidder and the state  
5177 agency, provided such contract shall include funds from the state that  
5178 are required to comply with this section, plus for nonprofit human

5179 service providers, twenty per cent to be for administrative costs, and  
5180 up to an additional forty per cent as may be documented by the  
5181 provider which shall be used solely to provide for higher wages or  
5182 salaries for employees who are beyond entry level, or who have  
5183 additional needed skills; provided however that the amount required  
5184 of the contractor, and provided by the state, for wages, benefits and  
5185 administrative costs, as required by this section, for a contract renewal,  
5186 modification, extension or rebidding shall not be increased by more  
5187 than ten per cent per year as a result of this subsection except to the  
5188 extent that additional increases are required by state, or federal law, or  
5189 by the provisions of a collective bargaining agreement and shall  
5190 include the following additional terms:

5191 (1) Where any applicable collective bargaining agreement allows  
5192 layoffs as a result of privatization, any for-profit contractor shall be  
5193 required to offer available employee positions pursuant to the contract  
5194 to qualified regular employees of the agency whose state employment  
5195 is terminated because of the privatization contract and who satisfy the  
5196 hiring criteria of the contractor;

5197 (2) The contractor shall be prohibited from engaging in  
5198 discriminatory employment practices, as defined in section 46a-51 of  
5199 the general statutes, and shall take affirmative steps to provide such  
5200 equal opportunity for all such persons;

5201 (3) The contractor shall be required to submit to performance audits  
5202 of such contract by the Auditors of Public Accounts on a periodic  
5203 basis, as determined by the Auditors of Public Accounts;

5204 (4) The contractor shall pay wage rates no lower than the  
5205 established wage rates; and

5206 (5) Such contract shall not become effective until the contractor and  
5207 state agency have complied with the provisions of this section.

5208 (d) Upon signing such contract, the state agency shall submit such  
5209 contract to the Secretary of the State who shall maintain such contract

5210 as a public document. Concomitantly, the state agency shall submit to  
5211 the Secretary of the State the following information:

5212 (1) A certification that the state agency has complied with all the  
5213 requirements of the state agency contained in the provisions of this  
5214 section;

5215 (2) The state agency analysis prepared in accordance with this  
5216 section and a report by the state agency explaining any changes in  
5217 such analysis and report as a result of the terms of the proposed  
5218 privatization contract;

5219 (3) A state agency analysis of the quality of the services to be  
5220 provided by the designated bidder and whether such services are  
5221 equal to or exceed the quality of services that are provided by regular  
5222 agency employees;

5223 (4) A certification by the designated bidder that the bidder and its  
5224 supervisory employees, while in the employ of the designated bidder,  
5225 have no adjudicated record of repeated willful noncompliance with  
5226 any relevant federal or state regulatory law including, but not limited  
5227 to, laws concerning labor relations, occupational safety and health,  
5228 nondiscrimination and affirmative action, environmental protection  
5229 and conflicts of interest; and

5230 (5) A description of why the proposed privatization contract is in  
5231 the public interest.

5232 (e) (1) Until January 1, 2010, a privatization contract with a  
5233 nonprofit contractor shall only be required to comply with subsection  
5234 (c) of this section, unless such contract results in the layoff, transfer or  
5235 reassignment of any state employee in which case this section shall  
5236 apply in full; (2) the renewal, modification, extension or rebidding of a  
5237 privatization agreement in effect on or before the effective date of this  
5238 section shall only be required to comply with subsection (c) of this  
5239 section, unless such contract results in the layoff, transfer or  
5240 reassignment of any state employee in which case this section shall

5241 apply in full; (3) in no event shall any proposed privatization contract  
5242 with a nonprofit provider be subject to subsection (f) of this section,  
5243 unless such contract would result in the layoff, transfer, or  
5244 reassignment of any state employee.

5245 (f) Any employees, or collective bargaining agent of any employees,  
5246 adversely affected by any proposed privatization contract may file a  
5247 motion for an order to show cause in the superior court for the judicial  
5248 district of Hartford claiming that such contract fails to comply with the  
5249 substantive or procedural requirements of this act. A ruling on any  
5250 such motion may: (1) Deny the motion, if the court finds that all  
5251 procedural and substantive provisions section 115 of this act have been  
5252 complied with; (2) grant the motion if the court finds that the proposed  
5253 contract would substantively violate the provisions of section 115 of  
5254 this act; or (3) stay the effective date of the contract until any  
5255 procedural or substantive defect found by the court has been  
5256 corrected.

5257 (g) No funds paid to any contractor as a result of any privatization  
5258 contract may be used for purposes of lobbying, as defined in section 1-  
5259 91 of the general statutes.

5260 Sec. 116. Sections 4-98; 4-100; 4-124p; 4-212; 4-213; 4-214; 4-215; 4-  
5261 216; 4-217; 4-218; 4-219; 4a-2; 4a-4; subsection (a) of 4a-6; sections 4a-7a;  
5262 4a-9; subdivisions (1) to (5), inclusive, and subdivision (7) of section 4a-  
5263 50; sections 4a-51; 4a-52; 4a-52a; 4a-52b; 4a-53; 4a-54; 4a-55; 4a-56;  
5264 subsections (a), (d) and (e) of section 4a-57; sections 4a-57a; 4a-57b; 4a-  
5265 58; subdivisions (1) and (2) of subsection (a) of section 4a-59;  
5266 subsections (b) to (f), inclusive, of section 4a-59; sections 4a-59a; 4a-60;  
5267 4a-60a; 4a-60h; 4a-60i; 4a-60j; 4a-61; 4a-62; 4a-63; 4a-64; 4a-65; 4a-66; 4a-  
5268 67; 4a-67c; 4a-67d; 4a-67e; 4a-67f; 4a-71; 4a-72; 4a-73; 4a-74; 4a-75; 4a-76;  
5269 4a-80; 4a-81; 4b-1; 4b-23; 4b-24; 4b-26; 4b-30; 4b-30a; 4b-32; 4b-33; 4b-34;  
5270 4b-35; 4b-36; 4b-37; 4b-38; 4b-55; 4b-55a; 4b-56; 4b-57; 4b-58; 4b-59; 4b-  
5271 92; 4b-93; 4b-94; 4b-95; 4b-95a; 4b-96; 4b-100; 4b-100a; 4b-101; 4b-102;  
5272 4d-2; 4d-8; subdivisions (1) to (3), inclusive, of section 4d-30; sections  
5273 4d-31; 4d-32; 4d-33; 4d-34; 4d-35; 4d-36; 4d-37; 4d-38; 4d-39; 4d-40; 4d-

5274 41; 4d-42; 4d-43; 4d-44; 4d-45; 4d-46; 4d-47; 4d-48; 10-298b; 10a-151b;  
 5275 13a-33; 13b-20b; 13b-20c; 13b-20d; 13b-20e; 13b-20f; 13b-20g; 13b-20h;  
 5276 13b-20i; 13b-20j; 13b-20k; 13b-20m; 13b-20n; 13b-34; 13b-36; 13b-53;  
 5277 17b-3; 17b-25; 17b-28b; 17b-656; 18-88; 18-89; 27-25; 31-57a; 31-57b; 31-  
 5278 57c; 31-57d; 32-1c; 46a-56; 46a-68b; 46a-68c; 46a-68d; 46a-68e; 46a-68f;  
 5279 46a-68g and 49-41c of the general statutes are repealed. (*Effective July 1,*  
 5280 *2008*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-281c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	10-29a(a)
Sec. 4	<i>from passage</i>	2c-2b
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	3-117(c)
Sec. 9	<i>from passage</i>	4d-90
Sec. 10	<i>from passage</i>	4d-7
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>October 1, 2007</i>	3-107
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	3-21e(c)
Sec. 18	<i>from passage</i>	4a-82(m)
Sec. 19	<i>from passage</i>	4a-100(k)
Sec. 20	<i>from passage</i>	4b-103
Sec. 21	<i>from passage</i>	9-249(b)
Sec. 22	<i>from passage</i>	9-705(c)
Sec. 23	<i>from passage</i>	9-705(g)
Sec. 24	<i>from passage</i>	3-22k
Sec. 25	<i>from passage</i>	4a-67d
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	9-7b
Sec. 28	<i>from passage</i>	9-604(d)
Sec. 29	<i>from passage</i>	9-605(b)

Sec. 30	<i>from passage</i>	9-610(e) and (f)
Sec. 31	<i>October 1, 2007</i>	9-610(e) and (f)
Sec. 32	<i>from passage</i>	9-372
Sec. 33	<i>from passage</i>	9-675(b)
Sec. 34	<i>from passage</i>	9-702(b) and (c)
Sec. 35	<i>from passage</i>	9-703
Sec. 36	<i>from passage</i>	9-704
Sec. 37	<i>from passage</i>	9-706
Sec. 38	<i>from passage</i>	9-751
Sec. 39	<i>July 1, 2007</i>	New section
Sec. 40	<i>from passage</i>	New section
Sec. 41	<i>from passage</i>	New section
Sec. 42	<i>from passage</i>	New section
Sec. 43	<i>from passage</i>	New section
Sec. 44	<i>from passage</i>	New section
Sec. 45	<i>from passage</i>	New section
Sec. 46	<i>from passage</i>	New section
Sec. 47	<i>from passage</i>	New section
Sec. 48	<i>from passage</i>	New section
Sec. 49	<i>from passage</i>	New section
Sec. 50	<i>from passage</i>	New section
Sec. 51	<i>from passage</i>	New section
Sec. 52	<i>July 1, 2008</i>	New section
Sec. 53	<i>July 1, 2008</i>	New section
Sec. 54	<i>July 1, 2008</i>	New section
Sec. 55	<i>July 1, 2008</i>	New section
Sec. 56	<i>from passage</i>	New section
Sec. 57	<i>from passage</i>	New section
Sec. 58	<i>from passage</i>	New section
Sec. 59	<i>July 1, 2008</i>	New section
Sec. 60	<i>July 1, 2008</i>	New section
Sec. 61	<i>July 1, 2008</i>	New section
Sec. 62	<i>July 1, 2008</i>	New section
Sec. 63	<i>July 1, 2008</i>	New section
Sec. 64	<i>July 1, 2008</i>	New section
Sec. 65	<i>July 1, 2008</i>	New section
Sec. 66	<i>July 1, 2008</i>	New section
Sec. 67	<i>July 1, 2008</i>	New section
Sec. 68	<i>July 1, 2008</i>	New section
Sec. 69	<i>July 1, 2008</i>	New section
Sec. 70	<i>July 1, 2008</i>	New section

Sec. 71	<i>July 1, 2008</i>	New section
Sec. 72	<i>July 1, 2008</i>	New section
Sec. 73	<i>July 1, 2008</i>	New section
Sec. 74	<i>July 1, 2008</i>	New section
Sec. 75	<i>July 1, 2008</i>	New section
Sec. 76	<i>July 1, 2008</i>	New section
Sec. 77	<i>July 1, 2008</i>	New section
Sec. 78	<i>July 1, 2008</i>	New section
Sec. 79	<i>July 1, 2008</i>	New section
Sec. 80	<i>July 1, 2008</i>	New section
Sec. 81	<i>July 1, 2008</i>	New section
Sec. 82	<i>July 1, 2008</i>	New section
Sec. 83	<i>July 1, 2008</i>	New section
Sec. 84	<i>July 1, 2008</i>	New section
Sec. 85	<i>July 1, 2008</i>	New section
Sec. 86	<i>July 1, 2008</i>	New section
Sec. 87	<i>July 1, 2008</i>	New section
Sec. 88	<i>from passage</i>	New section
Sec. 89	<i>July 1, 2008</i>	New section
Sec. 90	<i>July 1, 2008</i>	New section
Sec. 91	<i>July 1, 2008</i>	New section
Sec. 92	<i>July 1, 2008</i>	New section
Sec. 93	<i>July 1, 2008</i>	New section
Sec. 94	<i>July 1, 2008</i>	New section
Sec. 95	<i>July 1, 2008</i>	New section
Sec. 96	<i>July 1, 2008</i>	New section
Sec. 97	<i>July 1, 2008</i>	New section
Sec. 98	<i>July 1, 2008</i>	New section
Sec. 99	<i>July 1, 2008</i>	New section
Sec. 100	<i>July 1, 2008</i>	New section
Sec. 101	<i>July 1, 2008</i>	New section
Sec. 102	<i>July 1, 2008</i>	New section
Sec. 103	<i>July 1, 2008</i>	New section
Sec. 104	<i>July 1, 2008</i>	New section
Sec. 105	<i>July 1, 2008</i>	New section
Sec. 106	<i>July 1, 2008</i>	New section
Sec. 107	<i>July 1, 2008</i>	New section
Sec. 108	<i>July 1, 2008</i>	New section
Sec. 109	<i>July 1, 2008</i>	New section
Sec. 110	<i>July 1, 2008</i>	New section
Sec. 111	<i>July 1, 2008</i>	New section

Sec. 112	<i>July 1, 2008</i>	New section
Sec. 113	<i>from passage</i>	New section
Sec. 114	<i>January 1, 2008</i>	New section
Sec. 115	<i>from passage</i>	New section
Sec. 116	<i>July 1, 2008</i>	Repealer section

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

---

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Contracting Standards Board; Department of Administrative Services; Various State Agencies	All Funds - Cost	Significant	Significant

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Various Municipalities	Cost	See Below	See Below

### **Explanation**

#### **State Contracting Standards Board**

The bill establishes, from passage, a 13-member State Contracting Standards Board (SCSB) and permits the board to hire an executive director, a chief procurement officer, and other staff to carry out the responsibilities described in the bill. The salary costs are estimated to be \$750,000 annually. A per diem of \$200 is provided for the board members. The cost for per diem reimbursements is estimated to be \$300,000 annually.

The bill requires SCSB, with the Department of Administrative Services (DAS), to develop a standardized state procurement and project management education and training program. It is anticipated that the FY 08 cost to research, develop and establish the training program is approximately \$275,000. There will be a significant cost in FY 09 to implement the training program; the cost could range from \$250,000 - \$500,000. Once the initial education and training is complete the ongoing out year training costs should substantially decrease.

sHB 7077, the Governor's budget bill, included funding for the SCSB in the amount of \$995,088 in each of FY 08 and FY 09. sHB 7077, the budget bill, as favorably reported by the Appropriations Committee eliminates all FY 08 - FY 09 funding for the SCSB.

The bill transfers the powers and duties of the State Properties Review Board (SPRB) to the SCSB effective October 1, 2009. The SCSB will function as the successor agency to the SPRB. It also requires the SPRB to form the State Properties Review Subcommittee within the SCSB.

It is assumed that three positions (excluding the executive director) will be transferred from the SPRB to the Contracting Standards Board in FY 10. The projected total Personal Services cost for these three positions (Real Estate Examiner, Executive Secretary, and Secretary 1) is approximately \$145,000 in FY 10 (nine months) and \$201,500 in FY 11. In addition, it is assumed that the three board members of the newly established State Properties Review Subcommittee would receive per diem reimbursements since current SPRB members receive them. The bill does not indicate the level of reimbursement, but the current SPRB has six members who would receive a total of \$155,000 in per diem reimbursements in both FY 10 and FY 11.

The bill requires the SCSB to audit state contracting agencies at least every three years, and permits the SCSB to enter into an agreement with the Auditors of Public Accounts (the Auditors) to perform this requirement. If an agreement is reached that the Auditors can perform the contracting audit work as part of their current biennial state agency audits, then this new responsibility would not require additional staff or resources.

The bill establishes a Contracting Standards Advisory Council and a Vendor and Citizens Advisory Panel, which is not anticipated to result in a fiscal impact.

The Contracting Standards Board may, for cause; review, terminate or recommend for termination any contract or procurement agreement

undertaken by any state contracting agency after consultation with the Attorney General. Depending upon the number and scope of consultations that take place, the Office of the Attorney General may require one or two additional attorneys.

### **Privatization Contracts**

The bill establishes procedures that state agencies, quasi-public agencies, and constituent units of higher education must follow before entering into a privatization contract valued at \$500,000 or more, with certain exceptions. These procedures are effective from passage until the signing into law of the uniform procurement code.

This bill requires that a cost benefit analysis be performed before contracting with a private entity to provide services that would substitute for services provided by state employees. A state agency would incur costs to perform the required analysis, the magnitude of which would depend on the significance of the contract and staff required to perform these functions.

