



General Assembly

Amendment

February Session, 2014

LCO No. 5465

HB0531205465SD0

Offered by:

SEN. MUSTO, 22nd Dist.

REP. JUTILA, 37th Dist.

To: Subst. House Bill No. 5312

File No. 246

Cal. No. 522

"AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING."

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

3 "Sec. 501. Subsections (a) and (b) of section 4b-91 of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective July 1, 2014*):

6 (a) [Every] (1) As used in this section, "prequalification
7 classification" means the prequalification classifications established by
8 the Commissioner of Administrative Services pursuant to section 4a-
9 100, "public agency" has the same meaning as provided in section 1-
10 200 and "awarding authority" means the Department of
11 Administrative Services, except "awarding authority" means (A) the
12 Joint Committee on Legislative Management, in the case of a contract

13 for the construction of or work on a building or other public work
14 under the supervision and control of the joint committee, or (B) the
15 constituent unit of the state system of higher education, in the case of a
16 contract for the construction of or work on a building or other public
17 work under the supervision and control of such constituent unit.

18 (2) Except as provided in subdivision (3) of this subsection, every
19 contract for the construction, reconstruction, alteration, remodeling,
20 repair or demolition of any public building or any other public work
21 by the state [except a public highway or bridge project or any other
22 construction project administered by the Department of
23 Transportation, which] that is estimated to cost more than five
24 hundred thousand dollars [, except a contract awarded by the
25 Commissioner of Administrative Services for (1) a community court
26 project, as defined in subsection (j) of section 4b-55, (2) the downtown
27 Hartford higher education center project, as defined in subsection (l) of
28 section 4b-55, (3) a correctional facility project, as defined in subsection
29 (m) of section 4b-55, (4) a juvenile detention center project, as defined
30 in subsection (n) of section 4b-55, or (5) a student residential facility for
31 the Connecticut State University System that is a priority higher
32 education facility project, as defined in subsection (f) of section 4b-55,]
33 shall be awarded to the lowest responsible and qualified general
34 bidder who is prequalified pursuant to section 4a-100 on the basis of
35 competitive bids in accordance with the procedures set forth in this
36 chapter, after the [Commissioner of Administrative Services or, in the
37 case of a contract for the construction of or work on a building or other
38 public work under the supervision and control of the Joint Committee
39 on Legislative Management of the General Assembly, the joint
40 committee or, in the case of a contract for the construction of or work
41 on a building or other public work under the supervision and control
42 of one of the constituent units of the state system of higher education,
43 the constituent unit,] awarding authority has invited such bids by
44 posting notice [posted] on the State Contracting Portal. The awarding
45 authority shall indicate the prequalification classification required for
46 the contract in such notice.

47 (3) The requirements set forth in subdivision (2) of this subsection
48 shall not apply to (A) a public highway or bridge project or any other
49 construction project administered by the Department of
50 Transportation, or (B) a contract awarded by the Commissioner of
51 Administrative Services for (i) any public building or other public
52 works project administered by the Department of Administrative
53 Services that is estimated to cost one million five hundred thousand
54 dollars or less, (ii) a community court project, as defined in subsection
55 (j) of section 4b-55, (iii) the downtown Hartford higher education
56 center project, as defined in subsection (l) of section 4b-55, (iv) a
57 correctional facility project, as defined in subsection (m) of section 4b-
58 55, (v) a juvenile detention center project, as defined in subsection (n)
59 of section 4b-55, or (vi) a student residential facility for the Connecticut
60 State University System that is a priority higher education facility
61 project, as defined in subsection (f) of section 4b-55.

62 (4) Every contract for the construction, reconstruction, alteration,
63 remodeling, repair or demolition of any public building or any other
64 public work by a public agency that is paid for, in whole or in part,
65 with state funds and that is estimated to cost more than five hundred
66 thousand dollars [, except a public highway or bridge project or any
67 other construction project administered by the Department of
68 Transportation,] shall be awarded to a bidder that is prequalified
69 pursuant to section 4a-100 after the public agency has invited such bids
70 by posting notice [posted] on the State Contracting Portal, except for
71 (A) a public highway or bridge project or any other construction
72 project administered by the Department of Transportation, or (B) any
73 public building or other public works project administered by the
74 Department of Administrative Services that is estimated to cost one
75 million five hundred thousand dollars or less. The [Commissioner of
76 Administrative Services, the joint committee, the constituent unit or
77 the public agency, as the case may be] awarding authority or public
78 agency, as the case may be, shall indicate the prequalification
79 classification required for the contract in such notice. [As used in this
80 section, "prequalification classification" means the prequalification

81 classifications established by the Commissioner of Administrative
82 Services pursuant to section 4a-100. As used in this section, "public
83 agency" means public agency, as defined in section 1-200.]

84 (5) (A) The Commissioner of Administrative Services may select
85 contractors to be on lists established for the purpose of providing
86 contractor services for the construction, reconstruction, alteration,
87 remodeling, repair or demolition of any public building or other public
88 works project administered by the Department of Administrative
89 Services involving an expense to the state of one million five hundred
90 thousand dollars or less. The commissioner shall use the
91 prequalification classifications established pursuant to section 4a-100
92 to determine the specific categories of services that contractors may
93 perform after being selected in accordance with this subparagraph and
94 subparagraph (B) of this subdivision and awarded a contract in
95 accordance with subparagraph (C) of this subdivision. The
96 commissioner may establish a separate list for projects involving an
97 expense to the state of less than five hundred thousand dollars for the
98 purpose of selecting and utilizing the services of small contractors and
99 minority business enterprises, as such terms are defined in section 4a-
100 60g.

101 (B) The commissioner shall invite contractors to submit
102 qualifications for each specific category of services sought by the
103 department by posting notice of such invitation on the State
104 Contracting Portal. The notice shall be in the form determined by the
105 commissioner, and shall set forth the information that a contractor is
106 required to submit to be considered for selection. Upon receipt of the
107 submittal from the contractor, the commissioner shall select, for each
108 specified category, those contractors who (i) are determined to be the
109 most responsible and qualified, as such terms are defined in section 4b-
110 92, to perform the work required under the specified category, (ii) have
111 demonstrated the skill, ability and integrity to fulfill contract
112 obligations considering their past performance, financial responsibility
113 and experience with projects of the size, scope and complexity
114 required by the state under the specified category, and (iii) for projects

115 with a cost exceeding five hundred thousand dollars, have the ability
116 to obtain the requisite bonding. The commissioner shall establish the
117 duration that each list remains in effect, which in no event may exceed
118 three years.

119 (C) For any public building or public works project involving an
120 expense to the state of one million five hundred thousand dollars or
121 less, the commissioner shall invite bids from only those contractors
122 selected pursuant to subparagraphs (A) and (B) of this subdivision for
123 the specific category of services required for the particular project. The
124 commissioner shall determine the form of bid invitation, the manner
125 of, and time for, submission of bids, and the conditions and
126 requirements of such bids. The contract shall be awarded to the lowest
127 responsible and qualified bidder, subject to the provisions of sections
128 4b-92 and 4b-94. In the event that fewer than three bids are received in
129 response to an invitation to bid under this subdivision, or that all the
130 bids are in excess of the amount of available funds for the project, the
131 commissioner may negotiate a contract with any of the contractors
132 submitting a bid, or reject the bids received and rebid the project in
133 accordance with section 4b-91, as amended by this act.

