



General Assembly

**Substitute Bill No. 1133**

January Session, 2013



**AN ACT CONCERNING BIDDING PREFERENCES IN STATE AND MUNICIPAL CONTRACTING.**

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) Notwithstanding any  
2 provision of the general statutes, a state contracting agency shall, in the  
3 invitation to bid for a project, allow each bidder, for the purpose of  
4 calculating bid points for the financial component of the bid, to adjust  
5 its bid by deducting the estimated amount of Connecticut state income  
6 taxes that would be paid during the term of the contract by all of the  
7 bidder's employees who would be employed directly on such project.  
8 Such adjustment shall be the sum of the following products, which  
9 shall be calculated for each employee assigned to the project: An  
10 assumed income tax rate of five per cent multiplied by the salary of the  
11 employee for such project multiplied by the proportion of the  
12 employee's time that would be assigned to the project.

13 (b) If a state contractor whose bid was adjusted pursuant to  
14 subsection (a) of this section is awarded the state contract and in  
15 executing such contract pays its employees less in the aggregate than  
16 the amount projected in such adjusted bid, the state contracting agency  
17 shall pay such contractor an amount less than the amount of the bid  
18 prior to its adjustment in accordance with subsection (a) of this section,  
19 and such amount shall be equal to the difference between (1) the

20 amount of Connecticut income taxes projected to be paid by its  
21 employees in accordance with subsection (a) of this section, and (2) the  
22 estimated Connecticut income tax paid by its employees, when  
23 assuming an income tax rate of five per cent.

24 (c) Each state contracting agency that has awarded a contract to a  
25 contractor whose bid was adjusted pursuant to subsection (a) of this  
26 section shall confirm the number of employees actually employed in  
27 the state on such project by such contractor, annually in the case of a  
28 contract with a duration of more than a year and, if such contract has a  
29 duration of less than a year, prior to the final payment for such  
30 contract. If the state contracting agency determines that the payment of  
31 the contractor needs to be adjusted in accordance with subsection (b)  
32 of this section, the state contracting agency shall make such adjustment  
33 not later than a year after the awarding of such contract in the case of a  
34 contract with a duration of more than a year and, if such contract has a  
35 duration of less than a year, at the time of final payment for such  
36 contract.

37 Sec. 2. Section 7-148v of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective October 1, 2013*):

39 Notwithstanding the provisions of any municipal charter or any  
40 special act to the contrary, any municipality may, by ordinance,  
41 establish requirements for competitive bidding for the award of any  
42 contract or the purchase of any real or personal property by the  
43 municipality. Such ordinance may provide that [J] (1) except as  
44 otherwise required by any provision of the general statutes, sealed  
45 bidding shall not be required for contracts or purchases having a value  
46 less than or equal to an amount established in the ordinance, which  
47 amount shall not be greater than seven thousand five hundred dollars,  
48 and (2) all other factors being equal, preference shall be given to  
49 supplies, materials and equipment produced, assembled or  
50 manufactured in the state and services originating and provided in the  
51 state. Nothing in this section shall be deemed to invalidate any  
52 ordinance enacted by a municipality prior to October 1, 1989. Nothing

53 in this section and no ordinance adopted pursuant to this section shall  
54 be construed to limit the ability of a municipality to enter into a  
55 contract pursuant to section 4a-53a.

56 Sec. 3. (NEW) (*Effective October 1, 2013*) The Commissioner of  
57 Administrative Services, in consultation with the Commissioner of  
58 Energy and Environmental Protection, shall develop a method by  
59 which to measure the environmental impact and cost of awarding a  
60 state construction contract to a bidder. Such method shall include, but  
61 not be limited to, a consideration of (1) the distance of such bidder  
62 from the project site, (2) fuel consumption resulting from the  
63 transportation of goods to the project site by such bidder, and (3) the  
64 potential pollution created by the transportation of such goods to the  
65 project site by such bidder. Not later than January 1, 2015, the  
66 Commissioner of Administrative Services shall incorporate such  
67 method in the awarding of state contracts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	7-148v
Sec. 3	<i>October 1, 2013</i>	New section

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*Joint Favorable Subst. C/R*

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