



General Assembly

February Session, 2010

**Raised Bill No. 242**

LCO No. 1341

\* SB00242GAE\_\_042210\_\_\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING THE RETENTION OF JOBS IN CONNECTICUT.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2 section:

3 (1) "State agency" means an executive office, department, division,  
4 board, commission or other office or officer in the executive branch of  
5 the state government; and

6 (2) "Privatization contract" means an agreement between a state  
7 agency and a nongovernmental person or entity, in which such person  
8 or entity agrees to provide services valued at one hundred thousand  
9 dollars or more over the life of the contract that are substantially  
10 similar to and in lieu of services provided, in whole or part, by  
11 employees of such agency or by employees of another state agency for  
12 such state agency, but does not mean an agreement to provide legal  
13 services, litigation support or management consulting only.

14 (b) Notwithstanding any provision of the general statutes, every  
15 privatization contract to which the state, a state agency or any political

16 subdivision of the state other than a municipality is a party shall  
17 contain the following provisions: (1) The contractor agrees and  
18 warrants that in the performance of the contract such contractor will  
19 not originate or provide such services at a location outside of the  
20 United States; and (2) failure by the contractor to comply with the  
21 requirement that such services not originate or be provided outside of  
22 the United States shall constitute a material breach of such contract,  
23 making the contract void, and, in the case of such breach, the  
24 contractor shall be liable for damages in an amount equal to the  
25 amount paid by the state, state agency or political subdivision of the  
26 state other than a municipality, for the percentage of work originated  
27 or provided outside of the United States, plus attorney's fees and costs  
28 incurred in enforcing this provision of such contract.

29       Sec. 2. Subsection (c) of section 4a-59 of the 2010 supplement to the  
30 general statutes is repealed and the following is substituted in lieu  
31 thereof (*Effective from passage*):

32       (c) All open market orders or contracts shall be awarded to (1) the  
33 lowest responsible qualified bidder, the qualities of the articles to be  
34 supplied, their conformity with the specifications, their suitability to  
35 the requirements of the state government and the delivery terms being  
36 taken into consideration and, at the discretion of the Commissioner of  
37 Administrative Services, life-cycle costs and trade-in or resale value of  
38 the articles may be considered where it appears to be in the best  
39 interest of the state, (2) the highest scoring bidder in a multiple criteria  
40 bid, in accordance with the criteria set forth in the bid solicitation for  
41 the contract, or (3) the proposer whose proposal is deemed by the  
42 awarding authority to be the most advantageous to the state, in  
43 accordance with the criteria set forth in the request for proposals,  
44 including price and evaluation factors. Notwithstanding any provision  
45 of the general statutes to the contrary, each state agency awarding a  
46 contract through competitive negotiation shall include price as an  
47 explicit factor in the criteria in the request for proposals and for the  
48 contract award. In considering past performance of a bidder for the  
49 purpose of determining the "lowest responsible qualified bidder" or

50 the "highest scoring bidder in a multiple criteria bid", the  
51 commissioner shall evaluate the skill, ability and integrity of the  
52 bidder in terms of the bidder's fulfillment of past contract obligations  
53 and the bidder's experience or lack of experience in delivering  
54 supplies, materials, equipment or contractual services of the size or  
55 amount for which bids have been solicited. In determining the lowest  
56 responsible qualified bidder for the purposes of this section, the  
57 commissioner may give a price preference of up to ten per cent for (A)  
58 the purchase of goods made with recycled materials or the purchase of  
59 recyclable or remanufactured products if the commissioner determines  
60 that such preference would promote recycling or remanufacturing. As  
61 used in this subsection, "recyclable" means able to be collected,  
62 separated or otherwise recovered from the solid waste stream for  
63 reuse, or for use in the manufacture or assembly of another package or  
64 product, by means of a recycling program which is reasonably  
65 available to at least seventy-five per cent of the state's population,  
66 "remanufactured" means restored to its original function and thereby  
67 diverted from the solid waste stream by retaining the bulk of  
68 components that have been used at least once and by replacing  
69 consumable components and "remanufacturing" means any process by  
70 which a product is remanufactured; (B) the purchase of motor vehicles  
71 powered by a clean alternative fuel; (C) the purchase of motor vehicles  
72 powered by fuel other than a clean alternative fuel and conversion  
73 equipment to convert such motor vehicles allowing the vehicles to be  
74 powered by either the exclusive use of clean alternative fuel or dual  
75 use of a clean alternative fuel and a fuel other than a clean alternative  
76 fuel. As used in this subsection, "clean alternative fuel" shall mean  
77 natural gas or electricity when used as a motor vehicle fuel; or (D) the  
78 purchase of goods or services from micro businesses. As used in this  
79 subsection, "micro business" means a business with gross revenues not  
80 exceeding three million dollars in the most recently completed fiscal  
81 year. All other factors being equal, preference shall be given to  
82 supplies, materials and equipment produced, assembled or  
83 manufactured in the state and services originating and provided in the  
84 state, provided in no instance shall such services originate or be