134 (b) The [Commissioner of Administrative Services, the joint
135 committee or the constituent unit, as the case may be,] awarding
136 authority shall determine the manner of submission and the conditions
137 and requirements of such bids, and the time within which the bids
138 shall be submitted, consistent with the provisions of this section and
139 sections [4b-91] 4b-92 to 4b-96, inclusive. Such award shall be made not
140 later than ninety days after the opening of such bids. If the general
141 bidder selected as the general contractor fails to perform the general
142 contractor's agreement to execute a contract in accordance with the
143 terms of the general contractor's general bid and furnish a performance
144 bond and also a labor and materials or payment bond to the amount
145 specified in the general bid form, an award shall be made to the next
146 lowest responsible and qualified general bidder, or, in the case of a
147 contract awarded by the Department of Administrative Services under
148 subdivision (5) of subsection (a) of this section, to the bidder

149 determined in accordance with said subdivision if fewer than three
150 bids are received. No employee of [the Department of Administrative
151 Services, the joint committee or a constituent unit] an awarding
152 authority with decision-making authority concerning the award of a
153 contract and no public official, as defined in section 1-79, may
154 communicate with any bidder prior to the award of the contract if the
155 communication results in the bidder receiving information about the
156 contract that is not available to other bidders, except that if the lowest
157 responsible and qualified bidder's price submitted is in excess of funds
158 available to make an award, the [Commissioner of Administrative
159 Services, the Joint Committee on Legislative Management or the
160 constituent unit, as the case may be,] awarding authority may
161 negotiate with such bidder and award the contract on the basis of the
162 funds available, without change in the contract specifications, plans
163 and other requirements. If the award of a contract on [said] such basis
164 is refused by such bidder, the [Commissioner of Administrative
165 Services, the Joint Committee on Legislative Management or the
166 constituent unit, as the case may be,] awarding authority may
167 negotiate with other contractors who submitted bids in ascending
168 order of bid prices without change in the contract, specifications, plans
169 and other requirements. In the event of negotiation with general
170 bidders as provided in this section, the general bidder involved may
171 negotiate with subcontractors on the same basis, provided such
172 general bidder shall negotiate only with subcontractors named on such
173 general bidder's general bid form.

174 Sec. 502. Subsection (j) of section 4b-91 of the general statutes is
175 repealed and the following is substituted in lieu thereof (*Effective July*
176 *1, 2014*):

177 (j) [On and after October 5, 2009, no] No person whose subcontract
178 exceeds five hundred thousand dollars in value may perform work as
179 a subcontractor on a project for the construction, reconstruction,
180 alteration, remodeling, repair or demolition of any public building or
181 any other public work by the state or a municipality, except a public
182 highway or bridge project or any other construction project

183 administered by the Department of Transportation, which project is
184 estimated to cost more than five hundred thousand dollars and is paid
185 for, in whole or in part, with state funds, unless, at the time of the bid
186 submission, the person is prequalified in accordance with section 4a-
187 100. The provisions of this subsection shall not apply to [a project
188 described in subdivision (2) of subsection (a) of this section] the
189 downtown Hartford higher education center project, as defined in
190 subsection (l) of section 4b-55.

191 Sec. 503. Subsection (a) of section 4b-24b of the general statutes is
192 repealed and the following is substituted in lieu thereof (*Effective July*
193 *1, 2014*):

194 (a) Whenever realty uses designed uniquely for state use and for
195 periods over five years are concerned, the Commissioner of
196 Administrative Services shall, whenever practicable, attempt to
197 construct on state-owned land. Whenever the Commissioner of
198 Administrative Services has established specific plans and
199 specifications for new construction on state land or new construction
200 for sale to the state: (1) If it appears to the commissioner that the cost of
201 the project shall be less than one million five hundred thousand
202 dollars, contracts shall be made, where practicable, through a process
203 of sealed bidding as provided in section 4b-91, as amended by this act,
204 relating to projects in excess of one million five hundred thousand
205 dollars; (2) if it appears to the commissioner that the space needs of the
206 requesting agency are less than five thousand square feet, the
207 commissioner shall, whenever practicable, carry on advertising, in
208 accordance with the provisions of section 4b-34 relating to projects in
209 excess of five thousand square feet, in order to allow an equal
210 opportunity for third parties to do business with the state without
211 regard to political affiliation, political contributions or relationships
212 with persons in state, federal or local governmental positions.

213 Sec. 504. Section 4b-52 of the 2014 supplement to the general statutes
214 is repealed and the following is substituted in lieu thereof (*Effective July*
215 *1, 2014*):

216 (a) (1) No repairs, alterations or additions involving expense to the
217 state of five hundred thousand dollars or less or, in the case of repairs,
218 alterations or additions to a building rented or occupied by the Judicial
219 Branch, one million two hundred fifty thousand dollars or less or, in
220 the case of repairs, alterations or additions to a building rented or
221 occupied by a constituent unit of the state system of higher education,
222 two million dollars or less, shall be made to any state building or
223 premises occupied by any state officer, department, institution, board,
224 commission or council of the state government and no contract for any
225 construction, repairs, alteration or addition shall be entered into
226 without the prior approval of the Commissioner of Administrative
227 Services, except repairs, alterations or additions to a building under
228 the supervision and control of the Joint Committee on Legislative
229 Management and repairs, alterations or additions to a building under
230 the supervision of The University of Connecticut. Repairs, alterations
231 or additions which are made pursuant to such approval of the
232 Commissioner of Administrative Services shall conform to all
233 guidelines and procedures established by the Department of
234 Administrative Services for agency-administered projects. (2)
235 Notwithstanding the provisions of subdivision (1) of this subsection,
236 repairs, alterations or additions involving expense to the state of five
237 hundred thousand dollars or less may be made to any state building or
238 premises under the supervision of the Office of the Chief Court
239 Administrator or a constituent unit of the state system of higher
240 education, under the terms of section 4b-11, and any contract for any
241 such construction, repairs or alteration may be entered into by the
242 Office of the Chief Court Administrator or a constituent unit of the
243 state system of higher education without the approval of the
244 Commissioner of Administrative Services.