The bill places requirements on privatization contracts between the state and a for-profit contractor that could increase the cost of privatizing specific contracts, or may reduce the potential savings that otherwise would be achieved. The bill requires contracts to include certain wage and other labor related requirements that could impact the cost effectiveness of privatizing.

It is anticipated that any increase to the cost of privatizing services due to the bill's provisions would be evaluated against the cost of the provision of services by state employees.

The bill also requires that state agencies must submit their privatization cost benefit analysis to the Auditors who may review and comment. Depending on the number of cost benefit analyses submitted, the Auditors may need additional staff or resources to handle this increased workload. The starting salary for an Auditor II position is approximately \$60,000. It is anticipated that the Auditors

can review up to 10 cost benefit analyses each year without requiring additional staff or resources.

The bill also requires contractors to submit to performance audits by the Auditors, on a periodic basis, as determined by the Auditors. Depending on the number of contractor performance audits, the Auditors may need additional staff or resources to handle this increased workload. It is anticipated that the Auditors can conduct 5 contractor performance audits each year without requiring additional staff or resources.

### **Privatization – Human Services Contracts**

The bill establishes privatization contract requirements for various state agencies. Although it is not clear if every state agency with a human services contract (which includes: the Departments of Mental Retardation, Mental Health & Addiction Services, Children and Families, Public Health, Social Services and Correction; the Judicial Department and the Council to Administer the Children’s Trust Fund) would fall within the provisions of the privatization definition, it is anticipated that a large percentage of the \$1.3 billion in contracts would.

The bill places various wage and other contractual requirements on privatization contracts (new, renewed, modified, extended or re-bid on contracts that are \$500,000 or more). Until January 1, 2010 a privatization contract with nonprofit human services providers shall comply with the following provisions:

1. Establishment of a minimum wage rate that is no less than step one of the grade or classification under which the most comparable state agency employee is paid and shall include comparable healthcare and pension costs;
2. No more than 20% of the contract shall represent administrative costs;
3. An additional amount of up to 40% of the contract total value

shall be added and used for the sole purpose of providing higher wages or salaries for employees who are beyond entry level;

4. Provided that the total amount funded by the state for these contracts is not increased by more than 10% a year as a result of these provisions; and
5. Finally, the 10% increase may be exceeded if required by state or federal law or by the provisions of a collective bargaining agreement.

The 10% cap is likely to be triggered before the full implementation of the wage provisions. Therefore to the extent that the bill's 10% per year cap on increases to privatization contracts would impact \$1 billion in private provider contracts, \$100 million in costs would result (each subsequent year, the increase would continue to grow). However, it should be noted that the bill authorizes contractual cost increases (to be incurred by the state) in excess of 10% when called for by collective bargaining agreements involving contractors and their employees. It is unclear, therefore, to what extent actual cost increases will be restricted by the cap of 10% in practice.

*An example of an impacted agency is the Department of Mental Retardation (DMR), one of the larger human services agencies. It is estimated that over \$460 million of DMR's private provider contract funding (167 contracts) would be impacted (non rate-based). For illustrative purposes 10% of this would be \$46 million. Applying just the established wage rate (which includes the health and pension provisions) is estimated to result in over \$140 million to DMR's current contracts (this does not include the above mentioned additional 40% or administrative provision) and would be reduced by the 10% cap.*

It is unclear how the provision requiring not more than an additional 40% of the value of the contract to be utilized for the sole purpose of providing higher wages or salaries for employees who are

not entry level or who have additional needed skills would be allocated to each position under a given contract. The minimum wage rate as established in the bill includes the entry level rate to an equivalent position plus the associated health and pension benefits of a state employee. When these two wage and salary provisions are applied, it is uncertain how the final 10% capped increases will be allocated within the contract. These contract increases would be applied in FY 08, FY 09 and FY 10. Ongoing costs related to the wage and benefits in the out-years would depend on the wage related provisions as set forth in the procurement code (upon adoption).

There are further restrictions if a privatization contract results in layoffs, transfers or reassignment of state employees. This additional provision would lead to increased costs, which are unknown at this time due to the uncertainty of future layoffs. Adequate resources would have to be provided to those laid off employees for the purpose of encouraging and assisting them to organize and submit a bid to provide the services that are subject to the privatization contract. In addition under the lay-off provision, a state agency would be required to do various analyses of the cost and benefits of privatizing such services. The increased cost to state agencies would depend on the frequency and volume of contracts requiring such analysis.

It is unclear how the timeline of the procurement code implementation will impact the various human services agencies that have privatization contracts. Although the uniform procurement code shall not apply to the renewal, modification, extension or re-bidding of privatization contracts in effect on or before the effective date (upon passage) until January 1, 2010, to the extent that an impacted state agency would be required to meet the various provisions of the code with each new contract, a cost would be incurred. The magnitude of this cost would be determined by the volume and timing of the contracts and associated staff resources required to comply.

In the course of complying with the privatization contracting standards as set forth in the bill, each state agency will incur

administrative costs. These costs are anticipated to be significant in magnitude for heavily impacted state agencies. Costs would be associated with additional administrative staff needed to: conduct comparative cost analysis; evaluate contract submittal and ensure compliance with wage, benefits, and administrative cost standards; ensure notification of affected employees and collective bargaining agents; prepare employee impact statements; provide procurement information to the SCSB; and provide the Secretary of State, concomitantly, the required contract certification and analysis. Due to the timeline set forth in the bill, the administrative cost burden on state agencies will be fully realized in FY 10.

*The Department of Children and Families (DCF) is another large human services agency, having more than \$170 million in contracts with over 180 private providers. Two administrative staff, at an annual cost of approximately \$100,000, would be required to allow the agency to perform new duties when entering into purchase of service contracts. These duties would include, but not be limited to: conducting cost analyses; reviewing contracts and financial documents for contractor compliance with reporting requirements; and assisting in report preparation/submittal.*

It should be noted that, historically, the private provider increases, when included in the Appropriations Act, have been appropriated based on a percentage cost of living increase (COLA). Additionally, certain rates established in statute, have been determined in accordance with funding included in the budget.

### **Uniform Procurement Code**

The uniform procurement code places numerous administrative requirements and responsibilities on state contracting agencies. These new duties will create a significant workload increase for state contracting agencies which may necessitate additional staff or resources based on the number of contracts each agency administers. Larger state contracting agencies (e.g., DSS, DCF, DAS, DOT, DMR) may each need to hire administrative staff positions to

handle the procurement code's requirements.

### **Prevailing Wage Enforcement Account**

This bill requires the State Bond Commission to deposit into the Prevailing Wage Enforcement Account one half of one percent (0.5%) of the total estimated cost (with certain exceptions) of all state building or highway projects valued at over \$400,000. Since such projects are financed with General Obligation (GO) and Special Tax Obligation (STO) bond funds, increasing the cost of the project will increase General Fund and Transportation Fund debt service costs. An example of the impact of the bill is that the cost of a project valued at \$500,000 would increase by \$2,500.

The Prevailing Wage Enforcement Account will be a separate, nonlapsing General Fund account used by the Department of Labor to fund additional staff, fringe benefits, and administrative expenses associated with the enforcement of prevailing wage violations. Prevailing wage enforcement staff are classified as wage enforcement agents at a salary of approximately \$53,000 and fringe benefits totaling \$31,906. Any allocation for prevailing wage enforcement must be approved by the State Bond Commission, Commissioner of Public Works or the Commissioner of Transportation.

### **State Fleet Fuel Efficiency Requirements**

The bill requires that any car or light duty truck purchased by the state after January 1, 2008 have an efficiency rating in the top third of its class, and 50% of such cars and light duty trucks must be alternative fueled, hybrid electric or plug-in electric vehicles. As the state currently meets the federal requirement that 75% of cars and light duty trucks purchased must be alternative fueled, this provision has no fiscal impact.

Requiring that cars and light duty trucks purchased after January 1, 2008 must have an efficiency rating in the top third of all vehicles in its class could conflict with federal law requiring the purchase of

alternative fueled vehicles (which are not always “efficient” as that term is defined in the industry). Non-compliance with federal law could subject the state to the risk of fines and penalties.

The bill also requires that 100% cars and light duty trucks purchased by the state after January 1, 2012 must be alternative fueled, hybrid electric or plug-in electric vehicles. There will be increased costs in FY 12 for the state to purchase cars and light duty trucks that are 100% alternative fueled, hybrid electric or plug-in electric.

### **Elections**

The bill expands the State Elections Enforcement Commission’s (SEEC) authority to investigate complaints and impose penalties for violations of regulations promulgated under election laws. This may result in a potential revenue gain that is not estimated to be significant.

The bill allows candidate committees the option to transmit noncompliant qualifying contributions to the Citizens’ Election Fund (CEF) account instead of returning such contributions to the contributors, which would result in a revenue gain to the CEF.

The bill lowers the threshold for candidates to electronically file their campaign reports with the SEEC from \$250,000 to \$5,000 and extends the requirement to legislative candidates. The bill requires participating candidates in the Citizens’ Election Program to submit contributor signed slips for each qualifying contribution.

IT staff would be required to provide ongoing technical support to the e-filing system. Administrative staff would also be required to assist the treasurers of the candidates in how to use the system to complete the on-line reports properly, as well as maintaining the contribution cards.

sHB 7077 (the budget bill), as favorably reported by the Appropriations Committee, includes \$1 million to the Citizen’s Election Fund (CEF) account in both FY 08 and FY 09 for 13 new positions for the State Elections Enforcement Commission (SEEC).

It is not known at this time if the additional staff included in sHB 7077 is sufficient enough to accommodate the requirements outlined in this bill.

### **Ethics**

The bill requires that state employees involved in procurement, prequalified contractors, and substantial subcontractors take an ethics training course. The course may be developed and provided by the Office of State Ethics or by any person, firm or corporation provided such course is approved by the SCSB. Currently, the staff at the Office of State Ethics is not adequate to develop and provide this training and therefore additional resources would be necessary. If the training were provided by a private entity the costs may be significant depending on the number of individuals required to take the training class.

### **Miscellaneous Provisions**

The bill allows people to apply to take the Certified Public Accountant (CPA) exam before meeting all of the educational requirements. This could result in a minimal revenue gain to the state based on the presumption that more individuals would be eligible to take the CPA exam than are allowed under current law. In calendar year 2006, the \$100 fee associated with applying for the exam generated \$72,400 in revenue to the state.

The bill designates the Ballroom Polka composed by Ray Henry MocarSKI as the state polka and the Southern Connecticut Renaissance Festival as the state renaissance festival. The bill requires the governor to proclaim (1) January 29<sup>th</sup> as Thomas Paine Day; (2) August 17<sup>th</sup> as Marcus Mosiah Garvey Day; (3) August 24<sup>th</sup> each year as Missing Persons Day; (4) May as Lyme Disease Awareness Month; and (5) October as Italian-American Heritage Month. These provisions have no fiscal impact.

This bill delays for two years the review of all agencies and programs subject to termination under the sunset law, and requires the

Legislative Program Review and Investigations Committee to study the sunset law. This provision has no fiscal impact on the state. It should be noted that if these entities were terminated, a savings may result although it is unknown if the Legislative Program Review and Investigations Committee after conducting its statutory required performance audit, would recommend that the legislature abolish, re-establish, modify or consolidate any of these entities.

The bill requires the Government Administration and Elections Committee to conduct a study on quasi-public agencies. The Office of Legislative Management would incur minimal costs associated with mileage reimbursement of 48.5 cents per mile for legislators participating on the study.

This bill requires the word "Connecticut" to appear on the state flag. There is a minimal cost to redesign the state flag and there will be increased costs for state agencies and municipalities to purchase redesigned state flags.

Legislative Management will incur minimal costs to establish and operate a Connecticut music hall of fame at the state capitol.

The bill requires the Department of Environmental Protection (DEP), in consultation with the DAS commissioner, to develop a plan and make determinations concerning ethanol and hydrogen vehicles. To the extent that the statewide plan on the use of ethanol required under PA 06-53 can be utilized by DEP, no additional costs will be incurred by the agency.

This bill appropriates \$500,000 in FY 08 to the Department of Transportation to provide a grant to the Greater New Haven Transit District.

The bill requires that the Judicial Branch and Legislative Branch prepare a procurement code. The Judicial Branch and Legislative Management will incur minimal costs to comply with this provision.

The bill also allows DAS to create a prequalification program for

suppliers of certain types of supplies and services. This would significantly expand the existing prequalification program, which would require additional staff positions.

The bill prohibits the use of a cost plus a percentage of cost contracts. This prohibition would increase the cost of certain DAS fuel and food contracts, as they are structured in this manner to optimize savings and the utilization of the market indices.

DAS will need to hire additional staff or hire consultants to handle several of the bills requirement's related to; delivery method regulations, architectural and engineering services contracts, bond regulations, and insurance regulations.

The last section of the bill eliminates the powers and duties of numerous state agencies' commissioners. It is unclear what the intent of this section is, and thus the resulting fiscal impact is uncertain.

The section further prohibits the Department of Social Services from competitively bidding contracts for the Medicaid Managed Care health plans. The impact of this is uncertain. This may result in DSS awarding such contracts without the competitive bidding process or reverting to the previous fee-for-service system. Either outcome is likely to significantly drive up the costs for this program, currently \$737.8 million annually.

### **Municipalities**

The uniform procurement code applies to municipalities. The code requires that a cost benefit analysis be performed before privatizing. Municipalities will incur costs to perform the required analysis, the magnitude of which would depend on the significance of the contract and staff required to perform these functions. The procurement code also places requirements on privatization contracts that could increase the cost of privatizing specific contracts, or may reduce the potential savings that otherwise would be achieved.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, unless otherwise identified above.

**OLR Bill Analysis****sHB 7306*****AN ACT CONCERNING GOVERNMENT ADMINISTRATION, THE AUTHORITY OF THE STATE ELECTIONS ENFORCEMENT COMMISSION, CAMPAIGN FINANCE REFORM, AND THE STATE CONTRACTING PROCESS.*****SUMMARY:**

This bill:

1. allows people to take the CPA examination sooner;
2. designates state days, months, and activities;
3. delays the review of state agencies subject to terminate under the sunset law;
4. requires “people first” language in statutes, regulations, ordinances, and charters;
5. makes changes to information technology’s telecommunication bills and strategic plan;
6. requires a study of quasi-public agencies and a full-time legislature;
7. establishes a prevailing wage enforcement account;
8. places “Connecticut” on the state flag;
9. requires the establishment of a Music Hall of Fame;
10. modifies fuel efficiency requirements for the state fleet;
11. requires a determination on whether the state qualifies for an

ethanol exemption; and

12. appropriates money for hydrogen fueling stations.

The bill expands the State Elections Enforcement Commission's (SEEC) authority. Among other things, it allows the SEEC to impose a civil penalty of up to \$10,000 on certain respondents, issue cease and desist orders, and impose penalties for violations of elections-related regulations, not just statutes.

The bill also revises campaign finance laws and the Citizens' Election Program, which is the state's voluntary system of public financing for election campaigns. It eliminates obsolete references to the secretary of the state as the filing repository for campaign finance reports and replaces them with the SEEC.

The bill establishes a State Contracting Standards Board (SCSB) as an independent Executive Branch state agency and the successor agency to the State Properties Review Board (SPRB). It dissolves the SPRB on October 1, 2008 and transfers its duties and responsibilities to the SCSB on that date. The new board has various other responsibilities associated with the state contracting process. It must establish a uniform procurement code, audit state contracting agencies, and discipline them for failure to comply with the bill or the uniform procurement code.

Despite the requirement for the SCSB to establish a uniform code, the bill establishes uniform procurement provisions that are applicable to Executive Branch agencies. It repeals existing procurement provisions, primarily in public works, administrative services, information technology, and transportation statutes.

The bill requires the Judicial and Legislative branches to prepare their own procurement codes. It establishes a procedure for the legislature to exempt construction contracts from the competitive bidding process, and establishes privatization rules and procedures.

EFFECTIVE DATE: Various, see below

---

**§ 1 — EDUCATION REQUIREMENTS FOR CPA EXAM**

The bill allows people to apply to take the certified public accountant (CPA) examination before meeting all of the educational requirements to become a CPA. Under the bill, applicants may take the examination when they hold a bachelors' degree, or its equivalent, with an accounting concentration or equivalent. Current law requires applicants to meet all educational requirements before becoming eligible to take the examination. By law, the State Board of Accountancy must adopt regulations prescribing education requirements, which must require applicants to (1) have a bachelors' degree or its equivalent with an accounting concentration or its equivalent from a college or university acceptable to the board and (2) complete at least 150 semester hours of college education. The bill does not change these requirements.

