



General Assembly

Amendment

January Session, 2009

LCO No. 6459

HB0582106459HDO

Offered by:

REP. BERGER, 73rd Dist.

REP. MAZUREK, 80th Dist.

To: Subst. House Bill No. 5821

File No. 321

Cal. No. 234

"AN ACT CONCERNING ECONOMIC DEVELOPMENT PROJECTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (c) of section 4a-59 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2009*):

6 (c) All open market orders or contracts shall be awarded to (1) the
7 lowest responsible qualified bidder, the qualities of the articles to be
8 supplied, their conformity with the specifications, their suitability to
9 the requirements of the state government and the delivery terms being
10 taken into consideration and, at the discretion of the Commissioner of
11 Administrative Services, life-cycle costs and trade-in or resale value of
12 the articles may be considered where it appears to be in the best
13 interest of the state, (2) the highest scoring bidder in a multiple criteria
14 bid, in accordance with the criteria set forth in the bid solicitation for

15 the contract, or (3) the proposer whose proposal is deemed by the
16 awarding authority to be the most advantageous to the state, in
17 accordance with the criteria set forth in the request for proposals,
18 including price and evaluation factors. Notwithstanding any provision
19 of the general statutes to the contrary, each state agency awarding a
20 contract through competitive negotiation shall include price as an
21 explicit factor in the criteria in the request for proposals and for the
22 contract award. In considering past performance of a bidder for the
23 purpose of determining the "lowest responsible qualified bidder" or
24 the "highest scoring bidder in a multiple criteria bid", the
25 commissioner shall evaluate the skill, ability and integrity of the
26 bidder in terms of the bidder's fulfillment of past contract obligations
27 and the bidder's experience or lack of experience in delivering
28 supplies, materials, equipment or contractual services of the size or
29 amount for which bids have been solicited. In determining the lowest
30 responsible qualified bidder for the purposes of this section, the
31 commissioner may give a price preference of up to ten per cent for (A)
32 the purchase of goods made with recycled materials or the purchase of
33 recyclable or remanufactured products if the commissioner determines
34 that such preference would promote recycling or remanufacturing. As
35 used in this subsection, "recyclable" means able to be collected,
36 separated or otherwise recovered from the solid waste stream for
37 reuse, or for use in the manufacture or assembly of another package or
38 product, by means of a recycling program which is reasonably
39 available to at least seventy-five per cent of the state's population,
40 "remanufactured" means restored to its original function and thereby
41 diverted from the solid waste stream by retaining the bulk of
42 components that have been used at least once and by replacing
43 consumable components and "remanufacturing" means any process by
44 which a product is remanufactured; (B) the purchase of motor vehicles
45 powered by a clean alternative fuel; [or] (C) the purchase of motor
46 vehicles powered by fuel other than a clean alternative fuel and
47 conversion equipment to convert such motor vehicles allowing the
48 vehicles to be powered by either the exclusive use of clean alternative
49 fuel or dual use of a clean alternative fuel and a fuel other than a clean

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