245 (b) Except as provided in this section, no repairs, alterations or
246 additions involving an expense to the state of more than five hundred
247 thousand dollars or, in the case of [repairs, alterations or additions to a
248 building rented or occupied by the Judicial Branch] any repair,
249 alteration or addition administered by the Department of

250 Administrative Services, more than one million [two] five hundred
251 [fifty] thousand dollars, [or, in the case of repairs, alterations or
252 additions to a building rented or occupied by a constituent unit of the
253 state system of higher education, more than two million dollars,] shall
254 be made to any state building or premises occupied by any state
255 officer, department, institution, board, commission or council of the
256 state government, nor shall any contract for any construction, repairs,
257 alteration or addition be entered into, until the Commissioner of
258 Administrative Services or, in the case of the construction or repairs,
259 alterations or additions to a building under the supervision and
260 control of the Joint Committee on Legislative Management of the
261 General Assembly, said joint committee or, in the case of construction,
262 repairs, alterations or additions to a building involving expenditures in
263 excess of five hundred thousand dollars but not more than one million
264 two hundred fifty thousand dollars under the supervision and control
265 of the Judicial Branch, said Judicial Branch or, in the case of the
266 construction, repairs, alterations or additions to a building involving
267 expenditures in excess of five hundred thousand dollars but not more
268 than two million dollars under the supervision and control of one of
269 the constituent units of higher education, the constituent unit, has
270 invited bids thereon and awarded a contract thereon, in accordance
271 with the provisions of sections 4b-91 to 4b-96, inclusive, as amended
272 by this act. The Commissioner of Administrative Services, with the
273 approval of the authority having the supervision of state employees or
274 the custody of inmates of state institutions, without the necessity of
275 bids, may employ such employees or inmates and purchase or furnish
276 the necessary materials for the construction, erection, alteration, repair
277 or enlargement of any such state building or premises occupied by any
278 state officer, department, institution, board, commission or council of
279 the state government.

280 (c) Whenever the Commissioner of Administrative Services declares
281 that an emergency condition exists at any state facility, other than a
282 building under the supervision and control of the Joint Committee on
283 Legislative Management, and that the condition would adversely

284 affect public safety or the proper conduct of essential state government
285 operations, or said joint committee declares that such an emergency
286 exists at a building under its supervision and control, the
287 commissioner or the joint committee may employ such assistance as
288 may be required to restore facilities under their control and
289 management, or the commissioner may so act upon the request of a
290 state agency, to restore facilities under the control and management of
291 such agency, without inviting bids as required in subsection (b) of this
292 section. The commissioner shall take no action requiring the
293 expenditure of more than one million five hundred thousand dollars to
294 restore any facility under this subsection (1) without the written
295 consent of the Governor, and (2) until the commissioner has certified to
296 the [joint committee of the General Assembly having cognizance of
297 matters relating to legislative management] Joint Committee on
298 Legislative Management that the project is of such an emergency
299 nature that an exception to subsection (b) of this section is required.
300 Such certification shall include input from all affected agencies, detail
301 the need for the exception and include any relevant documentation.
302 The provisions of this subsection shall not apply if any person is
303 obligated under the terms of an existing contract with the state to
304 render such assistance. The annual report of the commissioner shall
305 include a detailed statement of all expenditures made under this
306 subsection.

307 (d) The Commissioner of Administrative Services may, during the
308 term of a lease of a building or premises occupied by any state offices,
309 department, institution, board, commission or council of the state
310 government, (1) renegotiate the lease in order to enable the lessor to
311 make necessary alterations or additions up to a maximum amount of
312 five hundred thousand dollars, [and] subject to the approval of the
313 State Properties Review Board, or (2) require that a security audit be
314 conducted for such building or premises and, if necessary, renegotiate
315 the lease in order to enable the lessor to make necessary alterations or
316 additions to bring the building or premises into compliance with the
317 security standards for state agencies established under section 4b-132.

318 Alterations or additions under subdivision (2) of this subsection shall
319 not be subject to the spending limit in subdivision (1) of this
320 subsection, and a renegotiated lease under said subdivision (2) shall be
321 subject to the approval of the State Properties Review Board, provided
322 such approval requirement shall not compromise the security
323 requirements of chapter 60a and this section. The commissioner shall
324 determine the manner of submission, conditions and requirements of
325 bids and awards made for alterations or additions under this
326 subsection. No lease shall be renegotiated under this subsection for a
327 term less than five years. As used in this subsection, "security" and
328 "security audit" have the meanings assigned to such terms in section
329 4b-130.

330 Sec. 505. Section 4b-103 of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective July 1, 2014*):

332 (a) In order to carry out any provision of this title for the
333 construction, renovation or alteration of buildings or facilities, the
334 Commissioner of Administrative Services may enter into a
335 construction manager at-risk project delivery contract.

336 (b) [The] Except as provided in subsections (c) and (d) of this
337 section, the Commissioner of Administrative Services shall not enter
338 into a construction manager at-risk project delivery contract that does
339 not provide for a maximum guaranteed price for the cost of
340 construction that shall be determined not later than the time of the
341 receipt and approval by the commissioner of the trade contractor bids.
342 Each construction manager at-risk shall invite bids and give notice of
343 opportunities to bid on project elements [, by advertising, at least once,
344 in one or more newspapers having general circulation in the state] on
345 the State Contracting Portal. Each bid shall be kept sealed until opened
346 publicly at the time and place as set forth in the notice soliciting such
347 bid. The construction manager at-risk shall, after consultation with and
348 approval by the commissioner, award any related contracts for project
349 elements to the responsible qualified contractor submitting the lowest
350 bid in compliance with the bid requirements, provided (1) the

351 construction manager at-risk shall not be eligible to submit a bid for
352 any such project element, and (2) construction shall not begin prior to
353 the determination of the maximum guaranteed price, except for the
354 project elements of site preparation and demolition that have been
355 previously put out to bid and awarded.

356 (c) Construction may begin prior to the determination of the
357 maximum guaranteed price for the project elements of site
358 preparation, demolition, public utility installation and connections,
359 and building envelope components, including the roof, doors,
360 windows and exterior walls, provided (1) the project is the renovation
361 of an existing building or facility; (2) the project element or elements
362 involved in such early work have been previously put out to bid and
363 awarded; and (3) the total cost of construction of the early work does
364 not exceed twenty-five per cent of the estimated cost of construction
365 for the entire project.

366 (d) If such project involves the renovation of an existing building or
367 facility that will be performed in multiple phases while such building
368 or facility remains occupied, the Commissioner of Administrative
369 Services may enter into a construction manager at-risk project delivery
370 contract that provides for the maximum guaranteed price to be
371 determined for each phase of the project, prior to beginning each such
372 phase, provided all requirements of subsection (b) of this section other
373 than the timing of the determination of the maximum guaranteed price
374 are complied with.

375 Sec. 506. Subsection (d) of section 4b-51 of the general statutes is
376 repealed and the following is substituted in lieu thereof (*Effective July*
377 *1, 2014*):

378 (d) (1) Notwithstanding any provision of the general statutes, the
379 Commissioner of Administrative Services may select consultants to be
380 on a list established for the purpose of providing any consultant
381 services. Such list shall be established as provided in sections 4b-56
382 and 4b-57. The commissioner may enter into a contract with any

383 consultant on such list to perform a range of consultant services or to
384 perform a range of tasks pursuant to a task letter detailing services to
385 be performed under such contract.

386 (2) Notwithstanding any provision of the general statutes, the
387 Commissioner of Administrative Services may (A) compile a list of
388 architects, professional engineers and construction administrators for
389 the limited purpose of providing consultant services for a particular
390 program involving various projects for the construction of new
391 buildings or renovations to existing buildings where such buildings
392 are under the operation and control of either the Military Department
393 or the Department of Energy and Environmental Protection, and (B)
394 enter into a contract with any architect, professional engineer or
395 construction administrator on such list for such limited purpose.