Under current law, the board may charge an examination fee when it administers the test or a testing service may charge a fee when it administers the test. The bill also allows the board to charge an examination fee when the test is administered by a third party.

EFFECTIVE DATE: Upon passage

**§§ 2, 3, & 6 — DESIGNATION OF STATE DAYS, MONTHS, AND ACTIVITIES**

The bill requires the governor to proclaim (1) January 29<sup>th</sup> as Thomas Paine Day to honor the author and theorist for his instrumental role in the cause of independence leading to the American Revolution; (2) August 17<sup>th</sup> as Marcus Mosiah Garvey Day to honor the great Caribbean-American leader; (3) August 24<sup>th</sup> each year as Missing Persons Day to raise awareness of the plight of families of state citizens who have been reported as missing; (4) May as Lyme Disease Awareness Month to raise awareness of the causes, effects, and treatment of the disease; and (5) October as Italian-American Heritage Month to honor the contributions of Italian immigrants and citizens of Italian descent in our state. By law, November is Lung Cancer Awareness Month; the other months are not

designated. The bill requires suitable exercises and observances at the State Capitol and other locations that the governor designates.

The bill designates the Ballroom Polka composed by Ray Henry MocarSKI as the state polka and the Southern Connecticut Renaissance Festival as the state renaissance festival.

EFFECTIVE DATE: Upon passage

**§§ 4 & 5 — POSTPONEMENT AND STUDY OF SUNSET LAW**

The bill delays for two years the review of all agencies and programs subject to termination under the sunset law. The bill also requires the Legislative Program Review and Investigations Committee to study the sunset law, addressing its needs and merits, alternatives, and other methods to measure performance. The committee must report its findings and recommendations by January 15, 2008.

**Sunset Review**

Under the sunset law, 78 licensing, regulatory, and other state agencies and programs terminate on set dates unless the General Assembly reestablishes them after the Legislative Program Review and Investigations Committee conducts a performance audit of each. The committee must review the public need for each entity according to established criteria and report to the legislature its recommendations for the entity’s abolition, reestablishment, modification, or consolidation. The bill delays the termination dates as follows:

<b>Current Termination Date</b>	<b>New Termination Date</b>
July 1, 2008	July 1, 2010
July 1, 2009	July 1, 2011
July 1, 2010	July 1, 2012
July 1, 2011	July 1, 2013

---

July 1, 2012	July 1, 2014
--------------	--------------

EFFECTIVE DATE: Upon passage

### **§ 7 — PERSONS WITH DISABILITIES**

The bill requires state or local laws, ordinances, charters, or regulations that refer to individuals with disabilities to use language that does not (1) imply that such people are disabled as a whole, (2) equate people with their condition, or (3) have a negative overtone or derogatory or demeaning effect. The bill does not invalidate any law, ordinance, charter, or regulation that does not comply with its requirements.

EFFECTIVE DATE: Upon passage

### **§ 8 — TELECOMMUNICATION BILLINGS**

The bill conforms law to current practice by making the Department of Information Technology's (DOIT) chief information officer, rather than the Department of Administrative Services (DAS) commissioner, responsible for billing state agencies for telecommunication services.

EFFECTIVE DATE: Upon passage

### **§ 9 — GEOSPATIAL INFORMATION SYSTEMS COUNCIL**

The bill reduces by two-thirds the number of meetings the Geospatial Information Systems Council must hold from one each month to one each quarter.

EFFECTIVE DATE: Upon passage

### **§ 10 — CRITICAL APPLICATIONS RECOVERY**

The bill requires the chief information officer's (CIO) annual strategic plan for information and telecommunications to include the goal of critical applications recovery in the list of capabilities necessary to support state agency functions in an emergency. The CIO, who is the head of DOIT, must already include the goal of providing

immediate voice and data communications in an emergency.

EFFECTIVE DATE: Upon passage

### **§ 11 — STUDY OF QUASI-PUBLIC AGENCIES**

The bill requires the Government Administration and Elections (GAE) committee to study quasi-public agencies and report its findings and recommendations to the General Assembly by January 1, 2008.

EFFECTIVE DATE: Upon passage

### **§ 12 — STUDY THE NEED FOR A FULL-TIME LEGISLATURE**

The bill establishes a task force to study:

1. the need for a full-time legislature;
2. requisite changes in the compensation for General Assembly members and staff; and
3. members' existing conflicts of interest, including (a) conflicts between committee assignments and private sector employment, (b) an evaluation of the need for the current dual job ban, and (c) other conflicts that may arise as members carry out their duties.

The task force consists of eight members appointed by the speaker (two), the president pro tempore (two), and the house and senate majority and minority leaders (one each). Appointments must be made within 30 days after the bill takes effect. Task force members may not be legislators. The speaker and the president pro tempore must select members of the task force as chairpersons. The chairpersons must schedule the first meeting, which must be held within 60 days after the governor signs the bill. The administrative staff of the GAE Committee must serve as staff to the task force, which must report its findings and recommendations to the committee by January 1, 2009.

EFFECTIVE DATE: Upon passage

### **§ 13 — PREVAILING WAGE ENFORCEMENT**

The bill establishes a prevailing wage enforcement account as a separate, non-lapsing account in the general fund. It authorizes the Labor Department to use account funds to pay for staff, fringe benefits, and administrative expenses associated with enforcing the prevailing wage law (see BACKGROUND). It requires the department to adopt regulations stating how the account funds will be allocated and spent and to ensure accountability.

The bill requires the State Bond Commission, when allocating bond proceeds for the construction, reconstruction, or remodeling of a state building or highway project with a total cost of more than \$400,000, to allocate funds to enforce the prevailing wage law with respect to the project. The allocation must be at least one-half of a percent of the project's total estimated costs, minus (1) land acquisition costs, (2) non-construction costs, and (3) augmentations to its costs. The allocation must be approved by the public works or transportation commissioner before the Bond Commission may authorize it. For this purpose, "state building" means any building or facility owned or leased by the state and "highway project" means any paving, widening, building, or other improvements, including sound barriers and lighting.

EFFECTIVE DATE: Upon passage

### **§ 14 — STATE FLAG**

The bill adds a white streamer stating "CONNECTICUT" above the shield on the state flag in the same design as the streamer stating "QUI TRANSTULIT SUSTINET."

EFFECTIVE DATE: Upon passage

### **§§ 15 & 16 — CONNECTICUT MUSIC HALL OF FAME**

The bill requires the Joint Committee on Legislative Management to establish and operate the Connecticut Music Hall of Fame at the State Capitol to recognize distinguished Connecticut residents in the music

field. The bill authorizes the committee to solicit and receive aid, grants, or contributions from any source or type for this purpose. The bill requires the Commerce Committee to develop an implementation plan and to submit it to the General Assembly by January 1, 2008.

EFFECTIVE DATE: Upon passage

## **§§ 17-21 — TECHNICAL CHANGES**

### **§ 24 — CHET FINANCIAL REPORT**

The bill requires the treasurer to submit her annual financial report to the governor regarding the operations of the Connecticut Higher Education Trust by December 31 rather than October 15.

EFFECTIVE DATE: Upon passage

### **§ 25 — STATE FLEET FUEL EFFICIENCY**

The bill modifies fuel efficiency requirements for state fleet vehicles and increases the proportion of these vehicles that must be alternatively fueled. Under current law, the average fuel efficiency of cars and light duty trucks must be at least 40 miles per gallon. The bill additionally requires, starting January 1, 2008, that each car or light duty truck have an efficiency rating that is in the top third of the vehicles in its class.

Under current law, the state fleet must meet federal requirements for the proportion of vehicles that run on alternative fuel. Under federal law, at least 75% of vehicles bought by the state (with certain exceptions) must be alternative fuel (these include electric vehicles and vehicles capable of operating on ethanol, among others). The bill requires that between January 1, 2008 and December 31, 2011, at least 50% of the purchased vehicles be alternative fueled, hybrid electric, or plug-in electric vehicles. This proportion must increase to 100% starting January 1, 2012.

The current requirements do not apply to cars or light duty trucks purchased for law enforcement or other special uses designated by

DAS. The bill narrows this exemption to state police vehicles used in the immediate pursuit of actual or suspected criminals. It applies the narrower exemption to the bill's new requirements.

EFFECTIVE DATE: Upon passage

### **§ 26 — ETHANOL**

The bill requires, by January 1, 2008, the environmental protection (DEP) commissioner, in consultation with the DAS commissioner, to determine whether the state qualifies for an exemption from the requirements, under the federal Energy Policy Act of 2005, for ethanol use in state vehicles, due to the unavailability of this fuel in the state.

The bill also requires, by January 1, 2008, the DEP commissioner to (1) develop a plan, in consultation with the DAS commissioner, to increase the use of existing ethanol filling stations in the state and (2) determine whether the state may use any credits it may have under the Energy Policy Act to invest in hydrogen vehicles. The DEP commissioner must submit the ethanol plan to the GAE and Environment committees by February 1, 2008.

EFFECTIVE DATE: Upon passage

### **§ 27 — STATE ELECTIONS ENFORCEMENT COMMISSION**

The bill authorizes the SEEC to:

1. impose penalties for violations of regulations, not just statutes, concerning primaries, elections, and referenda;
2. impose a \$10,000 penalty for violating a prior commission order;
3. issue cease and desist orders and act to compel compliance with any law or regulation under its jurisdiction;
4. order any improper campaign finance contribution be remitted to the Citizens' Election Fund (CEF); and
5. issue an order, after providing an opportunity for a hearing,

upon a finding that there has been an intentional violation of the Citizens' Election Program.

The bill also specifies that the commission may conduct inspections, audits, or investigations concerning candidates who participate in the Citizens' Election Program during the two months preceding an election. Absent a complaint, current law restricts when and for how long the commission may audit a candidate who is currently seeking election and ran in the previous election.

EFFECTIVE DATE: Upon passage

### **§ 28 — PRIMARY FOR DELEGATES TO CONVENTION**

The bill eliminates an obsolete provision concerning a primary for delegates to a U.S. senatorial or congressional district convention, which no longer exist, and makes other technical changes.

EFFECTIVE DATE: Upon passage

### **§§ 29 & 33 — CAMPAIGN FINANCE**

#### ***Electronic Filing***

The bill requires legislative, not just statewide, office candidates to file their campaign finance statements electronically. It reduces, from \$250,000 to \$5,000, the threshold at which all such candidates must do so.

#### ***PAC Registration Forms***

The bill requires additional information on PACs' statements of organization ("registration forms"). Under the bill, a registration form must include telephone numbers for the chairperson, campaign treasurer, deputy treasurer, principal officers, and other individuals who control the committee. PACs that are organized for ongoing purposes must indicate the types of elections for which they may make expenditures or contributions. Business and labor PACs, and those that a membership association establishes, must include the address of the business, union, or association. The bill substitutes the terms "labor union" and "membership association" for "organization," but

does not define them.

The bill requires PACs that are controlled, not just established, by lobbyists to include a statement to that effect on their registration form and expands this requirement to include lobbyists' family members. Similarly, when specified types of individuals or entities establish or control a PAC, the bill requires PACs to identify them on the registration form. They are:

1. state contractors, prospective state contractors, and their principals;
2. investment services firms and their principals;
3. statewide officials, General Assembly members, and their agents; and
4. legislative leaders or legislative caucuses, and their legislative leadership or legislative caucus committees.

The bill also requires a (1) referendum PAC to include its position on the referendum question, not only the question and (2) PAC that is established for a senatorial or assembly district to include a statement to that effect.

By law, a political committee's chairperson files the registration form with the SEEC. The bill specifies that it must be complete and signed under penalty of false statement.

EFFECTIVE DATE: Upon passage

**§§ 34-38 — CITIZENS' ELECTION PROGRAM**

***Remitting Qualifying Contributions to the CEF***

By law, candidates who participate in the Citizens' Election Program ("participating candidates") must qualify by raising a specified amount from individual donors in qualifying contributions of no more than \$100. The bill gives participating candidates who receive contributions that do not meet the criteria for qualifying

contributions options to transmit them to the CEF or return them to the contributors. Current law requires candidates to return such contributions to the contributors.

### ***Contribution Cards***

The bill, instead of requiring contributors who make contributions of \$5 or more to provide their full name and address, requires all individuals who make qualifying contributions to sign a contribution certification document (“contribution card”). The contribution card must contain the (1) candidate committee’s name and (2) contributor’s name, signature, residential address with zip code, and telephone number. It must indicate the contribution amount, how it was paid, and its date as filled in by the contributor. Finally, it must contain a statement above the contributor’s signature line affirming that the contribution is from personal funds, is not being reimbursed, is not a loan, and is not otherwise prohibited.

### ***Deadline for Affidavit Certifying Intent to Participate***

The bill sets earlier deadlines for participating candidates to decide whether to participate in the program. Under the bill, candidates must file affidavits stating their intention on the (1) 50<sup>th</sup>, instead of the 25<sup>th</sup>, day before a primary and (2) 60<sup>th</sup>, instead of the 40<sup>th</sup>, day before an election.

By law, the affidavit must certify whether the candidate intends to abide by the spending limits under the Citizens’ Election Program. A candidate who intends to abide by the limits, must also certify that (1) he or she will repay any amount improperly spent and (2) the campaign treasurer agrees to the lawful use of state funds, among other things.

### ***Grant Applications***

***Application Schedule.*** The bill extends, from three business days to a minimum of five business days, the time in which the SEEC must approve or disapprove applications for grants from the CEF. Specifically, it requires the SEEC to process all applications received by

4 p.m. on the second Friday in May during a primary or an election year by 4 p.m. the following Friday. Thereafter, the SEEC must approve or disapprove all applications on a weekly basis. Applications received by 4 p.m. each Friday must be acted on within five business days after the Friday submittal deadline. Typically, this means that the SEEC must act by 4 p.m. the following Friday. But if there is a state holiday, its deadline is extended to the following Monday. In addition, the bill establishes a final deadline for submitting a grant application. It is the second to last Friday before the election or primary. Current law does not set a deadline. The bill authorizes the SEEC to adopt regulations establishing application deadlines and payment schedules for participating candidates in a special election.

**Contents.** The bill requires the applications to include (1) a signed contribution card for each qualifying contribution and (2) any documentation the SEEC requires concerning a candidate's exploratory committee. It specifies that the cumulative itemized accounting of funds received, expenditures made, and expenses incurred but not yet paid, which accompanies the application, must be current as of three days before the applicable deadline.

### **Campaign Treasurers**

The bill requires campaign treasurers to maintain and furnish all records required pursuant to the Citizens' Election Program, or any campaign finance law.

EFFECTIVE DATE: Upon passage

### **§ 39 — APPROPRIATION FOR HYDROGEN FUELING STATION**

The bill appropriates \$500,000 to the Department of Transportation for FY 08 to provide a grant to the Greater New Haven Transit District to acquire and install a hydrogen fueling station and maintenance facility in Hamden. The station would be used by hydrogen vehicles owned by the district and the town of Hamden.

EFFECTIVE DATE: July 1, 2007

---

**§ 40 — STATE CONTRACTING STANDARDS BOARD**

The bill establishes the 13-member SCSB as a separate, independent, Executive Branch agency. The governor appoints seven board members and the top six legislative leaders appoint the remaining six.

The legislature must confirm each appointment. Each member's term is coterminous with that of his appointing authority. Each appointing authority fills any vacancy in his appointment. Seven members of the board constitute a quorum, which is required to transact business. The bill requires the board to appoint its chairperson.

***Board Member Qualifications***

Board members must have education, training, or experience received in five consecutive years of the 10 years immediately preceding their appointment, in several of the following areas:

1. procurement;
2. contract negotiation, selection, and drafting;
3. contract risk assessment;
4. competitive bidding and proposal procedures;
5. real estate transactions, including real estate and building purchases, sales, and leases;
6. business insurance and bonding;
7. building construction and architecture;
8. ethics in public contracting;
9. federal and state laws, procurement policies, and regulations;
10. outsourcing and privatization analysis;
11. small and minority business enterprise development;

12. engineering and information technologies; or
13. personnel and labor relations.

The bill does not define “contract risk assessments.”

