



Senate

General Assembly

File No. 36

February Session, 2014

Substitute Senate Bill No. 182

Senate, March 18, 2014

The Committee on Higher Education and Employment Advancement reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONFORMING PUBLIC HIGHER EDUCATION PURCHASING STATUTES WITH DEPARTMENT OF ADMINISTRATIVE SERVICES PURCHASING STATUTES AND PRACTICE.

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

1 Section 1. Section 10a-151b of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2014*):

4 (a) Notwithstanding the provisions of chapter 58, and sections 4-98,
5 4a-4, 4a-5, 4a-6, 4d-2, and 4d-5 to the contrary, a chief executive officer
6 may purchase equipment, supplies and contractual services, execute
7 personal service agreements, as defined in section 4-212, or lease
8 personal property compatible, where relevant, with standards for
9 computer architecture established by the Department of
10 Administrative Services, without the approval of the Comptroller, the
11 Secretary of the Office of Policy and Management or the Commissioner
12 of Administrative Services, provided the chief executive officer

13 consults with the commissioner and such purchases are made in
14 accordance with this section and in accordance with policies which are
15 (1) adopted by the board of trustees of the constituent unit after
16 reasonable opportunity for interested persons to present their views,
17 and (2) subject to section 4-175. For purposes of this section, "chief
18 executive officer" means the chief executive officer of a constituent unit
19 of the state system of higher education or the chief executive officer of
20 an institution within the jurisdiction of such a constituent unit. The
21 provisions of sections 4-212 to 4-219, inclusive, and section 9 of public
22 act 93-336 shall not apply to personal service agreements executed
23 pursuant to this section.

24 (b) Purchases made pursuant to this section shall be based, when
25 possible, on competitive bids or competitive negotiation. Such chief
26 executive officer shall solicit competitive bids or proposals by sending
27 notice to prospective suppliers and by posting notice on a public
28 bulletin board in such officer's office. Such notice shall contain a notice
29 of state contract requirements pursuant to section 4a-60. Each bid or
30 proposal shall be kept sealed until opened publicly at the time stated
31 in the notice soliciting such bid or proposal. Sealed bids or proposals
32 shall include bids or proposals sealed within an envelope or
33 maintained within a safe and secure electronic environment until such
34 time as they are publicly opened. If the amount of the expenditure is
35 estimated to exceed fifty thousand dollars, not later than five calendar
36 days before the final date of submitting competitive bids or proposals,
37 competitive bids or proposals shall be solicited by public notice posted
38 on the Internet. All purchases fifty thousand dollars or less in amount
39 shall be made in the open market, but shall, when possible, be based
40 on at least three competitive quotations. If desired by the constituent
41 unit, competitive quotations may include quotations submitted to the
42 constituent unit within a safe and secure electronic environment. The
43 constituent unit shall not refuse to consider a bid, proposal or
44 quotation because it is not submitted electronically.

45 (c) Notwithstanding the provisions of subsection (b) of this section,
46 [to the contrary,] competitive bidding or competitive negotiation is not

47 required in the case of (1) minor purchases of ten thousand dollars or
48 less in amount, (2) purchases made pursuant to subsection (k) of this
49 section, (3) emergency purchases, or (4) agricultural purchases of dairy
50 products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits,
51 vegetables or other farm products in an amount of fifty thousand
52 dollars or less. Whenever an emergency exists by reason of
53 extraordinary conditions or contingencies that could not reasonably be
54 foreseen and guarded against, or because of unusual trade or market
55 conditions, the chief executive officer may, if it is for the best interest of
56 the state, make purchases without competitive bidding. A statement of
57 all emergency purchases made under the provisions of this subsection
58 shall be set forth in the annual report of the chief executive officer. The
59 chief executive officer, when making an agricultural purchase in
60 accordance with subdivision (4) of this subsection, shall give
61 preference to dairy products, poultry, farm-raised seafood, beef, pork,
62 lamb, eggs, fruits, vegetables or other farm products grown or
63 produced in this state when such products, poultry, farm-raised
64 seafood, beef, pork, lamb, eggs, fruits or vegetables are comparable in
65 cost to other dairy products, poultry, eggs, fruits or vegetables being
66 considered for purchase by the chief executive officer that have not
67 been grown or produced in this state.

68 (d) Nothing in this section shall exempt a constituent unit or chief
69 executive officer from complying with the provisions of sections 4a-60
70 and 4a-61.

71 (e) No person, firm or corporation disqualified pursuant to section
72 4a-52a, or by the Commissioner of Administrative Services pursuant to
73 section 4a-63 from bidding on contracts with the Department of
74 Administrative Services may bid pursuant to this section.

75 (f) A chief executive officer who enters into a contract under this
76 section [which] that fails to meet the requirements of this section shall
77 be personally liable for the costs of such contract and such contract
78 shall be void and of no effect. Any amount paid under such contract
79 may be recovered from such chief executive officer by the state in a

80 civil action.