396 (3) As used in this subsection, "consultant" means "consultant" as
397 defined in section 4b-55, [and] "consultant services" means "consultant
398 services" as defined in section 4b-55, and "program" means multiple
399 projects involving the planning, design, construction, repair,
400 improvement or expansion of specified buildings, facilities or site
401 improvements, wherein the work (A) will be of a repetitive nature, (B)
402 will share a common funding source that imposes particular
403 requirements, or (C) would be significantly facilitated if completed by
404 the same design professional or construction administrator.

405 Sec. 507. Section 4b-91 of the general statutes is amended by adding
406 subsection (k) as follows (*Effective July 1, 2014*):

407 (NEW) (k) Notwithstanding any provision of this chapter, the
408 Commissioner of Administrative Services may purchase equipment,
409 supplies, materials or other property or services under sections 4a-53
410 and 4a-66 as required to fulfill his or her responsibilities under this
411 chapter.

412 Sec. 508. Subsection (a) of section 10-29a of the 2014 supplement to
413 the general statutes is amended by adding subdivisions (66) and (67)
414 as follows (*Effective from passage*):

415 (NEW) (66) The Governor shall proclaim October thirtieth of each
416 year to be Are You Dense? Breast Cancer Awareness Day to heighten
417 public awareness of the associated presentation and available
418 treatments for breast cancer. Suitable exercises shall be held in the
419 State Capitol and elsewhere as the Governor designates for the
420 observance of the day.

421 (NEW) (67) The Governor shall proclaim October ninth of each year
422 to be Neurological Disorders Awareness Day to heighten public
423 awareness of the associated presentation and available treatments for
424 neurological disorders. Suitable exercises shall be held in the State
425 Capitol and elsewhere as the Governor designates for the observance
426 of the day.

427 Sec. 509. Subsection (b) of section 10-298 of the 2014 supplement to
428 the general statutes is repealed and the following is substituted in lieu
429 thereof (*Effective from passage*):

430 (b) The Commissioner of Rehabilitation Services may accept and
431 receive any bequest or gift of money or personal property and, subject
432 to the consent of the Governor and Attorney General as provided in
433 section 4b-22, any devise or gift of real property made to the
434 Commissioner of Rehabilitation Services, and may hold and use such
435 money or property for the purposes, if any, specified in connection
436 with such bequest, devise or gift.

437 Sec. 510. Subsection (n) of section 4a-60g of the 2014 supplement to
438 the general statutes is repealed and the following is substituted in lieu
439 thereof (*Effective October 1, 2014*):

440 (n) Nothing in this section shall be construed to apply to the
441 janitorial or service contracts awarded pursuant to subsections (b) to
442 (d), inclusive, of section 4a-82, as amended by this act.

443 Sec. 511. Section 4a-82 of the 2014 supplement to the general statutes
444 is repealed and the following is substituted in lieu thereof (*Effective*
445 *October 1, 2014*):

446 (a) For the purposes of this section:

447 (1) "Person with a disability" means any individual with a disability,
448 excluding blindness, as such term is applied by the Department of
449 Mental Health and Addiction Services, the Department of
450 Developmental Services, the Department of Rehabilitation Services or
451 the Veterans' Administration and who is certified by the Department
452 of Rehabilitation Services as qualified to participate in a qualified
453 partnership, as described in subsections (e) to (l), inclusive, of this
454 section;

455 (2) "Vocational rehabilitation service" means any goods and services
456 necessary to render a person with a disability employable, in
457 accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et
458 seq., as amended from time to time;

459 (3) "Community rehabilitation program" means any entity or
460 individual that provides directly for or facilitates the provision of
461 vocational rehabilitation services to, or provides services in connection
462 with, the recruiting, hiring or managing of the employment of persons
463 with disabilities based on an individualized plan and budget for each
464 worker with a disability;

465 (4) "Commercial [janitorial] contractor" means any for-profit
466 proprietorship, partnership, joint venture, corporation, limited liability
467 company, trust, association or other privately owned entity that
468 employs persons to perform janitorial work or contractual services,
469 and that enters into contracts to provide janitorial services or
470 contractual services;

471 (5) "Janitorial work" means work performed in connection with the
472 care or maintenance of buildings, including, but not limited to, work
473 customarily performed by cleaners, porters, janitors and
474 handypersons;

475 (6) "Janitorial contract" means a contract or subcontract to perform
476 janitorial work for a department or agency of the state;

477 (7) "Person with a disadvantage" means any individual who is
478 determined by the Labor Department, or its designee, to be eligible for
479 employment services in accordance with the Workforce Investment
480 Act or whose verified individual gross annual income during the
481 previous calendar year was not greater than two hundred per cent of
482 the federal poverty level for a family of four; [and]

483 (8) "Awarding authority" means the Commissioner of
484 Administrative Services, Chief Court Administrator of the Judicial
485 Branch and president of the Board of Regents for Higher Education, as
486 applicable; and

487 (9) "Contractual services" includes, but is not limited to, any and all
488 laundry and cleaning services, mail supply room staffing, data entry,
489 telephone call center staffing and other services specified by the
490 Commissioner of Administrative Services under subsection (b) of this
491 section.

492 (b) (1) The Commissioner of Administrative Services shall establish
493 a program to create and expand janitorial work job opportunities for
494 persons with a disability and persons with a disadvantage. The
495 program shall create full-time jobs or full-time equivalents at standard
496 wage rates for persons with disabilities and persons with
497 disadvantages. The Judicial Branch and Board of Regents for Higher
498 Education may participate in such program.

499 (2) The Commissioner of Administrative Services may expand such
500 program to include contractual services that the commissioner deems
501 appropriate and shall post a list of such services on the department's
502 Internet web site.

503 (c) Notwithstanding any other provision of the general statutes,
504 under such program, the awarding authority may award janitorial
505 contracts or contracts for contractual services pursuant to the following
506 procedures: (1) Upon receipt of a request for janitorial services or a
507 contractual service that the Commissioner of Administrative Services
508 has deemed appropriate for inclusion in the program by an agency or

509 department of the state, the awarding authority shall notify each
510 qualified partnership, as described in subsections (e) to (l), inclusive, of
511 this section, of such request and invite each qualified partnership in
512 good standing to submit a bid proposal for such janitorial contract or
513 service contract to the awarding authority in a manner and form as
514 prescribed by the awarding authority; (2) in the event that only one
515 such qualified partnership submits a bid or proposal for such janitorial
516 or service contract, the awarding authority shall award such contract
517 to such qualified partnership, provided such bid or proposal does not
518 exceed the fair market value for such contract, as determined by the
519 awarding authority; (3) if more than one qualified partnership submits
520 a bid or proposal, the awarding authority shall award the contract to
521 the lowest responsible qualified bidder or most advantageous
522 proposer, as described in section 4a-59; and (4) in the event that a
523 qualified partnership does not submit a bid or proposal or is not
524 awarded such contract, the awarding authority shall award such
525 contract in accordance with the provisions of sections 4a-59, 17b-656,
526 as amended by this act, 4a-52a and 10a-151b or title 51, as applicable.
527 No awarding authority shall award a contract under the provisions of
528 this subsection at a site where employees are employed pursuant to an
529 existing collective bargaining agreement or where a contract has been
530 awarded pursuant to section 17b-656, as amended by this act, unless a
531 contract has been previously awarded to a qualified partnership
532 pursuant to this section at such site.

