



STATE OF CONNECTICUT  
OFFICE OF POLICY AND MANAGEMENT

*Testimony of*

*Robert L. Genuario  
Secretary  
Office of Policy and Management*

*to the  
Government Administration and Elections Committee  
March 19, 2010*

*S.B 473 AAC State Contracting*

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Senator Slossberg, Representative Spallone and distinguished members of the GAE committee, thank you for the opportunity to testify on Senate Bill 473, an Act Concerning State Contracting.

As we did with Senate Bill 357, we have concerns about section 1 of this bill, since reductions have programmatic impacts, and potentially state or federal statutory and/or regulatory impacts, and should not be unilaterally decided upon by the vendor. The state agency shares responsibility for how services are provided and for program outcomes. Currently, state agencies contract for specific services towards specific outcomes and will need to determine what impact funding reductions have on each program and each contract, then work with the contractor to implement the reduction. Reductions may impact service delivery and the state agency has the obligation and should retain the power to determine what services it will continue to receive under the contract. It is appropriate and necessary that the state work with the contractor on these issues. OPM would be happy to work with the committee on refining this proposal toward those ends.

Section 3 of the bill raises constitutional separation of powers issues since it intrudes on the administration or execution of statutes and programs. The executive branch is duly authorized to carry out the laws. If a law authorizes a contract of this type, then the executive is within its constitutional power to carry it out without a "legislative veto", which upends the normal policy-making process.