### **Board Staff**

The bill requires the governor to appoint and the legislature to confirm an executive director who serves as an ex-officio, nonvoting board member. The board must annually evaluate the executive director’s performance and may remove him for cause. The executive director must report to the board’s chairperson. In consultation with the chief procurement officer, he must (1) prepare a comprehensive plan of the board’s administrative functions, (2) coordinate its budget and personnel activities, (3) provide for its administrative organization to be examined for economy and efficiency, (4) act as its external liaison, and (5) perform any other duties the chairperson assigns. The executive director may contract as necessary to carry out his duties.

The board must appoint a chief procurement officer (CPO) for a term not to exceed six years, unless reappointed. The CPO serves at the board’s pleasure. The board chairperson supervises him and the entire board annually evaluates him.

The CPO is responsible for carrying out the board’s policies, including oversight, investigation, auditing, agency procurement certification, procurement and project management training, and policy enforcement. He also ensures that state contracting agencies apply the policies when they screen and evaluate current and prospective contractors. The CPO may contract for the discharge of his duties.

The CPO must also (1) oversee state contracting agencies’ compliance with the uniform procurement code; (2) monitor and assess the procurement duties of each agency procurement officer; (3) administer the certification system (see below) and monitor the level of code compliance, including the education and training, performance,

and qualifications of agency contract officers; (4) review and monitor the procurement processes of each state contracting agency, quasi-public agency, and institution of higher education; and (5) serve as chairperson of the Contracting Standards Advisory Council and an ex officio member of the Vendor and Citizen Advisory Panel (see below). The bill does not define “state contracting agencies;” thus, it is unclear which agencies the term covers.

The bill authorizes the board to (1) employ any other staff it considers necessary and (2) contract with consultants and professionals on a temporary or project basis.

### ***Board Ethics and Operations***

The bill prohibits anyone from serving on or working for the board if (1) he is a full-time state or municipal employee or (2) he or his spouse, child, stepchild, parent, or sibling is directly involved in any enterprise that does business with the state. The latter prohibition does not apply to employees in clerical positions. The act requires the Citizen’s Ethics Advisory Board to adopt regulations clarifying the meaning of “directly or indirectly involved in any enterprise” by January 1, 2009.

It requires board members and employees to file with the board and the Office of State Ethics annual financial statements, by May 1, that disclose the sources of any income over \$1,000 for the preceding calendar year and the name of any business with which they are associated. By law, an associated business is one owned by an official, employee, or member of his immediate family, or where any one of them (1) serves as an officer, director, or compensated agent or (2) owns at least 5% of the stock in any class. The financial statement is a public record and subject to disclosure under the Freedom of Information Act (FOIA).

Any board employee or member who violates the employment prohibition or fails to file the statement violates the State Ethics Code and may be subject to the code’s penalties, including a fine of up to

\$10,000.

The bill requires the board to adopt any rules it deems necessary to conduct its internal affairs, including appellate rules of procedure and procedural rules to carry out its duties and responsibilities.

### ***Budget and Compensation***

The bill requires the board's budget, upon approval of its members, to pay its reasonable expenses. It requires board members to be paid a \$200 per diem.

EFFECTIVE DATE: Upon passage

### **§ 41 — SCSB'S POWERS AND DUTIES**

Except as otherwise provided, the bill transfers to the board the rights, powers, duties, and authority related to the state's procurement policies, now vested in, or exercised by, any state contracting agency. These consist of the right, power, duty, or authority:

1. to acquire manage, control, warehouse, sell, and dispose of supplies, services, and construction;
2. related to any state contracting or procurement processes, including leasing and property transfers; purchasing or leasing supplies, materials, or equipment; consultant or consultant services; purchase of service agreements; or privatization contracts; and
3. related to building construction contracts.

The bill requires each state contracting agency to provide its procurement information if the board asks. The bill gives the board access to all such agencies' information, files, and records it deems necessary. However, the board cannot disclose documents exempt from disclosure under FOIA. (This language is repeated in § 114.)

The uniform procurement code does not apply to the expenditure of federal assistance or contract funds if federal law provides

procurement procedures that are inconsistent with the uniform procurement code. (This section does not address the uniform procurement code. The language on the code's applicability is repeated in §§ 54 and 114)

EFFECTIVE DATE: Upon passage

## **§ 42 — BOARD'S OVERSIGHT OF PROCUREMENT PRACTICES**

Except as otherwise provided by law, the board is responsible for:

1. recommending the repeal of repetitive, conflicting, or obsolete state procurement laws;
2. developing, acquiring, implementing, overseeing, and managing information systems for state procurement;
3. developing, publishing, and maintaining the uniform procurement code for all state contracting agencies;
4. helping state contracting agencies comply with the code by providing guidance, models, advice, and practical assistance to their staff related to (a) buying the best service at the best price, (b) properly selecting contractors, and (c) drafting contracts that achieve state goals of accountability, transparency, and results-based outcomes, and protect taxpayers' interests; and
5. adopting regulations and policies to carry out code provisions.

### ***Contract Data Reporting***

The bill requires the board to "define the contract data reporting requirements to the board for state agencies." It is unclear what this means. However, it may mean that the board must inform state agencies' of their duty to report data on: (1) the number and type of state contracts currently in effect state-wide; (2) the contracts' terms and dollar values; (3) their client agencies; (4) services purchased under such contracts; (5) contractor names; (6) their evaluations of contractors' performances, including, records on suspensions or disqualifications and assurances that the information is available on

the state contracting portal; and (7) all contracts and contractors awarded without full and open competition, including the reasons for the decisions and the names of the authorities that approved them.

***Procurement Legislation, Regulations and Policies***

The board must provide the governor and GAE Committee with recommendations concerning the uniform procurement code. The bill does not specify when the recommendations are due or their frequency.

The board must also review and approve proposed legislation and regulations prior to promulgation. It can institute policies on procuring, managing, controlling, and disposing of supplies, services, and construction, including:

1. prequalification, suspension, debarment and reinstatement of prospective bidders and contractors;
2. small purchase procedures;
3. conditions and procedures for delegating procurement authority, procuring perishables and items for resale, using source selection methods that the code authorizes, emergency procurements, and selecting contractors by processes or methods that restrict full and open competition;
4. opening or rejecting bids and offers and waiving informalities;
5. confidentiality of technical data and trade secrets submitted by actual or prospective bidders or proposers (The bill does not define this term);
6. partial, progressive, and multiple awards;
7. supervision of storerooms and inventories, including determining appropriate stock levels and the management, transfer, sale, or other disposal of publicly-owned supplies;

8. definitions and classes of contractual services and procedures for acquiring them;
9. regulations for conducting cost and price analysis;
10. use of payment and performance bonds;
11. guidelines for using cost principles in negotiations, adjustments, and settlements; and
12. identifying procurement best practices.

### ***Board to Coordinate Procurement and Contracting Officers***

The board must coordinate the procurement and contracting officers in each state contracting agency.

The bill requires the head of each state contracting agency to appoint a senior official to act as a liaison between the agency and the chief procurement officer on the agency's procurement activities. The activities include (1) implementing and complying with the bill and any policies or regulations the board adopts, (2) coordinating agency procurement employees' training and education, and (3) serving on the Contract Standards Advisory Council (see below).

The appointed official is the agency's procurement officer. He must assure that contractors are properly screened before a contract is awarded, evaluate their performances during and at the end of a contract, submit written evaluations to a central data repository that the board designates, and create a project management plan that includes annual reports to the board on the agency's procurement projects.

### ***Agency Procurement Certification***

Beginning July 1, 2008, the bill requires the board to review and certify that a state contracting agency's procurement processes comply with the code. It must accomplish this by (1) establishing procurement and project management education and training criteria; (2) certifying agency procurement and contracting officers; and (3) approving an

ethics training course, including a course for state employees involved in procurement and prequalified state contractors and substantial subcontractors. The Office of State Ethics or any person, firm, or corporation may develop and provide the training but the board must approve the course.

Employees must maintain the certification in good standing at all times while performing procurement functions.

The board must recertify each state contracting agency's procurement processes at least every three years, notify them of any certification deficiency, and exercise its enforcement authority if it finds noncompliance.

EFFECTIVE DATE: Upon passage

#### **§ 43 — PROCUREMENT AND PROJECT MANAGEMENT TRAINING**

The SCSB, with the advice and assistance of the administrative services commissioner, must develop a standardized state procurement and project management education and training program. The board must adopt implementing regulations.

The program must develop education, training, and professional development opportunities for state contracting agencies' employees with procurement responsibilities. It must educate the employees on general business acumen and on proper purchasing procedures as established in the uniform procurement code. The program must emphasize ethics, fairness, consistency, and project management.

The program must include (1) training and education in federal, state and municipal procurement processes, including the state procurement code and principles of project management; (2) training and education courses developed in cooperation with the Office of State Ethics, the Freedom of Information Commission, the State Elections Enforcement Commission, the Commission on Human Rights and Opportunities, the Office of the Attorney General and any other state agency the board determines is necessary; (3) technical

assistance to help state contracting agencies, and municipalities implement the procurement code, regulations, policies and standards the board develops; (4) training for current and prospective contractors, vendors, and others seeking to do business with the state; and (5) training and education for state employees in best procurement practices in state purchasing with the goal of achieving the level of acumen necessary to achieve the bill's objectives.

The bill requires state contracting agencies' employees responsible for buying, purchasing, renting, leasing, or otherwise acquiring any supplies, service, or construction to participate in the program. The board must give employees who complete the program a document acknowledging their participation. The board must give the governor and legislature an annual status report on the training and education program.

EFFECTIVE DATE: Upon passage

#### **§ 44 — COMPLIANCE AUDITS**

The bill requires the board to audit state contracting agencies at least once every three years and report on their compliance with the uniform procurement code. During the audit, the bill gives the board access to all of the agencies' contracting and procurement records and authority to interview people responsible for awarding and negotiating contracts or procurement. The board can contract with the state auditors to conduct the audit.

The board must identify in the compliance report any process or procedure that is inconsistent with the uniform procurement code and corrective measures to achieve code compliance. It must deliver the report, which is a public record, to the contracting agency within 30 days after the audit is completed.

EFFECTIVE DATE: Upon passage

#### **§ 45 — DISCIPLINARY ACTIONS FOR NONCOMPLIANCE AND OTHER VIOLATIONS**

The board may review, terminate, or recommend terminating a contract or procurement agreement for cause after consulting with the attorney general and giving the agency and contractor 15 days notice. "For cause" means (1) engaging in activities prohibited under the State Ethics Code; (2) wanton or reckless disregard of any state contracting and procurement process by anyone substantially involved in the contract or with the state contracting agency; or (3) notification from the attorney general to the state contracting agency that a whistleblower investigation indicates that the contract process was compromised by fraud, collusion, or other serious ethical improprieties.

The decision to terminate a contract must be preceded by the board's consultation with the contracting agency to determine the impact of an immediate termination and a joint decision by the board and the agency that immediate termination will not cause imminent peril to public health, safety, or welfare. The board's decision to terminate must be approved by a two-thirds vote of its members present and voting. The board must notify the state contracting agency and any other affected party of the termination.

The board may (1) restrict or terminate a state contracting agency's contracting or procurement authority or (2) recommend that a state contracting agency restrict or terminate an employee's or agent's authority to enter a contract or procurement agreement upon a two-thirds vote, after 15 days notice and a hearing, if it finds the agency or employee failed to comply with statutory contracting and procurement requirements and showed a reckless disregard for applicable policies and procedures. Any restriction or termination stays in effect until the agency implements corrective measures and complies with the code. Any agency restriction or termination must be in the state's best interest. The board must determine that an agency has corrected any deficiencies and is in compliance with the procurement code before it lifts any sanction. The board must make arrangements for the exercise of the agency's contracting power during the restriction or termination.

EFFECTIVE DATE: Upon passage

**§ 46 — CONTRACTING STANDARDS ADVISORY COUNCIL**

The bill establishes a Contracting Standards Advisory Council consisting of representatives from the Office of Policy and Management; the departments of transportation, administrative services, public works, and information technology; three other contracting agencies that the governor designates; and the chief procurement officer who serves as chairperson.

The council must meet at least four times a year to discuss state procurement issues and recommend improvements to the procurement process to the SCSB. It may conduct studies, research, and analyses, and make reports and recommendations with respect to matters within SCSB's jurisdiction.

EFFECTIVE DATE: Upon passage

**§ 47 — VENDOR AND CITIZEN ADVISORY PANEL**

The bill establishes a 15-member Vendor and Citizen Advisory Panel. The governor appoints three members and the six top legislative leaders each appoint two. No more than six of the members can be vendors experienced in state procurement. The remaining nine must be citizen members with education, training, or experience received in five consecutive years of the 10 years immediately preceding their appointment, in several of the following areas:

1. government procurement;
2. contract negotiation, drafting, and management;
3. contract risk assessment;
4. preparing requests for proposals, invitations to bid, and other procurement solicitations;
5. evaluating proposals, bids, and quotations;

6. real property transactions;
7. business insurance and bonding;
8. the State Code of Ethics;
9. federal and state laws, policies, and regulations;
10. outsourcing and privatization proposal analysis;
11. government taxation and finance; and
12. small and minority business enterprise development.

The chief procurement officer chairs the panel and serves as an ex-officio member. The panel makes recommendations to the board on best practices in state procurement processes and project management and other issues pertaining to system stakeholders.

EFFECTIVE DATE: Upon passage

#### **§ 48 — STATE PROPERTIES REVIEW BOARD**

The bill names the SCSB as the successor to the SPRB and transfers the powers, duties, obligations, and other government functions of the latter to the former beginning October 1, 2009. By the same date, the bill requires the SCSB to establish a three-member subcommittee, called the State Properties Review Subcommittee, to perform SPRB's duties in accordance with SCSB's rules and procedures.

EFFECTIVE DATE: Upon passage

#### **§ 49 — BEST PROCUREMENT PRACTICES**

SCSB must be available to help the secretary of the state, comptroller, treasurer, and attorney general develop best procurement practices for their offices that are consistent with the uniform procurement code. Each official must adopt a procurement practice code by July 1, 2009.

EFFECTIVE DATE: Upon passage

---

**§ 50 — JUDICIAL AND LEGISLATIVE PROCUREMENT CODES**

By January 1, 2009, the bill requires the Judicial and Legislative branches to prepare a procurement code for their use when contracting for, buying, renting, leasing, or otherwise acquiring or disposing of supplies, equipment, or services, including consultant and construction services. These codes must be identical to the SCSB's procurement code, except they do not have to:

1. preserve and maintain contracting or procurement procedures that represent best practices,
2. establish standards for leases and lease-purchase agreements and for the purchase and sale of real estate, or
3. include standards for evaluating proposals to privatize services and privatization contract bid proposals.

By February 1, 2009, the bill requires the Judicial Branch to submit the code to the Judiciary Committee for approval. By the same date Legislative Management must develop a code (see COMMENT).

EFFECTIVE DATE: Upon passage

**§ 51 — STATE CONTRACTING PORTAL**

The bill requires DAS to work with SCSB to establish and maintain on its website a single electronic portal of all contracting opportunities with Executive Branch state agencies, the constituent units of higher education, and quasi-public agencies. The portal must be called the "State Contracting Portal."

The State Contracting Portal must at least include:

1. all requests for bids or proposals, other solicitations, related materials, and all resulting contracts and agreements by state agencies;
2. a searchable database for locating information;

3. personal service agreements and purchase of service contracts;
4. any document DAS designates that describes approved contracting processes and procedures; and
5. prominent features to encourage small businesses and women and minority-owned enterprises to participate in the state contracting process.

All Executive Branch agencies, constituent units of higher education, and quasi-public agencies must (1) post all bids, requests for proposals, and all resulting contracts and agreements on the portal and (2) develop written policies and procedures to ensure that information posted on the portal is timely, complete, and accurate as determined by the highest legal and ethical standards of state government. They must, with the assistance of DAS and the Department of Information Technology as needed, develop the infrastructure and capability to electronically communicate with the portal.

DAS must give the governor and the SCSB periodic progress reports on (1) the agencies' and units' development of the capacity, infrastructure, policies, and procedures necessary to electronically communicate with the portal and (2) DAS' progress in establishing and maintaining the portal.