533 (d) Notwithstanding any other provision of the general statutes, the
534 responsibilities of the Commissioner of Administrative Services, Chief
535 Court Administrator or president of the Board of Regents for Higher
536 Education as established in subsections (b) and (c) of this section, may
537 not be delegated to an outside vendor.

538 (e) The Connecticut Community Providers Association shall
539 designate a commercial [janitorial] contractor and a community
540 rehabilitation program as a "qualified partnership" whenever the
541 following criteria have been established: (1) Such commercial
542 [janitorial] contractor has entered into a binding agreement with such

543 community rehabilitation program in which such contractor agrees to
544 fill not less than one-third of the jobs from a successful bid for a
545 janitorial or service contract under the program established in
546 subsections (b) to (d), inclusive, of this section with persons with
547 disabilities and not less than one-third of such jobs with persons with a
548 disadvantage; (2) such contractor employs not less than two hundred
549 persons who perform janitorial work or contractual services in the
550 state; and (3) such contractor certifies, in writing, that it will pay the
551 standard wage to employees, including persons with disabilities,
552 under such janitorial or service contract. Any partnership between a
553 commercial [janitorial] contractor and a community rehabilitation
554 program that has been denied designation as a qualified partnership
555 may appeal such denial, in writing, to the Commissioner of
556 Administrative Services and said commissioner may, after review of
557 such appeal, designate such program as a qualified partnership.

558 (f) The requirement established in subsection (e) of this section to fill
559 not less than one-third of the jobs from a successful bid for a janitorial
560 or service contract with persons with disabilities and one-third with
561 persons with a disadvantage shall be met whenever such [janitorial]
562 contractor employs the requisite number of persons with disabilities
563 and persons with a disadvantage throughout the entirety of its
564 operations in the state provided any persons with disabilities
565 employed by such [janitorial] contractor prior to the commencement
566 date of any such contract shall not be counted for the purpose of
567 determining the number of persons with disabilities employed by such
568 [janitorial] contractor.

569 (g) The number of persons with disabilities and the number of
570 persons with a disadvantage that such [janitorial] contractor is
571 required to employ pursuant to the provisions of subsection (e) of this
572 section shall be employed not later than six months after the
573 commencement of janitorial work or the contractual service under the
574 terms of any contract awarded pursuant to the provisions of
575 subsections (b) to (d), inclusive, of this section, provided such
576 contractor shall fill any vacancy for janitorial work or contractual

577 service that arises during the first six months of any such contract with
578 persons with disabilities and persons with disadvantages.

579 (h) The Connecticut Community Providers Association shall
580 develop an application process and submit a list of employees who
581 have applied to participate in a partnership to the Department of
582 Rehabilitation Services for certification. Such association shall maintain
583 a list of certified employees who are persons with disabilities and
584 community rehabilitation programs.

585 (i) Any qualified partnership awarded a janitorial or service contract
586 pursuant to the provisions of subsections (b) to (d), inclusive, of this
587 section shall provide to the Connecticut Community Providers
588 Association, not later than six months after the commencement date of
589 such contract and annually thereafter, a list of the persons with
590 disabilities and persons with a disadvantage employed by such
591 contractor that includes the date of hire and employment location for
592 each such person. Such association shall certify annually to the
593 Department of Administrative Services, the Judicial Branch or the
594 Board of Regents for Higher Education, as applicable, in such manner
595 and form as prescribed by the Commissioner of Administrative
596 Services, Chief Court Administrator or the president of the Board of
597 Regents for Higher Education, that the requisite number of persons
598 with disabilities for such contract continue to be employed by such
599 contractor in positions equivalent to those created under such
600 [janitorial] contract and have been integrated into the general
601 workforce of such contractor.

602 (j) Notwithstanding any other provision of the general statutes, the
603 responsibilities of the Department of Rehabilitation Services, as
604 established in subsections (e) to (l), inclusive, of this section, may not
605 be delegated to an outside vendor.

606 (k) The Commissioner of Rehabilitation Services may adopt
607 regulations, in accordance with the provisions of chapter 54, to
608 undertake the certification requirements established pursuant to

609 subsections (e) to (l), inclusive, of this section.

610 (l) Notwithstanding the provisions of subsection (e) of this section,
611 the Commissioner of Administrative Services shall authorize certified
612 small and minority businesses to participate in such program.

613 (m) The joint standing committee of the General Assembly having
614 cognizance of matters relating to government administration shall
615 study the effectiveness of such program, including, but not limited to,
616 the effectiveness of such program to create integrated work settings for
617 persons with disabilities. Additionally, said committee shall study
618 ways to provide incentives for municipalities and businesses to utilize
619 such program if such program is determined by the committee to be
620 effective.

621 (n) Each exclusive contract awarded prior to October 1, 2013,
622 pursuant to section 17b-656, as amended by this act, shall remain in
623 effect until such time as either party terminates the contract in such
624 party's own best interest, with not less than sixty days written notice.
625 Each such contract may be amended to include updated terms and
626 conditions, but shall not allow for any price increases except statutory
627 or mandated increases to the minimum wage and standard wage. If
628 either party exercises his or her right to terminate any such contract,
629 the next contract solicitation may be awarded pursuant to this section
630 or sections 4a-59 and 17b-656, as amended by this act. Additionally,
631 any new janitorial contract awarded pursuant to section 17b-656, as
632 amended by this act, shall be limited to not more than four full-time
633 employees per contract.

634 (o) Any person employed under a janitorial contract let: (1) On or
635 before October 1, 2006, or thereafter if such contract constitutes a
636 successor contract to such janitorial contract let on or before October 1,
637 2006, and (2) pursuant to section 4a-57, as amended by this act, or 10a-
638 151b or by the judicial or legislative departments or pursuant to
639 subsections (b) to (d), inclusive, of this section shall have the same
640 rights conferred upon an employee by section 31-57g for the duration

641 of the program described in subsections (b) to (d), inclusive, of this
642 section. The provisions of this subsection shall not apply to any new
643 janitorial contract with not more than four full-time employees per
644 contract, as described in subsection (n) of this section.

645 (p) If a position is not available at a job site for a janitorial or service
646 contract awarded pursuant to subsection (c) of this section and a
647 person with a disability or a person with a disadvantage is placed at an
648 alternate job site in the operations of the [janitorial] contractor
649 pursuant to subsection (f) of this section, such person with a disability
650 or person with a disadvantage shall be paid the wage applicable at
651 such alternate site, provided when a position at the job site for a
652 janitorial or service contract awarded pursuant to subsection (c) of this
653 section becomes available, such person with a disability or person with
654 a disadvantage shall be transferred to the job site for a janitorial or
655 service contract awarded pursuant to subsection (c) of this section and
656 shall be paid the applicable standard wage for such site.

657 (q) If a person with a disability or a person with a disadvantage is
658 transferred pursuant to subsection (p) of this section and such person
659 subsequently leaves such position, the position shall be filled with
660 another person with a disability or person with a disadvantage.

661 Sec. 512. Subsection (f) of section 4a-57 of the 2014 supplement to
662 the general statutes is repealed and the following is substituted in lieu
663 thereof (*Effective October 1, 2014*):

664 (f) Nothing in this section shall be construed to apply to the award
665 of janitorial or service contracts pursuant to the provisions of
666 subsections (b) to (d), inclusive, of section 4a-82, as amended by this
667 act.