81 (g) Nothing in this section shall be construed to prevent a chief
82 executive officer from participating in a contract for the purchase of
83 equipment, supplies or services with the Department of
84 Administrative Services pursuant to chapter 58.

85 (h) Nothing in this section shall be construed to prevent a
86 constituent unit from entering into a corporate sponsorship agreement
87 which contains provisions for the barter of goods and services,
88 provided such agreement is entered into in accordance with policies
89 and procedures governing such agreements adopted pursuant to
90 subsection (a) of this section.

91 (i) For the period from July 1, 2002, to June 30, 2006, inclusive, any
92 funds or revenues collected from ticket sales by the contractor hired by
93 Western Connecticut State University to operate and manage its
94 O'Neill Center, shall not be deemed to be state funds for the purposes
95 of sections 4-32 and 4-33 and may be deposited in the contractor's
96 account for a period of time not to exceed forty days, during which
97 time the contractor shall pay all expenses related to the event for which
98 the tickets were sold and make an accounting of the portion of the
99 funds to be remitted to the university, and then remit such funds to the
100 university pursuant to the terms of the contract. Upon receipt of such
101 funds, the university shall deposit such funds in accordance with the
102 provisions of sections 4-32 and 4-33.

103 (j) Notwithstanding the provisions of subsections (a) and (b) of this
104 section, a chief executive officer may not extend a contract with a value
105 of fifty thousand dollars or more per year to perform janitorial,
106 building maintenance, security or food and beverage services unless:
107 (1) Such contract is in effect on May 1, 2005; (2) such extension is for a
108 period of one year from the date such contract would otherwise expire;
109 and (3) any such extension includes any applicable increase in the
110 standard wage and the payroll burden to administer the standard
111 wage, as established by the Labor Department.

112 (k) The chief executive officer of a constituent unit may purchase, or
113 make expenditures related to the development of, any technology,
114 product or process for the purpose of testing such technology, product
115 or process in the operation of the constituent unit on a trial basis, if (1)
116 such technology, product or process (A) is part of or related to a
117 research program at the constituent unit, (B) has the potential, as
118 determined by the chief executive officer, to provide economic benefit
119 to the state, (C) will not adversely affect the safety of any individual,
120 and (D) has potential for commercialization, and (2) the chief executive
121 officer has received a recommendation to test such technology,
122 product or process from a constituent unit committee whose
123 membership includes the chief purchasing official, the chief academic
124 officer and the chief economic development officer for the constituent
125 unit, or their designees.

126 (l) The chief executive officer of a constituent unit that purchases or
127 makes expenditures related to the development of any technology,
128 product or process for the purpose of testing such technology, product
129 or process in the operation of the constituent unit on a trial basis,
130 pursuant to subsection (k) of this section, shall, not later than January
131 first of the year following such purchase or expenditure, submit a
132 report, on the number of times such constituent unit tested such
133 technology, product or process during the last twelve months, or if
134 such tests are not complete, will test such technology, product or
135 process in the next twelve months, to the joint standing committees of
136 the General Assembly having cognizance of matters relating to higher
137 education and commerce, in accordance with section 11-4a.

138 (m) The chief executive officer of a constituent unit may join with a
139 federal agency, another state government, political subdivision of this
140 state or private or nonprofit organization in a cooperative purchasing
141 plan when the best interests of the state would be served by such plan.

142 (n) The state, through the chief executive officer of a constituent
143 unit, may purchase equipment, supplies, materials and services from a
144 person who has a contract to sell such property or services to another

145 state government, political subdivision of this state, nonprofit
146 organization or private or public purchasing consortium, in
147 accordance with the terms and conditions of such contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	10a-151b

HED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact as it conforms higher education purchasing statutes with current practice. The current practice of the constituent units of higher education is identical to that of the Department of Administrative Services.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 182****AN ACT CONFORMING PUBLIC HIGHER EDUCATION PURCHASING STATUTES WITH DEPARTMENT OF ADMINISTRATIVE SERVICES PURCHASING STATUTES AND PRACTICE.****SUMMARY:**

This bill allows the chief executive officer of a constituent unit of the state higher education system to join with federal agencies, other states, Connecticut political subdivisions, or private or nonprofit organizations in cooperative purchasing plans when it is in the state's best interests to do so.

The bill also allows the state, through the chief executive of a constituent unit of higher education, to purchase equipment, supplies, materials, and services by joining existing purchasing contracts in other states, Connecticut political subdivisions, nonprofit organizations, or private or public consortia. The state is subject to the same contract terms and conditions as the other entities. By law, the state may already join such contracts (except for those with private consortia) through the administrative services commissioner (CGS § 4a-53(b)).

By law, the constituent units are UConn, the Connecticut State University System, regional community-technical colleges, and Charter Oak State College.

EFFECTIVE DATE: July 1, 2014

BACKGROUND***Related Bill***

SB 92, reported favorably by the Government Administration and

Elections Committee, allows legislative management to join existing purchasing contracts (except for contracts with private consortia).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/04/2014)