



General Assembly

January Session, 2009

Committee Bill No. 5046

LCO No. 4639

* HB05046CE_GAE031309 *

Referred to Committee on Commerce

Introduced by:
(CE)

**AN ACT ESTABLISHING A CONTRACTING PREFERENCE FOR
MICRO BUSINESSES.**

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

1 Section 1. Subsection (c) of section 4a-59 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2009*):

4 (c) All open market orders or contracts shall be awarded to (1) the
5 lowest responsible qualified bidder, the qualities of the articles to be
6 supplied, their conformity with the specifications, their suitability to
7 the requirements of the state government and the delivery terms being
8 taken into consideration and, at the discretion of the Commissioner of
9 Administrative Services, life-cycle costs and trade-in or resale value of
10 the articles may be considered where it appears to be in the best
11 interest of the state, (2) the highest scoring bidder in a multiple criteria
12 bid, in accordance with the criteria set forth in the bid solicitation for
13 the contract, or (3) the proposer whose proposal is deemed by the
14 awarding authority to be the most advantageous to the state, in
15 accordance with the criteria set forth in the request for proposals,
16 including price and evaluation factors. Notwithstanding any provision

17 of the general statutes to the contrary, each state agency awarding a
18 contract through competitive negotiation shall include price as an
19 explicit factor in the criteria in the request for proposals and for the
20 contract award. In considering past performance of a bidder for the
21 purpose of determining the "lowest responsible qualified bidder" or
22 the "highest scoring bidder in a multiple criteria bid", the
23 commissioner shall evaluate the skill, ability and integrity of the
24 bidder in terms of the bidder's fulfillment of past contract obligations
25 and the bidder's experience or lack of experience in delivering
26 supplies, materials, equipment or contractual services of the size or
27 amount for which bids have been solicited. In determining the lowest
28 responsible qualified bidder for the purposes of this section, the
29 commissioner may give a price preference of up to ten per cent for (A)
30 the purchase of goods made with recycled materials or the purchase of
31 recyclable or remanufactured products if the commissioner determines
32 that such preference would promote recycling or remanufacturing. As
33 used in this subsection, "recyclable" means able to be collected,
34 separated or otherwise recovered from the solid waste stream for
35 reuse, or for use in the manufacture or assembly of another package or
36 product, by means of a recycling program which is reasonably
37 available to at least seventy-five per cent of the state's population,
38 "remanufactured" means restored to its original function and thereby
39 diverted from the solid waste stream by retaining the bulk of
40 components that have been used at least once and by replacing
41 consumable components and "remanufacturing" means any process by
42 which a product is remanufactured; (B) the purchase of motor vehicles
43 powered by a clean alternative fuel; [or] (C) the purchase of motor
44 vehicles powered by fuel other than a clean alternative fuel and
45 conversion equipment to convert such motor vehicles allowing the
46 vehicles to be powered by either the exclusive use of clean alternative
47 fuel or dual use of a clean alternative fuel and a fuel other than a clean
48 alternative fuel. As used in this subsection, "clean alternative fuel" shall
49 mean natural gas or electricity when used as a motor vehicle fuel; or
50 (D) the purchase of goods or services from in-state micro businesses.
51 As used in this subsection, "micro business" means a business with

52 gross revenues not exceeding three million dollars in the most recently
 53 completed fiscal year. All other factors being equal, preference shall be
 54 given to supplies, materials and equipment produced, assembled or
 55 manufactured in the state and services originating and provided in the
 56 state. If any such bidder refuses to accept, within ten days, a contract
 57 awarded to such bidder, such contract may be awarded to the next
 58 lowest responsible qualified bidder or the next highest scoring bidder
 59 in a multiple criteria bid, whichever is applicable, and so on until such
 60 contract is awarded and accepted. If any such proposer refuses to
 61 accept, within ten days, a contract awarded to such proposer, such
 62 contract shall be awarded to the next most advantageous proposer,
 63 and so on until the contract is awarded and accepted. There shall be a
 64 written evaluation made of each bid. This evaluation shall identify the
 65 vendors and their respective costs and prices, document the reason
 66 why any vendor is deemed to be nonresponsive and recommend a
 67 vendor for award. A contract valued at one million dollars or more
 68 shall be awarded to a bidder other than the lowest responsible
 69 qualified bidder or the highest scoring bidder in a multiple criteria bid,
 70 whichever is applicable, only with written approval signed by the
 71 Commissioner of Administrative Services and by the Comptroller. The
 72 commissioner shall submit to the joint standing committee of the
 73 General Assembly having cognizance of matters relating to
 74 government administration, the State Auditors and the Comptroller,
 75 an annual report of all awards made pursuant to the provisions of this
 76 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	4a-59(c)

CE

Joint Favorable C/R

GAE