EFFECTIVE DATE: Upon passage

## **§ 52 — PURPOSES OF THE UNIFORM PROCUREMENT CODE**

The underlying purposes and objectives of the uniform procurement code are to:

1. establish uniform contracting standards and practices for effective broad-based competitive values and protocols;
2. simplify and clarify state contracting standards and procurement policies and practices, including procedures for competitive sealed bids and proposals, special procurements,

- best value selection, qualification-based selection, and the conditions for their use;
3. permit the continued development of best practices in the state and provide for increased public confidence in the procedures the state uses to make purchases with safeguards for maintaining a procurement system of quality and integrity;
  4. ensure the fair and equitable treatment of all businesses and people involved in the state's procurement system;
  5. include a process for maximizing the use of small contractors and minority business enterprises;
  6. provide increased economy in state procurement activities and maximize purchasing value to the fullest extent possible;
  7. ensure that state contracting agencies procure supplies, materials, equipment, services, real property, and construction in a cost-effective and responsive manner;
  8. preserve and maintain state agencies' contracting or procurement procedures that represent best practices, including their discretion and authority to disqualify contractors and terminate contracts;
  9. include a process to improve contractor and state contracting agency accountability; and
  10. establish standards for leases and lease-purchase agreements and for the purchase and sale of real estate.

The code's purposes and objectives are effective after the deadline for the board to establish the code.

EFFECTIVE DATE: July 1, 2008

### **§ 53 — GOOD FAITH ACTIONS**

The bill requires all parties to act in good faith when negotiating,

performing, or administering a state contract.

EFFECTIVE DATE: July 1, 2008

#### **§ 54 — APPLICATION OF THE CODE**

Except as otherwise provided, the uniform procurement code covers public expenditures for real property, supplies, or services, including construction services, equipment, materials, or supplies. It applies regardless of whether the public agency is contracting for, buying, renting, leasing, or otherwise acquiring or disposing of goods or services. The code applies to (1) quasi-public agencies and constituent units of higher education beginning July 1, 2009 and (2) municipalities, political subdivisions, and municipal district commissions that receive state funds beginning July 1, 2010. Other political subdivisions and local public agencies may adopt all or portions of the code and its accompanying regulations.

The uniform code does not apply to the expenditure of federal assistance or contract funds if federal law provides procurement procedures that are inconsistent with the uniform procurement code.

EFFECTIVE DATE: July 1, 2008

#### **§ 55 — DEFINITIONS**

The bill defines a variety of different terms. For example, for purposes of §§ 53 to 112 “state contracting agencies” are (1) state agencies, other than the constitutional offices and the Judicial and Legislative branches, and (2) municipal, quasi-public and any other agencies that receive state funds.

EFFECTIVE DATE: July 1, 2008

#### **§ 56 — REQUISITION SYSTEM**

The bill requires state contracting agencies to establish a requisition system when they begin to purchase supplies, materials, equipment or contractual services, including infrastructure facilities and services. It requires the DAS commissioner to approve the system.

EFFECTIVE DATE: Upon passage

**§ 57 — USE OF PURCHASE ORDERS OR LIKE DOCUMENTS**

The bill recodifies the current statutory provision (CGS § 4-98) requiring state agencies to use purchase orders or like documents when procuring goods and services.

EFFECTIVE DATE: Upon passage

**§ 58 — METHODS FOR SOLICITING AND AWARDING CONTRACTS**

All purchases of, and contracts for, supplies, materials, equipment, and contractual services, except purchases and contracts made pursuant to the uniform procurement code and public utility services must be awarded by one of the following methods set forth in the uniform procurement code, unless otherwise authorized by law:

1. competitive sealed bidding or proposals;
2. small purchases;
3. sole source, emergency, or special procurements;
4. waiver of bid or proposal requirement for extraordinary conditions; and
5. waiver pertaining to the purchase of alternative fuel vehicles and certain public utility services.

By law, all purchases of, and contracts for, supplies, materials, equipment, and contractual services, except public utility services must be based when possible on competitive bids or negotiation. The DAS commissioner may waive the requirement for minor, nonrecurring and emergency purchases of \$10,000 or less. The commissioner, in consultation with the environmental protection commissioner and with the policy and management secretary's approval, may waive the requirement for the purchase of alternative fuel cars or light-duty trucks (CGS § 4a-57).

EFFECTIVE DATE: Upon passage

### **§ 59 — COMPETITIVE SEALED BIDDING PROCESS**

The bill requires that contracts and purchase orders in excess of \$50,000 be awarded by competitive sealed bidding unless the DAS commissioner or another appropriate awarding authority chooses an alternate source selection method available under the procurement code.

The contracting agency must issue an invitation soliciting bids and include in it a purchase description, all contractual terms and conditions applicable to the procurement. The invitation may include the evaluation criteria to be used. If the invitation does not specify the criteria, evaluations must be determined based on the lowest responsible, qualified, and responsive bidder. When it is considered impractical to initially issue an invitation for bids, the DAS commissioner may issue a request for information, request for proposals, or request for qualifications as the first step in the process.

The agency must provide notice of the planned purchase in a form and manner that the DAS commissioner determines, in accordance with regulations, will promote competition and maximize public participation, including participation by small contractors.

When a purchase order or contract is estimated to exceed \$50,000, the notice must be inserted, at least five calendar days before the final date for submitting bids, in two or more publications, at least one of which must be a major daily newspaper published in the state, or it may be posted on the Internet.

Each notice of a planned purchase must indicate the (1) type of goods and services to be purchased; (2) estimated value of the contract award; (3) state contract requirements concerning nondiscrimination and affirmative action; and (4) when applicable, requirements concerning the awarding of contracts to small contractors, minority business enterprises, individuals with disabilities and nonprofit corporations.

The name of each bidder, the amount of each bid, and any other relevant information must be recorded. Each bid must be kept sealed or secured until opened publicly at the time and place stated in the bid solicitation notice. At least one person must witness the opening. The record and each bid must be open to public inspection. Bids must be unconditionally accepted without alteration or correction, except as otherwise authorized. The state contracting agency or a consultant designated by the DAS commissioner evaluates the bids.

The commissioner must adopt regulations on bid corrections or withdrawals occurring before and after an award and award cancellations based on bid mistakes. The regulations must take into consideration preservation of the integrity of the competitive sealed bidding process.

Apparently, the regulations must also (1) prohibit changes in bid prices or other provisions of bids prejudicial to the interest of the state or fair competition after a bid is opened and (2) require the DAS commissioner to decide, in writing, whether to permit the correction or withdrawal of bids or cancel awards of contracts or purchase orders based on bid mistakes.

The contract must be awarded with reasonable promptness by written notice to the lowest responsible, qualified bidder whose bid meets the requirements and evaluation criteria, taking into consideration the quality of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the state government, and the delivery terms. The DAS commissioner may also decide to consider life-cycle costs or the articles' trade-in or resale values.

The bill specifies how the commissioner must determine the "highest scoring bidder in a multiple criteria bid" or "lowest responsible qualified bidder," including a bid preference for recycled materials and supplies, and for materials, or equipment produced, assembled, or manufactured in Connecticut.

Unless otherwise prohibited by federal or state law, regulation, or agency requirement, the bill allows the commissioner, but not other heads, of state contracting agencies to negotiate a bid price adjustment in construction projects subject only to SCSB approval.

If any bidder refuses to accept a contract award within 10 days, the awarding authority may award it to the next lowest responsible qualified bidder or the next highest scoring bidder in a multiple criteria bid, whichever is applicable, and so on until such contract is awarded and accepted. A contract valued at \$1 million or more must be awarded to a bidder other than the lowest responsible qualified bidder or the highest scoring bidder in a multiple criteria bid, whichever is applicable, only with the DAS commissioner's and comptroller's written approval.

The bill recodifies the DAS commissioner's authority to issue a request for information for a multiple criteria bid and extends it to other awarding authorities. The circumstances under which the commissioner may exercise this authority is codified at CGS §§ 4a-49 (c) (2) and 4a-59(f).

EFFECTIVE DATE: July 1, 2008

## **§ 60 — PROCESS FOR COMPETITIVE SEALED PROPOSALS**

The bill permits contracts by competitive sealed proposals when an awarding authority determines, in writing and pursuant to regulations, that the use of competitive sealed bidding is either not practicable or not advantageous to the state. It authorizes the DAS commissioner to adopt regulations establishing the criteria for determining when competitive sealed bidding is either not practicable or not advantageous to the state. Contracts for the project delivery methods specified in the uniform procurement code must be entered into by competitive sealed proposals unless the code provides otherwise.

The DAS commissioner may require proposals solicited through a request for proposals, information, quotation, qualifications or other

forms. Adequate public notice must be given of the request for proposals, information, or qualifications. The solicitations must contain a description of the projected scope of services or system requirements, a notice of mandatory state contractual provisions or terms, and conditions required by this “chapter” or federal agencies. Services must be selected on the basis of a request for proposals. (Since this section of the bill consists of all new language, the “chapter” reference is unclear.) A request for proposals must state the relative importance of price and other factors.

Each request for proposals for “design plus” contracts must include design requirements and solicit proposal development documents. The request may (1) prequalify proposers by issuing a request for qualifications in advance of the request for proposals and (2) select a short list of responsible proposers prior to discussions and evaluations if the number of proposals short listed is stated in the request for proposals and prompt public notice is given to all proposers about which proposals are short listed. (The bill does not define “design plus” contracts and it is unclear how a proposal can prequalify a proposer.)

Proposals must be opened in a way that does not disclose their contents to a competitor during the negotiation process. A register of proposals must be prepared in accordance with regulations and must be opened for public inspection after the contract is awarded. However, confidential trade and business information may not be disclosed.

An awarding authority may have discussions with potential contractors to make sure that they fully understand and respond to the solicitation requirements. Each proposer must be granted fair and equal treatment with respect to these discussions. The authority cannot disclose any information derived from a competing proposer.

Proposals must be evaluated only on the factors stated in the request for proposals. The bill states “the following factors may be appropriate to use in conducting the evaluation,” but fails to list any

factors. Proposals must be submitted based on standard specifications.

Proposers must submit with their responses essential information concerning their qualifications. The DAS commissioner may waive minor irregularities in proposals if she determines that it would be in the best interest of the state. The commissioner must state the reasons for the waiver in writing and include it in the contract file.

The bill permits constituent units of higher education or a school in the Connecticut State University system to purchase, by negotiation, supplies, materials, equipment or contractual services that are (1) required to implement a grant, contract, or financial agreement between the constituent unit or institution, as appropriate, and the donor of funds or other things of value and (2) specified in the grant, contract, or financial agreement.

The awarding authority must award each contract to the responsible proposer whose proposal is the most advantageous to the state, in accordance with the criteria set forth in the request for proposals. The contract file must contain the basis on which the award is made. The authority must give written notice of the award of a contract to all proposers. If any bidder refuses to accept a contract award within 10 days, the awarding authority may award it to the next most advantageous proposer and so on until such contract is awarded and accepted.

EFFECTIVE DATE: July 1, 2008

### **§ 61 — SMALL PURCHASES**

The bill requires the DAS commissioner or any other appropriate awarding authority to award contracts of \$50,000 or less (“small”) to the lowest responsible bidder. The commissioner must file a written notice, together with documents pertinent to the transaction, whenever a small contract is awarded differently. The bill prohibits anyone from artificially dividing a contract to make it appear small. If the DAS commissioner suspects this practice, she may prohibit the contracting agency from using the small purchase procedures.

The bill (1) recodifies the DAS commissioner's authority to waive competitive bidding or negotiation when making minor, non-recurring, or emergency purchases of \$10,000 or less and (2) extends the authority to other awarding authorities. The commissioner's authority is currently codified at CGS § 4a-57(b).

EFFECTIVE DATE: July 1, 2008

### **§ 62 — EMERGENCY PROCUREMENTS**

The bill permits awarding authorities to make emergency procurements when there is a threat to public health, welfare, or safety, providing for competition where practicable. Each authority must state, in writing, the basis for the emergency and the process used to select a contractor in a contract file and send it to the governor and the top six legislative leaders. The bill requires emergencies to be based on need and not to satisfy a preference, prevent lapsing funds, or circumvent procurement processes.

By law, the DOT commissioner has authority to declare emergencies related to rail and transit services that supersede this section.

EFFECTIVE DATE: July 1, 2008

### **§ 63 — STANDARDIZATION COMMITTEE**

The bill recodifies the commission established under CGS § 4a-58. By law, the committee approves waivers of the competitive bidding requirements for emergency procurements estimated to cost \$50,000 or more. The bill gives the chief information officer (presumably at DOIT) and the transportation, public works, and administrative services commissioners the authority to approve waivers below this threshold. The bill specifies that emergencies must be based on need and cannot be declared to satisfy a preference, prevent lapsing funds, or circumvent procurement processes.

EFFECTIVE DATE: July 1, 2008

### **§ 64 — SPECIAL PROCUREMENTS**

The bill permits the DAS commissioner to initiate procurement above the small purchase amount whenever she determines, with the concurrence of the SCSB, that an unusual or unique situation exists that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest.

Any special procurement must be made with the level of competition as is practicable under the circumstances. The commissioner must include a written determination of the basis for the procurement and for the selection of the particular contractor in the contract file. An annual report that describes these determinations must be made publicly available.

EFFECTIVE DATE: July 1, 2008

#### **§ 65 — CANCELLATION OF REQUEST FOR BIDS OR PROPOSALS**

The bill permits the DAS commissioner to (1) cancel invitations for bids or requests for proposals or other solicitation or (2) reject bids or proposals when she determines the best interests of the state will be served. She must state the reasons in the contract file and send it to the SCSB. The commissioner may re-advertise.

If all of the bids or proposals on a pending contract are for the same unit price or total amount and no distinction can be made in favor of supplies, materials, and equipment produced, assembled or manufactured in Connecticut, the commissioner can reject them and fulfill the contract on the open market, provided the price paid in the open market does not exceed the bid or proposal price.

The commissioner may reserve the right to (1) award any contract by item or part, groups of items or parts, or all items of the bid; (2) reject bids in whole or in part; (3) waive minor irregularities and omissions; or (4) permit the bidder or responder to correct them if, in the commissioner's judgment, the best interest of the state will be served.

---

EFFECTIVE DATE: July 1, 2008

**§ 66 — NONRESPONSIVENESS**

Under the bill, a bidder or proposer may be deemed nonresponsive if he fails to promptly supply information in response to a request. The failure must be unreasonable. The bill requires the person making the determination to state his reasons in writing in accordance to regulations adopted by the SCSB.

For the purpose of indicating the types of objective criteria used to determine the lowest responsible qualified bidder, as defined in the uniform procurement code, or the best proposer, the invitation to bid or request for proposals shall state the evaluation factors, including price, and their relative importance. Past performance and financial responsibility must always be factors in making this determination.

There must be a written evaluation made of each bid and proposal. The evaluation must identify the vendors and their respective costs and prices, document the reason why any vendor is deemed to be nonresponsive, and recommend a vendor for award.

Confidential information furnished or offered by a bidder or proposer pursuant to this section cannot be disclosed outside of DAS, the state contracting agency, or SCSB without the bidder's or proposer's prior written consent.

EFFECTIVE DATE: July 1, 2008

**§ 67 — PREQUALIFICATION OF PROSPECTIVE SUPPLIERS**

The bill allows prospective suppliers to be prequalified for particular types of supplies, services, and construction. The DAS commissioner must determine the method for submitting prequalification information and the information required in order to be prequalified after consulting the heads of all affected state contracting agencies.

EFFECTIVE DATE: July 1, 2008

---

**§ 68 — CONSTRUCTION*****Bidding for Public Building Contracts and Prequalification***

The bill establishes a process for bidding on state building construction contracts estimated to cost in excess of \$500,000, including a requirement that bidders prequalify (COMMENT).

***Fast-Track***

The bill limits the legislature's ability to exempt construction projects from the competitive bidding process. It requires the legislature to approve "fast-track" legislation by a two-thirds vote of the members of each chamber. If this legislation is rejected, the fast-track proposal is not valid and cannot be implemented for the project. The legislation is deemed rejected if the legislature fails to vote to approve it (1) by the end of the regular session during which it is filed, (2) before the end of the next regular session if the legislature is not in regular session when the legislation is filed, or (3) before the end of any special session called to consider the legislation. If the legislation is filed less than 30 days before the end of a regular session, the legislature may vote to approve or reject it within 30 days after the first day of (1) a special session convened for that purpose or (2) the next regular session.

By law, if the legislature approves the legislation, the SPRB must review the contract and approve or disapprove it no later than 30 days after the public works commissioner submits it. Beginning October 1, 2009, the bill requires the State Properties Review Subcommittee of the SCSB to conduct the review. Consistent with existing law, the contract is deemed approved if the review does not occur within the 30 days.