85 performed outside of the United States. If any such bidder refuses to  
86 accept, within ten days, a contract awarded to such bidder, such  
87 contract may be awarded to the next lowest responsible qualified  
88 bidder or the next highest scoring bidder in a multiple criteria bid,  
89 whichever is applicable, and so on until such contract is awarded and  
90 accepted. If any such proposer refuses to accept, within ten days, a  
91 contract awarded to such proposer, such contract shall be awarded to  
92 the next most advantageous proposer, and so on until the contract is  
93 awarded and accepted. There shall be a written evaluation made of  
94 each bid. This evaluation shall identify the vendors and their  
95 respective costs and prices, document the reason why any vendor is  
96 deemed to be nonresponsive and recommend a vendor for award. A  
97 contract valued at one million dollars or more shall be awarded to a  
98 bidder other than the lowest responsible qualified bidder or the  
99 highest scoring bidder in a multiple criteria bid, whichever is  
100 applicable, only with written approval signed by the Commissioner of  
101 Administrative Services and by the Comptroller. The commissioner  
102 shall submit to the joint standing committee of the General Assembly  
103 having cognizance of matters relating to government administration,  
104 the State Auditors and the Comptroller, an annual report of all awards  
105 made pursuant to the provisions of this section.

106       Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

107       (1) "Covered establishment" means any industrial, commercial,  
108 service or other entity located in the state that employs one hundred or  
109 more persons;

110       (2) "Employer" means any person who, directly or indirectly, owns,  
111 operates or has a controlling interest in a covered establishment,  
112 including the state or any political subdivision thereof but does not  
113 mean any agriculture enterprise or construction enterprise;

114       (3) "Person" means one or more individuals, partnerships,  
115 associations, corporations, business trusts, legal representatives or any  
116 organized group of persons; and

117 (4) "Employment relocation" means the removal of twenty-five per  
 118 cent or more of all the employees or the work performed by such  
 119 employees in a covered establishment to a location outside the state.

120 (b) The employer for a covered establishment proposing an  
 121 employment relocation shall provide at least six months written notice  
 122 prior to such action to the employees to be affected by the relocation  
 123 and to the Labor Commissioner and Commissioner of Economic and  
 124 Community Development.

125 (c) An employer failing to provide required notification pursuant to  
 126 this section shall pay to the state a fine in the amount of one thousand  
 127 dollars for each day of such failure, provided all such funds received  
 128 by the state shall be credited to the Labor Department for purposes of  
 129 employment retraining, placement and other assistance.

130 (d) The provisions of this section shall not apply to those employees  
 131 who, following an employment relocation, continue their employment  
 132 with the employer.

133 Sec. 4. (NEW) (*Effective from passage*) Every contract to which the  
 134 state or any quasi-public agency is a party shall include the following  
 135 provision: "The contractor agrees and warrants that in the performance  
 136 of the contract, the contractor shall not enter into an agreement or  
 137 otherwise engage the services of any subcontractor, person or group of  
 138 persons at a site located outside the United States or transfer any of the  
 139 work or services to a location outside the United States, unless the  
 140 purpose of such contract is work or services to be performed incident  
 141 to a proceeding or other event that occurs outside the United States or  
 142 unless such service or work is otherwise unavailable within the United  
 143 States."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4a-59(c)

Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

**LAB**      *Joint Favorable*

**JUD**      *Joint Favorable*

**GAE**      *Joint Favorable*