668 Sec. 513. Section 17b-656 of the 2014 supplement to the general
669 statutes is repealed and the following is substituted in lieu thereof
670 (*Effective October 1, 2014*):

671 Whenever any products made or manufactured by or services

672 provided by persons with disabilities through community
673 rehabilitation programs described in subsection (b) of section 17b-655
674 or in any workshop established, operated or funded by nonprofit and
675 nonsectarian organizations for the purpose of providing persons with
676 disabilities training and employment suited to their abilities meet the
677 requirements of any department, institution or agency supported in
678 whole or in part by the state as to quantity, quality and price such
679 products shall have preference over products or services from other
680 providers, except (1) articles produced or manufactured by
681 Department of Correction industries as provided in section 18-88, (2)
682 emergency purchases made under section 4-98, and (3) janitorial or
683 contractual services provided by a qualified partnership, pursuant to
684 the provisions of subsections (b) to (d), inclusive, of section 4a-82, as
685 amended by this act. All departments, institutions and agencies
686 supported in whole or in part by the state shall purchase such articles
687 made or manufactured and services provided by persons with
688 disabilities from the Department of Rehabilitation Services. Any
689 political subdivision of the state may purchase such articles and
690 services through the Department of Rehabilitation Services. A list
691 describing styles, designs, sizes and varieties of all such articles made
692 by persons with disabilities and describing all available services
693 provided by such persons shall be prepared by the Connecticut
694 Community Providers Association.

695 Sec. 514. Section 4b-4 of the 2014 supplement to the general statutes
696 is repealed and the following is substituted in lieu thereof (*Effective*
697 *from passage*):

698 [(a) No] Each nonclerical employee in the unit in the Department of
699 Administrative Services that is responsible for acquiring, leasing and
700 selling real property on behalf of the state [shall be directly involved in
701 any enterprise that does business with the state or be directly or
702 indirectly involved in any enterprise concerned with real estate
703 acquisition or development. Each] and each member of the State
704 Properties Review Board [and each such employee of the Department
705 of Administrative Services] shall file, with the Office of State Ethics, a

706 statement of financial interests pursuant to the provisions of section 1-
707 83.

708 [(b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to
709 any alleged violation of this section.]

710 Sec. 515. Section 4e-16 of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective October 1, 2014*):

712 (a) Prior to entering into any privatization contract for the
713 privatization of a state service that is not currently privatized, the state
714 contracting agency shall develop a cost-benefit analysis in accordance
715 with the provisions of subsection (b) of this section. Such requirement
716 shall not apply to a privatization contract for a service currently
717 provided, in whole or in part, by a non-state entity. Any affected party
718 may petition the State Contracting Standards Board for review of such
719 privatization contract, in accordance with the provisions of subsections
720 (f) to (h), inclusive, of this section.

721 (b) The cost-benefit analysis conducted by a state contracting agency
722 prior to entering into a privatization contract shall document the direct
723 and indirect costs, savings, and qualitative and quantitative benefits,
724 that will result from the implementation of such privatization contract.
725 Such cost-benefit analysis shall specify the schedule that, at a
726 minimum, shall be adhered to in order to achieve any estimated
727 savings. Any cost factor shall be clearly identified in such cost-benefit
728 analysis and supported by all applicable records and reports. The
729 department head of such state contracting agency shall certify that,
730 based on the data and information, all projected costs, savings and
731 benefits are valid and achievable. As used in this subsection, (1) "costs"
732 means all reasonable, relevant and verifiable expenses, including
733 salary, materials, supplies, services, equipment, capital depreciation,
734 rent, maintenance, repairs, utilities, insurance, travel, overhead,
735 interim and final payments and the normal cost of fringe benefits, as
736 calculated by the Comptroller; [. As used in this subsection,] (2)
737 "normal cost of fringe benefits" means the amount of contributions

738 required to fund the fringe benefits allocated to the current year of
739 service; and (3) "savings" means the difference between the current
740 annual direct and indirect costs of providing such service and the
741 projected, annual direct and indirect costs of contracting to provide
742 such services in any succeeding state fiscal year during the term of
743 such proposed privatization contract.

744 (c) (1) If such cost-benefit analysis identifies a cost savings to the
745 state of ten per cent or more, and such privatization contract will not
746 diminish the quality of such service, the state contracting agency shall
747 develop a business case, in accordance with the provisions of
748 subsection (d) of this section, in order to evaluate the feasibility of
749 entering into any such contract and to identify the potential results,
750 effectiveness and efficiency of such contract.

751 (2) If such cost-benefit analysis identifies a cost savings of less than
752 ten per cent to the state and such privatization contract will not
753 diminish the quality of such service, the state contracting agency may
754 develop a business case, in accordance with the provisions of
755 subsection (d) of this section, in order to evaluate the feasibility of
756 entering into any such contract and to identify the potential results,
757 effectiveness and efficiency of such contract, provided there is a
758 significant public policy reason to enter into such privatization
759 contract. Any such business case shall be approved in accordance with
760 the provisions of subdivision (4) of subsection (h) of this section.

761 (3) If any such proposed privatization contract would result in the
762 layoff, transfer or reassignment of one hundred or more state agency
763 employees, after consulting with the potentially affected bargaining
764 units, if any, the state contracting agency shall notify the state
765 employees of such bargaining unit, after such [cost benefit] cost-benefit
766 analysis is completed. Such state contracting agency shall provide an
767 opportunity for said employees to reduce the costs of conducting the
768 operations to be privatized and provide reasonable resources for the
769 purpose of encouraging and assisting such state employees to organize
770 and submit a bid to provide the services that are the subject of the

771 potential privatization contract. The state contracting agency shall
772 retain sole discretion in determining whether to proceed with the
773 privatization contract, provided the business case for such contract is
774 approved by the board.

775 (d) Any business case developed by a state contracting agency for
776 the purpose of complying with subsection (c) of this section shall
777 include: (1) The [cost benefit] cost-benefit analysis as described in
778 subsection (b) of this section, (2) a detailed description of the service or
779 activity that is the subject of such business case, (3) a description and
780 analysis of the state contracting agency's current performance of such
781 service or activity, (4) the goals to be achieved through the proposed
782 privatization contract and the rationale for such goals, (5) a description
783 of available options for achieving such goals, (6) an analysis of the
784 advantages and disadvantages of each option, including, at a
785 minimum, potential performance improvements and risks attendant to
786 termination of the contract or rescission of such contract, (7) a
787 description of the current market for the services or activities that are
788 the subject of such business case, (8) an analysis of the quality of
789 services as gauged by standardized measures and key performance
790 requirements including compensation, turnover, and staffing ratios, (9)
791 a description of the specific results-based performance standards that
792 shall, at a minimum be met, to ensure adequate performance by any
793 party performing such service or activity, (10) the projected time frame
794 for key events from the beginning of the procurement process through
795 the expiration of a contract, if applicable, (11) a specific and feasible
796 contingency plan that addresses contractor nonperformance and a
797 description of the tasks involved in and costs required for
798 implementation of such plan, and (12) a transition plan, if appropriate,
799 for addressing changes in the number of agency personnel, affected
800 business processes, employee transition issues, and communications
801 with affected stakeholders, such as agency clients and members of the
802 public, if applicable. Such transition plan shall contain a reemployment
803 and retraining assistance plan for employees who are not retained by
804 the state or employed by the contractor. If the primary purpose of the