EFFECTIVE DATE: July 1, 2008

**§ 69 — LOWEST RESPONSIBLE QUALIFIED BIDDER**

The bill essentially recodifies provisions in existing public works statutes (CGS § 4b-92) on the "lowest responsible and qualified bidder and bid bonds."

EFFECTIVE DATE: July 1, 2008

**§ 70 — CONTRACT SPECIFICATIONS; SUBTRADES AND SUBCONTRACTS**

The bill essentially recodifies provisions in existing public works statutes requiring contracts to include plans and specifications detailing all labor and materials that will be furnished under the contract.

EFFECTIVE DATE: July 1, 2008

**§§ 71-72 – PREQUALIFICATION**

The bill establishes a prequalification program for contractors seeking to do work on state building construction contracts valued at \$500,000 or more. The DAS commissioner administers the program, including collecting application fees, issuing prequalification certificates, revoking or suspending certificates for law violations, and adopting implementing regulations (see COMMENT).

EFFECTIVE DATE: July 1, 2008

**§ 73 & 83 — REASONABLENESS OF CONTRACT PRICE**

The bill permits commissioners, but not other heads, of state contracting agencies to request factual information reasonably available to the bidder or proposer to substantiate that the price or cost they offered, or some portion of it, is reasonable, if (1) the price is not based on adequate price competition, established catalogue or market prices, or set by law or regulation, and (2) the cost exceeds an amount established by regulation.

“Established catalogue price” means the price included in a catalogue, price list, schedule, or other form that:

1. is regularly maintained by a manufacturer or contractor,
2. is either published or otherwise available for inspection by customers, and

3. states prices at which sales are currently or were last made to a significant number of any category of buyers for the supplies or services involved (§ 55).

A state contracting agency may, at reasonable times and places, audit the books and records of any person who has submitted data in substantiation of offered prices. The books and records must be related to that data. Any person who receives a contract, change order, or contract modification must maintain the books and records that relate to the cost or pricing data for three years after the contract expires unless a shorter period is authorized in writing.

A state contracting agency can audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract if the books and records are related to the performance of the contract or subcontract. The contractor must maintain his books and records for three years after the date of final payment under the prime contract. The subcontractor must maintain his books for three years after the subcontract expires unless a shorter period is authorized in writing.

EFFECTIVE DATE: July 1, 2008

### **§§ 74-78 — SPECIFICATIONS FOR SUPPLIES**

The bill requires the DAS commissioner to adopt regulations, in consultation with the SCSB, establishing standards for the preparation, maintenance, and content of specifications for state supplies, services, and construction. DAS must get expert advice and help from state contracting agencies' personnel when developing the specifications. All specifications must seek to promote overall economy for the purposes intended, encourage competition in satisfying the state's needs, and not be unduly restrictive. The uniform procurement code's requirements regarding specifications apply to all specifications, other than those prepared by state personnel.

DAS may allow a state contracting agency to prepare and use its own specifications. It must put the authorization in writing.

The SCSB must monitor state contracting agencies' use of the specifications.

EFFECTIVE DATE: July 1, 2008

**§ 79 — ACCEPTABLE TYPES OF CONTRACTS AND RECORDS OF BIDDERS OR PROPOSERS**

The bill permits the use of any type of contract that will promote the best interests of the state; however, cost-plus-a-percentage-of-cost contracts are prohibited and cost-reimbursement contracts may be used only when a written determination is made that it is likely to be less costly to the state than any other type, or that it is impracticable to obtain the supplies, services, or construction required except under such a contract. "Cost reimbursement contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and the uniform procurement code plus any fee. Cost-plus-a-percentage-of-cost contract is not defined.

The bill requires that a record be kept of the name of each bidder or proposer, his bid, and each successful bid or proposal. It opens the record for public inspection after the order or contract is awarded. The attorney general must approve all contracts for form and a copy of each must be filed with the comptroller and the SCSB. The bill does not specify the person responsible for maintaining the record but presumably it is the awarding authority (see COMMENT).

EFFECTIVE DATE: July 1, 2008

**§ 80 — REGULATIONS ON CONTRACTOR DOCUMENTATION**

The bill requires the SCSB to adopt regulations requiring contractors to submit appropriate documentation prior to the award of contracts in which the state agrees to reimburse costs. The documentation must confirm that the proposed contractor's accounting system (1) will permit timely development of all necessary cost data in the form required by the specific contract type contemplated and (2) is adequate to allocate costs in accordance with generally accepted accounting

principles.

EFFECTIVE DATE: July 1, 2008

### **§ 81 — DURATION OF CONTRACTS FOR SUPPLIES OR SERVICES**

Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the state's best interest. However, the term of the contract and conditions of renewal or extension, if any, must be included in the solicitation, and funds must be available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds.

A multiyear contract is authorized where estimated requirements cover the period of the contract and are firm and continuing and the contract will serve the best interests of the state by encouraging effective competition or otherwise promoting economies in procurement.

When funds are not appropriated or otherwise made available to support a contract's continued performance in a subsequent fiscal period, the contract must be cancelled and the contractor reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the supplies or services delivered under the contract. The cost of cancellation may be paid from any related appropriations.

EFFECTIVE DATE: July 1, 2008

### **§ 82 — VISITS TO CONTRACTORS' BUSINESSES**

The bill permits a state contracting agency to inspect at reasonable times the part of the plant or place of business of a contractor or any subcontractor that is related to the performance of any contract awarded or to be awarded by the state.

EFFECTIVE DATE: July 1, 2008

---

**§ 84 — ANTICOMPETITIVE PRACTICES AMONG BIDDERS**

The bill requires that a notice of relevant facts be sent to the attorney general whenever collusion or other anticompetitive practices are suspected among any bidders or proposers. The bill does not specify who should send the notice, what constitutes collusion or anticompetitive practices, or any other action the contracting agency can take (e.g., whether the agency can disqualify the bidders).

EFFECTIVE DATE: July 1, 2008

**§§ 85-86 — RECORD OF CONTRACTS UNDER THE PROCUREMENT CODE**

The bill requires the agency procurement officer to maintain a record listing all contracts made under the uniform procurement code for a minimum of five years. The record must contain:

1. each contractor's name;
2. the amount and type of each contract; and
3. a list of the supplies, services, or construction procured under each contract.

The bill requires all procurement records to be retained and disposed of in accordance with records retention guidelines and schedules approved by the public records administrator.

EFFECTIVE DATE: July 1, 2008

**§ 87 — REPORT ON AWARDS MADE UNDER THE CODE**

The bill requires the head of each state contracting agency to give the SCSB, GAE Committee, state auditors, and comptroller an annual report on all awards made pursuant to the uniform procurement code. Presumably this means all contracts awarded pursuant to the code.

EFFECTIVE DATE: July 1, 2008

**§ 88 — PRIVATIZATION PROCESS**

When looking for the best value, state contracting agencies must determine if delivering services or activities effectively and efficiently is best done by state employees or by contracting outside of state government. Each agency must develop a business case using quantitative and qualitative analysis to make this determination. If contracting offers the best value for services that state employees are currently providing, the agency must submit a business case evaluating feasibility, cost-effectiveness, and efficiency to the SCSB before entering the contract. The requirement does not apply to contractual services that are obtained with federal funds.

Once it receives the business case, the SCSB must immediately refer the proposal to the privatization contract committee that the bill establishes. The committee must review, evaluate, issue advisory reports, and make recommendations on business cases submitted to SCSB for approval.

The committee consists of five SCSB members appointed by the chair who represent both the majority and minority parties. The chairperson serves as the committee's chairperson. It is unclear whether the board is a five or six member board. The committee must employ a standard process for doing its work.

For any proposed privatization contract, the state contracting agency must develop a business case that includes at least:

1. a detailed description of the service or activity to be privatized;
2. a description and analysis of how the service or activity is being performed currently;
3. the desired goals of the proposed privatization and their rationale;
4. a description of available options for achieving the goals with an analysis of the advantages and disadvantages of each, including potential performance improvements and risks;

5. a description of the current market for the contractual services;
6. a cost-benefit analysis documenting the direct and indirect specific costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options;
7. a description of the specific performance standards that shall, at a minimum, be met to ensure adequate performance by any party performing the service or activity;
8. the projected timeframe for key events from the beginning of the procurement process through the expiration of a contract;
9. a specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation; and
10. a transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public.

The transition plan shall contain a reemployment and retraining assistance plan for employees who are not retained by the state or employed by the contractor.

The cost-benefit analysis must specify the schedule for achieving the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head must attest that, based on the data and information underlying the business case, all projected costs, savings, and benefits are valid and achievable. "Cost" means the reasonable, relevant, and verifiable cost, which may include salary, fringe benefits, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements depend on the nature of the

specific proposal. "Savings" mean the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the proposed contract.

DAS, in consultation with the board, must:

1. recommend and implement standards and processes for state agencies to develop business cases to privatize, including templates for submitting the cases to the privatization contract committee, policies and procedures to help agencies complete the cases, and any other help the DAS commissioner deems necessary;
2. recommend that agencies incorporate any appropriate best practices and any lessons learned from privatization into business case standards, procedures, and guidelines; and
3. develop guidelines and procedures for helping state employees whose jobs are eliminated as a result of a privatization contract.

OPM, in consultation with the board, must develop policies and procedures, including templates for submitting the cases to the privatization contract committee, to help agencies develop a cost-benefit analysis for a business case and must review with each agency the budgetary impact of such a contract and any need to request budget adjustments. The bill appears to require DAS and OPM to develop procedures or process for templates submitted to the privatization committee.

To privatize a service or activity that has a projected total cost in excess of \$1 million, the agency must conduct a complete business case analysis before publishing any notice soliciting contract bids and submit it to the governor, the two top legislative leaders, SCSB, and any collective bargaining unit affected by the proposal. This requirement applies to quasi-public agencies, constituent units of higher education, and the judicial and legislative branches in

accordance with the implementation dates contained in the uniform procurement code (COMMENT).

The privatization contract committee must evaluate the case and submit its results to the SCSB for review and approval. Within 60 days after receipt of the business case, SCSB must give the agency conducting the procurement, the governor, the two top legislative leaders, and the collective bargaining unit a report of its review, evaluation, and disposition. The report must contain the business case, the privatization contract committee's evaluation, reasons for approval or disapproval, any relevant recommendations, and sufficient information to help the agency proposing to privatize determine if additional steps are necessary to move forward with publication of a notice to solicit bids. A state agency must have the board's approval before soliciting bids for a privatization contract.

A state contracting agency must give the SCSB written notice of any changes to a board-approved business case as a proposed amendment. The board may approve or disapprove the proposed amendment within 30 days of receipt.

The SCSB must conduct a study of the privatization policies and practices of quasi-public agencies and the constituent units of higher education by January 1, 2008.

A state contracting agency may enter into a privatization contract without a business case or SCSB approval if (1) the agency states in writing that the contract is required due to an imminent peril to the public health, safety or welfare and its reasons for the finding, and (2) the governor approves the finding in writing.

EFFECTIVE DATE: Upon passage

## **§ 89 — RESOLVING PROTESTS**

The bill allows the board to adopt regulations establishing procedures for resolving protested solicitations or awards.

---

EFFECTIVE DATE: July 1, 2008

## § 90 — DISQUALIFICATIONS

### *General Provisions*

The bill allows the SCSB to disqualify any contractor, bidder, or proposer from bidding on, applying for, or participating as contractor or subcontractor under state contracts. The disqualification can run for up to five years.

The bill states that disqualification is a serious action that must be used only in the public interest and for the state's protection. Disqualification cannot be used for purposes of punishment or instead of other applicable enforcement or compliance procedures. The causes for and consequences of disqualification under the bill are separate from and in addition to causes for and consequences of disqualification under other laws. The administrative services, public works, and transportation commissioners, the chief executive of each constituent unit of higher education, and other heads of state contracting agencies must review contractors and file reports pertaining to any of the reasons that may be the basis for disqualification under the bill. Each of the agency heads may file complaints with the board.

In order to disqualify a contractor, bidder, or proposer, the board must (1) consult with the relevant contracting agency and the attorney general; (2) provide reasonable notice and hold a hearing; and (3) act through a subcommittee of three members appointed by the board's chairperson. In determining whether to disqualify a contractor, bidder or proposer, the board must consider the seriousness of the affected party's acts or omissions and any mitigating factors. The existence of a cause for disqualification, as described below, cannot be the sole factor the subcommittee considers in determining whether the contractor, bidder, or proposer should be disqualified.

The subcommittee must issue a written decision within 90 days after the end of the hearing. A disqualification requires the vote of two

subcommittee members. The subcommittee must send the decision by certified mail, return receipt requested. The decision must state the reasons for the subcommittee's action and the length of any disqualification. The decision is a final decision that can be appealed to the courts.

### **Grounds for Disqualification**

Under the bill, the following are grounds for disqualification:

1. conviction of, or entry of a plea of guilty or *nolo contendere* (no contest) or admission to (a) the commission of a criminal offense in connection with obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; (b) the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or other offenses indicating a lack of business integrity or honesty that affects responsibility as a contractor, bidder or proposer; or (c) a violation of any state or federal antitrust, collusion or conspiracy law arising from the submission of bids or proposals on a public or private contract or subcontract;
2. accumulation of two or more suspensions under the uniform procurement code within a 24-month period;
3. a willful, negligent or reckless failure to meet the terms of one or more state contracts or subcontracts, agreements, or transactions;
4. a history of failure to perform or of unsatisfactory performance on one or more state contracts, agreements, or transactions;
5. a willful violation of a statutory or regulatory provision or requirement applicable to a state contract, agreement of transaction;
6. a willful or egregious violation of the ethical standards set forth

in the uniform procurement code; or

7. any other cause or conduct the board determines to be so serious and compelling as to affect responsibility as a state contractor, bidder or proposer.

The last category includes: (1) disqualification by another state for cause; (2) the existence of an informal or formal business relationship with a contractor who has been disqualified from bidding or proposing on state contracts; and (3) the fraudulent, criminal, or seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor, bidder or proposer, if the conduct was connected with the individual's performance of duties for, or on behalf of, the contractor, bidder or proposer and the contractor, bidder or proposer knew or had reason to know of the conduct.

Under the bill, "other seriously improper conduct" does not include advice from an attorney, accountant, or other paid consultant if it was reasonable for the contractor to rely on the advice. On the other hand, fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor, bidder or proposer who participated in, knew of or had reason to know of the conduct of the contractor, bidder or proposer. Such conduct of one contractor, bidder or proposer participating in a joint venture or similar arrangement may be imputed to other participating contractors, bidders or proposers if the conduct occurred for or on behalf of the joint venture or similar arrangement and the contractors, bidders or proposers knew of or had reason to know of such conduct.

### ***Modification of Disqualification***

The bill allows the board to reduce the period or the extent of a disqualification at the written request of a contractor, bidder, or proposer. It may do so if the affected party provides supporting documentation of:

1. newly discovered material evidence;
2. a reversal of the conviction upon which the disqualification was based;
3. bona fide change in ownership or management; or
4. the elimination of other causes for which the disqualification was imposed.

The bill also allows the board to grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract if the head of the contract awarding agency determines, in writing, that there is good cause, in the public interest, for this action.

EFFECTIVE DATE: July 1, 2008

#### **§ 91 — SUSPENSIONS**

The bill allows the department head of any state contracting agency, after reasonable notice and a hearing, to suspend any contractor, bidder or proposer for up to six months from bidding on, applying for or performing work as a contractor or subcontractor under state contracts. The department head must issue a written decision within 90 days after the hearing ends, which must state the reasons for the action taken and the length of any suspension. The existence of a cause for suspension may not be the sole factor to be considered by the board subcommittee (It is unclear who the actor is) in determining whether the contractor, bidder or proposer should be suspended. In determining whether to suspend a contractor, bidder or proposer, the department head must consider the seriousness of the acts or omissions of the contractor, bidder or proposer and any mitigating factors. The department head shall send such decision to the contractor and the SCSB by certified mail, return receipt requested. Such decision is a final decision that can be appealed to the courts.

The causes for suspension include:

1. failure without good cause to perform in accordance with

- specifications or within the time limits provided in the contract;
2. a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, other than those caused by acts beyond the control of the contractor, bidder or proposer;
  3. any cause the contracting agency determines to be so serious and compelling as to affect the responsibility of a state contractor, bidder or proposer including suspension by another contracting agency for cause; or
  4. a violation of the ethical standards of the uniform procurement code.