805 proposed privatization contract is to provide a core governmental
806 function, such business case shall also include information sufficient to
807 rebut the presumption that such core governmental function should
808 not be privatized. Such presumption shall not be construed to prohibit
809 a state contracting agency from contracting for specialized technical
810 expertise not available within such agency, provided such agency shall
811 retain responsibility for such core governmental function. For the
812 purposes of this section, "core governmental function" means a
813 function for which the primary purpose is (A) the inspection for
814 adherence to health and safety standards because public health or
815 safety may be jeopardized if such inspection is not done or is not done
816 in a timely or proper manner, (B) the establishment of statutory,
817 regulatory or contractual standards to which a regulated person, entity
818 or state contractor shall be held, (C) the enforcement of statutory,
819 regulatory or contractual requirements governing public health or
820 safety, or (D) criminal or civil law enforcement. If any part of such
821 business case is based upon evidence that the state contracting agency
822 is not sufficiently staffed to provide the core governmental function
823 required by the privatization contract, the state contracting agency
824 shall also include within such business case a plan for remediation of
825 the understaffing to allow such services to be provided directly by the
826 state contracting agency in the future.

827 (e) Upon the completion of such business case, the state contracting
828 agency shall submit the business case to the State Contracting
829 Standards Board. For any privatization contract with a projected cost
830 that exceeds one hundred fifty million dollars annually or six hundred
831 million dollars over the life of such contract, the state contracting
832 agency shall also submit such business case to the Governor, the
833 president pro tempore of the Senate, the speaker of the House of
834 Representatives, and any collective bargaining unit affected by the
835 proposed privatization contract.

836 (f) (1) There shall be a privatization contract committee of the State
837 Contracting Standards Board that shall review, evaluate, issue
838 advisory reports and make recommendations on business cases

839 submitted to the board by any state contracting agency. Such
840 privatization contract committee shall consist of five members of the
841 State Contracting Standards Board. Such members shall be appointed
842 by the chairperson of the board and consist of both gubernatorial and
843 legislative appointments, have not more than three members from any
844 one political party, and at least one member of such committee shall
845 have expertise in the area that is the subject of such proposed contract.
846 The chairperson of the board, or the chairperson's designee shall serve
847 as the chair of the privatization contract committee.

848 (2) Upon receipt of any such business case from a state contracting
849 agency, the State Contracting Standards Board shall immediately refer
850 such business case to such privatization contract committee. The
851 privatization contract committee shall employ a standard process for
852 reviewing, evaluating and approving any such business cases. Such
853 process shall include due consideration of: (A) The cost-benefit
854 analysis developed by the state contracting agency, (B) the business
855 case developed by the state contracting agency, including any facts,
856 documents or other materials that are relevant to such business case,
857 (C) any adverse effect that such privatization contract may have on
858 minority, small and women-owned businesses that do, or are
859 attempting to do business with the state, and (D) the value of having
860 services performed in the state and within the United States.

861 (3) The privatization committee shall evaluate the business case and
862 submit the committee's evaluation to the State Contracting Standards
863 Board for review and approval. During the review or consideration of
864 any such business case, no member of the board shall engage in any
865 ex-parte communication with any lobbyist, contractor or union
866 representative. Unless otherwise provided in this section, a majority
867 vote of the board shall be required to approve any such business case.

868 (4) The business case for a privatization contract to provide a core
869 governmental function may be approved by a two-thirds vote of the
870 board, provided the state contracting agency has provided sufficient
871 evidence to rebut the presumption contained in subsection (d) of this

872 section and there is a significant policy reason to approve such
873 business case. In no such case shall the insufficient staffing of a state
874 contracting agency constitute a significant policy reason to approve a
875 business case for a privatization contract to provide a core
876 governmental function.

877 (g) Each state contracting agency that submits a business case to the
878 board for review shall submit to the board all information, documents
879 or other material required by the privatization contract committee to
880 complete its review and evaluation of such business case.

881 (h) (1) Not later than sixty days after receipt of any business case,
882 the State Contracting Standards Board shall transmit a report detailing
883 its review, evaluation and disposition regarding such business case to
884 the state contracting agency that submitted such business case and, in
885 the case of a privatization contract with a projected cost of one
886 hundred fifty million dollars or more annually, or six hundred million
887 dollars or more over the life of the contract, concomitantly transmit
888 such report to the Governor, the president pro tempore of the Senate,
889 the speaker of the House of Representatives and any collective
890 bargaining unit affected by the proposed privatization contract. Such
891 sixty-day period may be extended for an additional thirty days upon a
892 majority vote of the board or the privatization contract committee and
893 for good cause shown.

894 (2) The board's report shall include the business case prepared by
895 the state contracting agency, the evaluation of the business case
896 prepared by the privatization contract committee, the reasons for
897 approval or disapproval, any recommendations of the board and
898 sufficient information to assist the state contracting agency in
899 determining if additional steps are necessary to move forward with a
900 privatization contract.

901 (3) If the State Contracting Standards Board does not act on a
902 business case submitted by a state contracting agency within sixty
903 days of receipt of such business case, such business case shall be

904 deemed approved, except that no business case may be approved for
905 failure of the board to meet.

906 (4) In the case of a business case developed pursuant to subdivision
907 (2) of subsection (c) of this section, a two-thirds vote of the board shall
908 be required for approval of such privatization contract.

909 (5) Any state contracting agency may request an expedited review
910 of a business case submitted to the board if there is a compelling public
911 interest for such expedited review. If the board approves the agency's
912 request for such an expedited review, such review shall be completed
913 not later than thirty days after receipt of such request. If the board fails
914 to complete an expedited review within thirty days of receipt of a
915 request that was approved by the board, such business case shall be
916 deemed to be approved.

917 (i) A state contracting agency may publish notice soliciting bids for a
918 privatization contract only after the board approves such business
919 case, provided any privatization contract that is estimated to cost in
920 excess of one hundred fifty million dollars annually or six hundred
921 million dollars or more over the life of the contract shall also be
922 approved by the General Assembly prior to the state contracting
923 agency soliciting bids for such contract. The General Assembly may
924 approve any such contract as a whole by a majority vote of each house
925 or may reject such agreement as a whole by a majority vote of either
926 house. If the General Assembly is in session, it shall vote to approve or
927 reject such contract not later than thirty days after such state
928 contracting agency files such contract with the General Assembly. If
929 the General Assembly is not in session when such contract is filed, it
930 shall be submitted to the General Assembly not later than ten days
931 after the first day of the next regular session or special session called
932 for such purpose. The contract shall be deemed approved if the
933 General Assembly fails to vote to approve or reject such contract
934 within thirty days after such filing. Such thirty-day period shall not
935 begin or expire unless the General Assembly is in regular session. For
936 the purpose of this subsection, any contract filed with the clerks within

937 thirty days before the commencement of a regular session of the
938 General Assembly shall be deemed to be filed on the first day of such
939 session.

940 (j) Each state contracting agency shall submit, in writing, to the State
941 Contracting Standards Board, any proposed amendment to a board-
942 approved business case in order that the board may review and
943 approve of such proposed amendment. The board may approve or
944 disapprove of any such proposed amendment not later than thirty
945 days after receipt of such proposed amendment by the same vote that
946 was required for approval of the original business case. If the board
947 fails to complete its review within thirty days of receipt of such
948 proposed amendment, such amendment shall be deemed approved.

949 (k) Not later than thirty days after a decision of the board to
950 approve a business case, any collective bargaining agent of any
951 employee adversely affected by such proposed privatization contract
952 may file a motion for an order to show cause in the superior court for
953 the judicial district of Hartford on the grounds that such contract fails
954 to comply with the substantive or procedural requirements of this
955 section. A ruling on any such motion may: (1) Deny the motion; (2)
956 grant the motion if the court finds that the proposed contract would
957 substantively violate the provisions of this section; or (3) stay the
958 effective date of the contract until any substantive or procedural defect
959 found by the court has been corrected.

960 (l) (1) The board may review additional existing privatization
961 contracts and shall review not less than one contracting area each year
962 that is currently privatized. During the review of any such
963 privatization contract, no member of the board shall engage in any ex-
964 parte communication with any lobbyist, contractor or union
965 representative. For each such privatization contract selected for review
966 by the board, the appropriate state contracting agency shall develop a
967 cost-benefit analysis in accordance with subsection (b) of this section.
968 In addition, any affected party may petition the board for review of
969 any existing privatization contract, in accordance with the provisions

970 of subsections (f) to (h), inclusive, of this section.

971 (2) If such cost-benefit analysis identifies a ten per cent or more cost
972 savings to the state from the use of such privatization contract and
973 such contract does not diminish the quality of the service provided,
974 such state contracting agency shall develop a business case for the
975 renewal of such privatization contract in accordance with the
976 provisions of subsections (d) and (e) of this section. The board shall
977 review such contract in accordance with the provisions of subsections
978 (f) to (h), inclusive, of this section and may approve such renewal by
979 the applicable vote of the board, provided any such renewal that is
980 estimated to cost in excess of one hundred fifty million dollars
981 annually or six hundred million dollars or more over the life of the
982 contract shall also be approved by the General Assembly prior to the
983 state contracting agency renewing such contract. If such renewal is
984 approved by the board and the General Assembly, if applicable, the
985 provisions of subsection (j) of this section shall apply to any proposed
986 amendment to such contract.

987 (3) If such cost-benefit analysis identifies a cost savings to the state
988 of less than ten per cent, such state contracting agency shall prepare a
989 plan to have such service provided by state employees and shall begin
990 to implement such plan, provided: (A) While such plan is prepared,
991 but prior to implementation of such plan, such state contracting
992 agency may develop a business case for such privatization contract, in
993 accordance with the provisions of subsection (d) of this section, that
994 achieves a cost savings to the state of ten per cent or more. Any such
995 business case shall be reviewed by the board in accordance with the
996 provisions of subsections (f) to (h), inclusive, of this section, and may
997 be approved by the applicable vote of the board; (B) such privatization
998 contract shall not be renewed with the vendor currently providing
999 such service unless: (i) There exists a significant public interest in
1000 renewing such contract, and (ii) such renewal is approved by a two-
1001 thirds vote of the board; (C) the state contracting agency may enter
1002 into a contract with a term of one year or less for the provision of such
1003 service until such state contracting agency implements such plan; and

1004 (D) the procedure for the transfer of funds from the General Fund, as
1005 described in section 4-94, may be utilized to allocate necessary
1006 resources for the implementation of the provisions of this subdivision.

1007 (4) Notwithstanding the provisions of subdivision (3) of this
1008 subsection, the renewal of a privatization contract with a nonprofit
1009 organization shall not be denied if the cost of increasing compensation
1010 to employees performing the privatized service is the sole cause for
1011 such contract not achieving a cost savings to the state of ten per cent or
1012 more.

1013 (m) The Office of Policy and Management, in consultation with the
1014 State Contracting Standards Board, shall: (1) Develop policies and
1015 procedures, including templates for use by state contracting agencies
1016 for the development of a cost-benefit analysis, as described in
1017 subsection (b) of this section, and (2) review with each state contracting
1018 agency the budgetary impact of any such privatization contract and
1019 the need to request budget adjustments in connection with any such
1020 privatization contract.

1021 (n) The State Contracting Standards Board, in consultation with the
1022 Department of Administrative Services, shall: (1) Recommend and
1023 implement standards and procedures for state contracting agencies to
1024 develop business cases in connection with privatization contracts,
1025 including templates for use by state contracting agencies when
1026 submitting business cases to the board, and policies and procedures to
1027 guide state contracting agencies to complete such business cases, and
1028 (2) develop guidelines and procedures for assisting state employees
1029 whose jobs are affected by a privatization contract.

1030 (o) Notwithstanding the provisions of subsections (a) and (i) of this
1031 section, a state contracting agency may enter into a privatization
1032 contract without development of a cost-benefit analysis or approval of
1033 a business case by the State Contracting Standards Board if (1) the state
1034 contracting agency finds that a privatization contract is required (A)
1035 due to an imminent peril to the public health, safety or welfare, and (B)

1036 the agency states, in writing, its reasons for such finding; and (2) the
1037 Governor approves such finding, in writing.

1038 (p) Prior to entering into or renewing any privatization contract that
1039 is not subject to the provisions of subsection (a) of this section, the state
1040 contracting agency shall evaluate such contract to determine if
1041 entering into or renewing such contract is the most cost-effective
1042 method of delivering the service, by determining the costs, as defined
1043 in subsection (b) of this section, of such service. The state contracting
1044 agency shall perform such evaluation in accordance with a template
1045 prescribed by the Secretary of the Office of Policy and Management
1046 and such evaluation shall be subject to verification by the secretary.
1047 The secretary may waive the requirement for an evaluation of cost-
1048 effectiveness under this subsection upon a finding by the secretary that
1049 exigent or emergent circumstances necessitate such waiver.

1050 [(p)] (q) Nothing in this section shall be construed to apply to
1051 procurements that involve the expenditure of federal assistance or
1052 federal contract funds, provided federal law provides applicable
1053 procurement procedures that are inconsistent with the requirements of
1054 this section."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2014	4b-91(a) and (b)
Sec. 502	July 1, 2014	4b-91(j)
Sec. 503	July 1, 2014	4b-24b(a)
Sec. 504	July 1, 2014	4b-52
Sec. 505	July 1, 2014	4b-103
Sec. 506	July 1, 2014	4b-51(d)
Sec. 507	July 1, 2014	4b-91
Sec. 508	from passage	10-29a(a)
Sec. 509	from passage	10-298(b)
Sec. 510	October 1, 2014	4a-60g(n)
Sec. 511	October 1, 2014	4a-82
Sec. 512	October 1, 2014	4a-57(f)
Sec. 513	October 1, 2014	17b-656

Sec. 514	<i>from passage</i>	4b-4
Sec. 515	<i>October 1, 2014</i>	4e-16