The bill allows the board to grant an exception permitting a suspended contractor to participate in a particular contract or subcontract upon a written determination by the board that there is good cause for such exception and that such exception is in the best interest of the state.

Each state department must review contractors and file reports pertaining to any of the reasons under the bill that may be the basis for "disqualification" (the bill refers to disqualification but this section deals with suspensions).

EFFECTIVE DATE: July 1, 2008

## **§ 92 — CONTESTING STATE CONTRACT SOLICITATIONS OR AWARDS**

The bill establishes a process for bidders on state contracts to contest the way the contracts were solicited or awarded or to contest an unauthorized or unwarranted, noncompetitive selection process. A bidder may contest to a SCSB subcommittee appointed by the chairperson. The contest must be in writing and submitted within 14 days after the bidder knew or should have known about the facts forming the basis for the contest. The contest must be limited to the solicitation or awarding procedures or claims of unauthorized or

unwarranted noncompetitive selection.

The bill authorizes the subcommittee to resolve or settle the contest. If the complaint is not resolved, the bill requires the subcommittee to issue a written decision within 30 days after receiving the contest and provide a copy to the complaining bidder. The decision must:

1. describe the procedure the agency used to solicit and award the contract,
2. indicate the agency's (apparently this means the subcommittee) findings on the merits of the bidder's contest, and
3. inform the bidder of his right to review.

EFFECTIVE DATE: July 1, 2008

### **§§ 93 & 94 — APPEALS FROM AGENCY DECISIONS**

The bill permits bidders to appeal a subcommittee's decision on a contested contract solicitation and awarding process to the SCSB within 14 days after receiving it. Each bidder must state the facts supporting his claim in enough detail for the SCSB to determine whether the process for soliciting or awarding the contract failed to comply with the uniform procurement code or involved an unauthorized or unwarranted, noncompetitive selection process. The appeal does not automatically prohibit the award or execution of the contested contract.

The bill requires the SCSB to create a subcommittee of three of its members to review these appeals and vote on whether a bidder's allegation has been demonstrated. The appeals committee may not include any SCSB member who originally heard the case. A unanimous vote is dispositive. If the vote is split, the full membership must review the appeal and dispose of it by a vote of two-thirds of its members present and voting. (The bill does not specify what happens if the vote of the full board is less than two-thirds.) And any three board members may request that the full board review an agency's

deliberative or awards process.

The subcommittee, or the full board in the event of a split vote, must issue a written decision, or take other appropriate action, on each appeal and provide a copy of any decision to the bidder. The subcommittee must act within 90 days after receiving the appeal. The full committee must act within 90 days after receiving the appeal from the subcommittee. If the subcommittee or full board decides in the bidder's favor, the board must direct the state contracting agency to take corrective action within 30 days after the decision date. A decision by the full board or the appeals review committee is final and not subject to appeal.

As an alternative to this appeals process, the bill appears to require the SCSB to issue a written decision or take other appropriate action, presumably on the request of at least one of its members. The board must provide a copy of the decision to all parties, the head of the state contracting agency, and the chief procurement officer. The bill does not specify if this is a final decision that can be appealed to superior court.

EFFECTIVE DATE: July 1, 2008

### **§§ 95-98 — ILLEGAL CONTRACT SOLICITATION OR AWARD**

The bill requires state agencies to cancel or revise any contract that was solicited or will be awarded in violation of state law. If after an award it is determined that a solicitation or award of a contract violated the law, the status of the contract depends on the actions of the awarding authority.

If the awarding authority did not act fraudulently or in bad faith, the contract may be (1) ratified and affirmed if doing so is in the state's best interest or (2) terminated and the person awarded the contract compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit. If the awarding authority acted fraudulently or in bad faith, the contract may be (1) declared null and void or (2) ratified and affirmed if doing so is in the state's best interest

as determined by SCSB. In this case, the state may sue the contractor for damages.

The interest on the amount due to a contractor or the state must be payable at the statutory rate applicable to judgments from the date the claim arose through the date of decision or judgment, whichever is later.

EFFECTIVE DATE: July 1, 2008

### **§ 99 — DELIVERY OF INFRASTRUCTURE FACILITIES AND SERVICES**

The bill specifies the authorized delivery methods for infrastructure facilities and services in this state. “Infrastructure facility” means a building; structure; or networks of buildings, structures, pipes, controls, and equipment that provide transportation, utilities, public education, or public safety services.

They may be delivered by (1) design-bid-build, including construction management at-risk; (2) operations and maintenance; (3) design-build; or (4) any other method specified in regulations of the awarding authority or agency. “Design-bid-build” means a project delivery method in which the state sequentially awards separate contracts for architectural and engineering services to design the project and for construction of the project according to the design. “Design-build” means a project delivery method in which the state enters into a single contract for design and construction of an infrastructure facility. “Operations and maintenance” means a project delivery method whereby the state enters into a single contract for the routine operation, repair, and maintenance of an infrastructure facility.

The bill specifies that participation in a report or study that is subsequently used in the preparation of design requirements for a project does not disqualify a firm from participating as a member of a proposing team in a design-build or related procurement unless the participation provides the firm with a substantial competitive advantage, as determined by the state contracting agency.

EFFECTIVE DATE: July 1, 2008

**§ 100 — PROCESS FOR DETERMINING DELIVERY METHODS**

Except as otherwise provided in the bill:

1. the qualifications-based selection process set forth in the uniform procurement code must be used to procure architectural and engineering services in design-bid-build procurements;
2. competitive sealed bidding, as set forth in the uniform procurement code, must be used to procure construction in design-bid-build procurements, except where regulations authorize the use of competitive sealed proposals for construction management at-risk contracts; and
3. contracts for design-build and related methods must be procured by competitive sealed proposals, as set forth in the uniform procurement code, except that SCSB regulations may describe the circumstances under which particular design-build procurements will not require the submission of proposal development documents as required under the uniform procurement code.

EFFECTIVE DATE: July 1, 2008

**§ 101 — DELIVERY METHOD REGULATIONS**

The bill requires the administrative services, public works, and transportation departments to adopt regulations, in consultation with the SCSB, describing the project delivery methods listed in the uniform procurement code.

The regulations must:

1. establish criteria for determining which method will be used for a particular project;
2. give the state contracting agency head or his designee

responsible for carrying out the project the discretion to select an appropriate method for a particular project;

3. describe the bond, insurance, and other security provisions contained in the code that apply to each project;
4. describe the appropriate contract clauses and fiscal responsibility requirements under the bill that apply to each project; and
5. require that the procurement officer execute and include in the contract file a written statement presenting the facts that led to the selection of a particular method for each project.

EFFECTIVE DATE: July 1, 2008

#### **§ 102 — DESIGN BUILD PROJECTS**

The bill establishes specific requirements for the use of design-build and related construction methods. Under the bill, each request for proposals (RFPs) for these methods must: (1) include design requirements and (2) solicit proposal development documents. The RFPs may, when the contracting agency determines that the cost of preparing proposals is high in view of the size, estimated price and complexity of the procurement: (1) prequalify proposers by issuing a request for qualifications in advance of the RFPs; and (2) select a short list of responsible proposers prior to discussions and evaluations under the procurement code, if the number of proposals that will be short-listed is stated in the RFPs and prompt public notice is given to all proposers as to which proposals have been short-listed; or (3) pay stipends to unsuccessful proposers, so long as the amount of such stipends and the terms under which stipends are paid are stated in the RFPs.

Under the bill, each RFP for design-build or related methods authorized by regulation must:

1. state the relative importance of (a) demonstrated compliance

- with the design requirements; (b) proposer qualifications; (c) financial capacity; (d) project schedule; (e) price or life-cycle price for design-build related methods procurements; and (f) other factors, if any; and
2. require each proposer, when the contract price is estimated to exceed \$10 million dollars or in other circumstances established by regulation, to identify an independent peer reviewer whose competence and qualifications to provide such services will be an additional evaluation factor in awarding the contract.

EFFECTIVE DATE: July 1, 2008

### **§ 103 — NOTICE FOR CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES**

The bill requires the state to publicly announce all requirements for architectural and engineering (A&E) services and negotiate contracts for them on the basis of demonstrated competence and qualification for the type of services required, and at fair and reasonable prices.

In procuring these services, the DAS commissioner must encourage firms engaged in these professions to submit a statement of qualifications and performance data annually. The commissioner and the agency procurement officer or their designees and the project manager for the project comprise an architect-engineer selection committee for each A&E services contract worth \$50,000 or more. The selection committee for contracts under \$50,000 must be established in accordance with regulations adopted by the board. The selection committee must evaluate current statements of qualifications and performance data on file with the state, together with those that other firms may submit regarding the proposed contract. The selection committee must conduct discussions with at least three firms regarding the contract and the usefulness of alternative methods of approach for furnishing the required services. The committee must then select at least three of the most highly qualified firms, in order of preference, based upon criteria established and published by the selection committee.

The head of the contracting agency or designee must negotiate a contract with the most qualified firm at compensation which the agency head determines, in writing, to be fair and reasonable to the state. In making this decision, the agency head must consider the estimated value, scope, complexity, and the professional nature of the services to be rendered. If the agency head is unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the agency head determines to be fair and reasonable to the state, negotiations with that firm shall be formally terminated. The agency head must then begin negotiations with the second most qualified firm, and if these negotiations are unsuccessful, with the third firm and so on until an agreement is reached.

EFFECTIVE DATE: July 1, 2008

#### **§ 104-106 — BID SECURITY**

##### ***Design-Bid-Build***

The bill requires all competitive sealed bids for design-bid-build construction to be secured when their estimated price exceeds an amount established by regulations pertaining to the agency. A contracting agency may require security on contracts below the threshold when the circumstances warrant it. Bid security is a bond provided by a surety company authorized to do business in this state, cash, or anything else that the state approves in an amount equal to at least five per cent of the bid amount.

A bid that is not accompanied by required security must be rejected unless the failure to include it is “non-substantial” as determined by regulations.

Once a bid is opened it cannot be revoked during the period specified in the invitation for bids. If a bidder is permitted to withdraw its bid before the award or is excluded from the competition before award, the state cannot take action against the bidder or the bid security.

##### ***Design-Build***

When a construction, design-build, or related contract is awarded in excess of the amount set forth in regulation, the contractor must deliver the following bonds or security:

1. a performance bond executed by a surety company authorized to do business in this state or secured in a another manner satisfactory to the state in an amount equal to 100% of the contract price minus operation, maintenance, and finance costs; and
2. a payment bond executed by a surety company authorized to do business in this state or secured in another manner satisfactory to the state for the protection of laborers and material men on the contract.

The payment bond must be in an amount equal to 100% of the portion of the contract price minus operation, maintenance, and finance costs. Regulations may authorize the SCSB to reduce the amount of the bonds from 100% to 50%. Both type bonds must be satisfactory to the state. The bond or security becomes binding on the parties once the contract is executed.

The bill specifies that it does not limit the state's authority to require a performance bond or other security in addition to the bonds described above or in different circumstances.

The DAS commissioner must adopt regulations, with the SCSB's advice, on the form of the bonds required by the uniform procurement code.

Any person may request and obtain from the state a certified copy of a bond upon payment of the cost to reproduce it plus any postage. A certified copy of a bond is prima facie evidence of the contents, execution, and delivery of the original.

EFFECTIVE DATE: July 1, 2008

## **§ 107 — INSURANCE REGULATIONS**

---

The bill requires the DAS commissioner to adopt regulations with advice from the SCSB specifying when a state contracting agency must require proposers to provide appropriate errors and omissions insurance to cover architectural and engineering services under the project delivery methods set forth in the uniform procurement code.

EFFECTIVE DATE: July 1, 2008

**§ 108 — REGULATIONS ON CHANGE ORDERS IN CONTRACTS UNDER THE UNIFORM PROCUREMENT CODE**

The bill requires the SCSB, in consultation with state contracting agencies, to adopt regulations requiring state contracts issued under the uniform procurement code to include clauses providing for adjustments in prices, time of performance, or other contract provisions, as appropriate. The contracts must also cover:

1. the state's unilateral right to order changes in the work within the scope of the contract and changes in the time to perform it that do not alter the scope of the contract work;
2. variations between estimated and actual quantities of work in a contract;
3. state-ordered work suspensions; and
4. different site conditions, other than those required by the board, when the (a) contract is negotiated, (b) contractor provides the site or design, or (c) parties agree on the risk of differing site conditions.

Price adjustments must be computed in one or more of the following ways:

1. by agreement on a fixed-price adjustment before pertinent work begins or as soon thereafter as practicable;
2. by unit prices specified in the contract or subsequently agreed upon;

3. by costs triggered by events or situations in the contract where profit or fee adjustments are specified in the contract or subsequently agreed upon;
4. in any other manner as the contracting parties may mutually agree; or
5. in the absence of an agreement by the parties, by a unilateral state determination of the costs triggered by contract events or situations with profit or fee adjustments computed by the state in accordance with the regulations.

Contractors are required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of the uniform procurement code.

Regulations must be adopted, presumably by the board, requiring state construction contracts to include clauses that provide for appropriate remedies and cover (1) liquidated damages as appropriate; (2) specified excuses for delay or nonperformance; (3) termination of the contract for default; and (4) termination of the contract in whole or in part for the convenience of the state.

EFFECTIVE DATE: July 1, 2008

#### **§ 109 — CONTRACT MODIFICATIONS, CHANGE ORDERS, OR PRICE ADJUSTMENTS IN CONSTRUCTION CONTRACTS**

The bill requires every contract modification, change order, or contract price adjustment in a state construction contract valued at \$50,000 or more to be certified, in writing, by the fiscal officer of the agency contracting or funding the project or the official responsible for monitoring the project or contract. The monitoring official must certify the effect the modification, change order, or price adjustment will have on the total project or contract budget.

If the changes will increase the total project or contract budget, the agency procurement officer cannot execute the modification, change order, or adjustment unless sufficient funds are available or the scope

of the project or contract is adjusted to permit the degree of completion that is feasible within the total project or contract budget as it existed prior to the contract modification, change order or price adjustment under consideration. However, “with respect to the validity as to the contractor, of any executed contract modification, change order, or adjustment in contract price which the contractor has reasonably relied upon, it shall be presumed that there has been compliance with the provisions of this section.” It is unclear what this language means.

“Change orders” are written orders signed by the designated official, assigned by the department head, directing the contractor to make authorized changes.

EFFECTIVE DATE: July 1, 2008

#### **§ 110 — REGULATIONS ON CHANGE ORDERS IN CONTRACTS FOR SERVICES OR SUPPLIES**

The bill allows the SCSB, in consultation with state contracting agencies, to adopt regulations requiring or permitting state contracts for services or supplies to include clauses providing for price adjustments, time of performance, or other contract provisions, as appropriate, covering:

1. the state’s unilateral right to order changes in the work within the scope of the contract and temporary work stoppage or performance delays, and
2. variations between estimated and actual quantities of work in a contract.

Price adjustments must be computed in one or more of the following ways:

1. by agreement on a fixed-price adjustment before pertinent work begins or as soon thereafter as practicable;
2. by unit prices specified in the contract or subsequently agreed upon;

3. by costs triggered by events or situations in the contract where profit or fee adjustments are specified in the contract or subsequently agreed upon;
4. in any other manner as the contracting parties may mutually agree; or
5. in the absence of an agreement by the parties, by a unilateral state determination of the costs triggered by contract events or situations with profit or fee adjustments computed by the state in accordance with the regulations adopted under the uniform procurement code.

After consulting with the SCSB, the DAS commissioner may adopt regulations permitting or requiring state contracts to include clauses that provide for appropriate remedies and cover (1) liquidated damages as appropriate; (2) specified excuses for delay or nonperformance; (3) termination of the contract for default; and (4) termination of the contract in whole or in part for the convenience of the state.

EFFECTIVE DATE: July 1, 2008

### **§ 111-112 — REGULATIONS ON SUPPLIES**

The bill permits the DAS commissioner, with the advice of the SCSB, to adopt regulations on the life-cycle management of supplies; sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding, or other appropriate method designated by regulation; and transfer of excess supplies.

The regulations must ban employees from purchasing any supplies that their agency owned or discards.

Unless otherwise provided by law, the DAS commissioner may allocate proceeds from the sale, lease, or disposal of surplus supplies. The bill does not specify any criteria or procedures for any allocation.

EFFECTIVE DATE: July 1, 2008

**§§113-115 — UNIFORM PROCUREMENT CODE**

By January 1, 2007, the bill requires the SCSB to prepare a uniform code for use by state contracting agencies when contracting for, buying, renting, leasing, or otherwise acquiring or disposing of real property, supplies, or services, including construction services, materials, or supplies (see COMMENT).

Except as otherwise provided, the uniform procurement code covers public expenditures for real property, supplies, or services, including construction services, equipment, materials, or supplies. It applies regardless of whether the public agency is contracting for, buying, renting, leasing, or otherwise acquiring or disposing of goods or services. The code applies to (1) quasi-public agencies and constituent units of higher education beginning July 1, 2009 and (2) municipalities, political subdivisions, and municipal district commissions that receive state funds, beginning July 1, 2010. Other political subdivisions and local public agencies may adopt all or portions of the code and its accompanying regulations. The uniform code does not apply to the expenditure of federal assistance or contract funds if federal law provides procurement procedures inconsistent with the uniform procurement code.

The bill requires the board to conduct a comprehensive review of existing state contracting and procurement laws, regulations, and practices and use any appropriate, existing procedures and guidelines when preparing the code. It requires each state contracting agency to provide its procurement information if the board asks. The bill gives the board access to all such agencies' information, files, and records it deems necessary. However, the board cannot disclose documents exempt from disclosure under FOIA.

The bill requires the board to submit the code to the House and Senate clerks by January 15, 2008 and the legislature to refer the code to the GAE Committee by January 20, 2008. The committee must hold a public hearing on the code and report its recommendations, including any proposed changes, to the General Assembly for

approval or rejection. The General Assembly must vote on the code by the end of the 2008 regular session. It is unclear what happens if the General Assembly fails to act by the specified date.

**Code Requirements.** The bill requires the code to:

1. establish uniform state contracting agencies' standards and practices;
2. ensure the fair and equitable treatment of all businesses and people involved in the state's procurement system;
3. include a process for maximizing the use of small contractors and minority business enterprises;
4. provide increased economy in state procurement activities and maximize purchasing value to the fullest extent possible;
5. ensure that state contracting agencies procure supplies, materials, equipment, services, real property, and construction in a cost-effective and responsive manner;
6. preserve and maintain state agencies' contracting or procurement procedures that represent best practices, including their discretion and authority to disqualify contractors and terminate contracts;
7. include a process to improve contractor and state contracting agency accountability;
8. establish standards for leases and lease-purchase agreements and for the purchase and sale of real estate;
9. simplify and clarify the state's contracting standards and procurement policies and practices, including procedures for competitive sealed bids or proposals, small purchases, and sole source, special, and emergency procurements (procurements necessary because of a sudden, unexpected occurrence that poses a clear and imminent danger to public safety or that

requires immediate action to prevent or reduce loss or impairment of life, health, property, or essential public services, or needed in response to a court order or settlement agreement);

10. subject the renewal, modification, extension, or rebidding of a privatization agreement in effect on, before, or after the bill's passage or reentered after this date to the procurement code beginning January 1, 2010; and
11. provide a process for competitive sealed bids and proposals, small purchases, sole source, emergency, and special procurements, best-value selection, and qualification-based selection, and the conditions for their use.

"Best-value selection" means a process to award contracts based on quality and costs. "Qualification-based selection" means a process to award contracts based primarily on contractor qualifications and a fair and reasonable price. The code's required provisions are similar but not identical to its purposes and objectives as listed in § 52.

**Code Privatization Standards.** The code must also include standards for state contracting agencies to evaluate (1) proposals to privatize state or quasi-public agency services and (2) privatization contract bid proposals. At a minimum these standards must require state and quasi-public agencies to:

1. complete an analysis before deciding to privatize services that examines all direct and indirect state costs or savings and the privatization contract's effect on the public health and safety of state residents who may use the services;
2. give their affected employees and, where applicable, employee unions, adequate notice;
3. prepare an employee impact statement, including measures a bidder must take to retain the agency's qualified employees;
4. set fair wages based on objective standards, such as the

established wage rate; and

5. provide their employees with adequate information and resources that would encourage and help them to organize and submit a bid to provide the services that are the subject of any privatization contract that would require at least 100 employees to be laid off, transferred, or reassigned.

The standards must also require (1) bidders to disclose all relevant information pertaining to their past performance and pending or concluded legal or regulatory proceedings or complaints, including compliance with state fair employment practices standards and federal fair employment and discrimination standards and (2) privatization contracts to include provisions for for-profit contractors to offer available employment positions to qualified regular employees of the contracting state agency who satisfy the contractor's hiring criteria and whose jobs were terminated because of the contract.

The "established wage rate" means different things depending on the contractor. If the contractor is a for-profit business, it means a minimum wage rate for employee positions with duties that are substantially similar to those performed by a regular agency, which rate is the lesser of step one of the grade or classification under which the comparable regular agency employee is paid, or the standard private sector wage rate for the position, as determined by the labor commissioner. It must include a percentage representing the normal costs of health care and pension benefits for comparable state employees hired at the time of the contract.

For non-profit providers, it means a rate no less than step one of the grade or classification for the most comparable regular agency employee hired at the time of the contract, including a percentage of the normal health and pension benefits costs. For nonprofit providers that are less than 90% state funded, the established rate may be lowered if all additional funding for wage and benefits are used to (1) assure that all similarly situated workers are paid in accordance with the bill and (2) provide wage or benefit increases to employees covered

by the state contract and employees providing the services or performing functions comparable to those covered by the state contract.

“Wage” means compensation for employee services, including salaries. A “nonprofit agency” is any not for profit business or state-assisted private institution of higher education that provides services pursuant to a contract with a state or nonstate entity.

EFFECTIVE DATE: January 1, 2008, except that the definitions are effective upon passage.

### **§ 115 — PRIVATIZATION**

Between its passage and the date the uniform procurement code becomes law, the bill prohibits any executive branch state agency, quasi-public agency, or constituent unit of higher education from entering a privatization contract unless it complies with the provisions of this section. The two dates appear to be the same because the bill appears to contain a uniform code; thus this section will have no legal effect if the bill becomes law.

The prohibition does not apply to procurement contracts needed to (1) address a sudden, unexpected occurrence that poses a clear and imminent danger to public safety; (2) prevent or mitigate the loss or impairment of life, health, property, or essential public services; or (3) comply with a court order, settlement agreement, or other similar legal judgment.

However, certain contracts only have to comply with certain provisions in this section. Privatization contracts (1) with a nonprofit provider (2) in effect on or before the bill’s passage that are renewed, modified, extended, or rebid only have to comply with the wage requirement provisions if they do not result in state employee layoffs, transfers, or reassignments (see Wage Requirements Below). The exemption for nonprofit contracts expires on January 1, 2010. Additionally, no employee may challenge a proposed privatization contract with a nonprofit provider unless the contract would result in

state employee layoffs, transfers, or reassignments (see Lawsuit Challenges below).

“Privatization contracts” means those (1) between a state contracting agency and a person to provide services substantially similar to those provided by state employees and (2) that cost the state \$500,000 or more. The term does not include an agreement to provide only legal services, litigation support or management, or financial consulting. The bill prohibits any funds a contractor receives from a privatization contract from being used for lobbying.

### ***Conditions Precedent to Privatization Contracts***

Under the act, any covered agency or constituent unit can enter a privatization contract if the:

1. contract is cost effective and fiscally prudent when compared to the costs of the state providing the services, including all direct and indirect costs to the state and the impact of privatization on the public health and safety of state residents who use the privatized services;
2. contracting entity requires contractors to include the information the bill requires in their bid submissions;
3. contracting entity prepares a cost-benefit analysis; and
4. contracting entity notifies the collective bargaining units representing its employees of the plan to solicit bids for a privatization contract and helps the employees organize and submit a bid a provide the services.

### ***Cost-Benefit Analysis***

Before soliciting bids for a privatization contract, the bill requires the soliciting entity to analyze the costs and benefits to it of (1) privatizing services and (2) continuing to provide the services using its employees. The analysis must examine (1) direct and indirect costs to the state, excluding wages and benefits but including unemployment

compensation costs resulting from the privatization, and gains or losses in state income or sales tax revenue and (2) the effect of the proposed privatization on the quality of services, the public health and safety, and the state residents who may use them.

The cost analysis must also show costs or penalties to the state if it prematurely terminates the contract.

Each contracting entity must submit its analysis to the state auditors for review and comments and to the secretary of the state, who must maintain copies of each proposed contract and analysis as public records.

### ***Notice to Union Representatives***

Not less than 60 days before soliciting bids for a privatization contract, the bill requires the contracting entity to notify the unions representing the employees who will be affected by it. If the contract would result in at least 100 layoffs, transfers, or reassignments, after consulting with unions, the entity must encourage and help the affected employees bid on the contract. It must look at existing or similar collective bargaining agreements to determine how much help to give them. The bill requires contracting entities to also give the employees its cost-benefit analysis and the auditor's report if any. It must consider bids from its employees on the same basis as it considers others. It permits employees to bid as a joint venture with others.

### ***Bid Requirements***

The bill requires entities soliciting bids for privatization contracts to direct each bidder to include in his bid:

1. the established wage rate or annual salary for each employee or position the contract covers;
2. if he is a non-profit, his agreement to offer available employee positions to any qualified state employee who will lose his job because of the contract and who satisfies the bidder's hiring

criteria;

3. his agreement to refrain from engaging in discriminatory employment practices and to take affirmative steps to be an equal opportunity employer;
4. employees' annual turnover rate;
5. any legal or administrative proceedings pending or concluded adversely against him or any of his principals or key personnel within the past five years that relate to the procurement or performance of any public or private construction contract, employee safety and health, labor relations, or other employment requirements, and whether the applicant is aware of any investigation pending against him or any principal or key personnel;
6. for any such proceeding, the date of the complaint, citation, or court or administrative finding; the enforcement agency, rule, law, or regulation involved; and any additional information he elects to submit; and
7. any collective bargaining agreements or personnel policies covering the employees who will provide services to the state.

### ***Wage Requirements***

The bill requires all privatization contracts to be acceptable to the bidder and the contracting entity. These contracts must include the costs to the state to pay the minimum wage rate specified below. Contracts with nonprofit human services providers must include 20% of the contract's value for administrative costs and up to an additional 40% for providing higher wages or salaries to employees who are not entry level or who have additional needed skills. However, the amount provided by a contractor or the state for wages, benefits, and administrative costs for a contract renewal, modification, extension, or rebidding cannot be increased by more than 10% per year unless additional increases are required by state or federal law or by the

provisions of a collective bargaining agreement.

At a minimum, these contracts must also:

1. require the bidder to offer available jobs to qualified regular state employees who lost their jobs because of the contract and who satisfy the hiring criteria;
2. prohibit him from engaging in discriminatory employment practices and require him to take affirmative steps to offer all people an equal opportunity;
3. require him to allow the state auditors to conduct periodic performance audits of the contract;
4. require him to pay a minimum wage rate equal to the established wage rate (i.e., a minimum wage rate for employee positions with duties that are substantially similar to the duties performed by a regular agency, which rate is the lesser of step one of the grade or classification under which the comparable regular agency employee is paid, or the standard private sector wage rate for the position as determined by the labor commissioner); and
5. not become effective until the contractor and contracting entity have complied with the bill's provisions on privatization.

***Duty Once a Privatization Contract is Signed***

If the contracting entity signs a privatization contract, it must give the secretary of the state:

1. a copy of the contract to maintain as a public document;
2. a certification that the entity complied with all of the bill's requirements for privatization;
3. a copy of the cost-benefit analysis and report explaining any changes in the analysis resulting from the terms of the proposed

contract;

4. an analysis of the quality of services the contractor will provide and whether they are equal to or exceed the quality provided by the entity's regular employees;
5. a certification by the contractor that he and his supervisory employees have no adjudicated record of repeated willful noncompliance with any relevant federal or state regulatory laws, including laws concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection, and conflicts of interest; and
6. a description of why the proposed contract is in the public interest.

### ***Lawsuits Challenging Contract Compliance***

Under the bill, an employee adversely affected by a proposed privatization contract, or his collective bargaining agent, may file a motion for an order to show cause in Hartford Superior Court claiming that the contract fails to comply with this section's substantive or procedural requirements. The court may (1) deny the motion if it finds that all requirements were met, (2) grant the motion if it finds that the proposed contract would substantively violate this section, or (3) stay the contract's effective date until any procedural or substantive defects are corrected.

EFFECTIVE DATE: Upon passage

### **§ 116 — REPEALER**

The bill repeals a number of statutes, primarily related to state procurement (see COMMENT).

EFFECTIVE DATE: July 1, 2008

### **BACKGROUND**

#### ***Prevailing Wage Law***

The state prevailing wage law requires contractors to pay the prevailing hourly wage, as determined by the state Labor Department, to all mechanics, laborers, or workers on state and municipal construction jobs. It applies to state and municipal (1) new construction projects of \$400,000 or more, and (2) repair or remodeling jobs of \$100,000 or more. The law's punishments include fines and suspension from bidding on future public projects.

### ***Executive Order 7B—State Contracting Standards Board***

On November 16, 2005, the governor signed this executive order establishing the SCSB. The board's powers and duties are essentially the same as those in this bill.

### ***Executive Order 3—State Contracting Portal***

On December 15, 2004, the governor signed this order requiring DAS to establish and maintain a single electronic portal on the Internet and the agency's website for posting all contracting opportunities with state agencies in the executive branch and all higher education agencies and institutions.

### ***Related Bills***

SB 41, reported favorably by the GAE Committee, establishes a SCSB and gives it similar powers and duties to those in this bill, abolishes the SPRB, requires Judicial to adopt a procurement code, and establishes privatization rules and procedures.

SB 1141 (File 21) makes the same changes concerning the educational requirements to take the licensure examination to become a certified public accountant (§ 1).

HB 6997 (File 100) makes the same changes concerning the Sunset Law (§§ 4 and 5).

HB 7144, reported favorably by the GAE Committee, makes the same changes concerning laws about persons with disabilities (§ 7).

## **COMMENTS**

***Legislative Branch Code***

The bill (§ 50) requires the Legislative Branch to prepare a code by January 1, 2009 and Legislative Management to develop one by February 1, 2009. The distinction between the two is unclear.

***Bidding on Building Construction Contracts***

The bill (§ 68) establishes a process for bidding on state building construction contracts estimated to cost in excess of \$500,000, including a requirement that bidders prequalify. This section is similar, but not identical, to a public works statute that the bill does not repeal (CGS § 4b-91). It is unclear how the two provisions would work together if the bill becomes law.

***Prequalification***

The bill (§§ 71 and 72) establishes a prequalification program that is almost identical to an existing program (CGS §§ 4a-100 – 4a-101). Both are administered by the DAS commissioner. The only differences are that the bill's program adds two new definitions; requires the commissioner to make certain decisions in consultation with, or with the approval of, the SCSB; and allows the commissioner to deny, revoke, or suspend a contractor's prequalification if he is disqualified or otherwise sanctioned for a uniform procurement code violation. The problem created by the bill is the establishment of two almost identical programs with no guidance when one, as opposed to the other, is applicable.

***Records on Bidders and Proposers***

The bill has two sections (79 and 86) that require records to be kept on names and bids made by each bidder and proposer. The first section appears to apply to all contracts and the second to contracts awarded "pursuant to the code." Since both sections appear to make up the code, the circumstances under which one section applies and not the other is unclear. The sections require a record of slightly different information.

---

***Application of the Uniform Procurement Code to the Legislative and Judicial Branches***

The bill (§ 89) requires the judicial and legislative branches to comply with privatization policies and procedures in accordance with the implementation dates contained in the uniform procurement code; however, the uniform code does not appear to apply to these two branches as evidenced by §§ 50, 54, and 113 (5).

***Uniform Procurement Code***

The bill (§ 114) requires the SCSB to adopt a uniform code before the effective date of the section. Also, the requirement appears moot since the bill appears to contain a uniform code.

***Repealer***

Effective July 1, 2008, the bill (§ 116) eliminates all of the powers and duties of the public works, administrative services, social services, and economic and community development commissioners and chief information officer of information technology. It eliminates all of the duties of the Commission on Human Rights and Opportunities.

The bill also eliminates the DOT commissioner's authority to operate the state pier or take property for transportation services by eminent domain.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9      Nay 4      (03/30/2007)