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Statement of Juan Candelaria
State Representative for the 95th Assembly District
For the Joint Committee on Government Administration and Elections
February 25, 2015
In Support of:

HB 6638, An Act Concerning State-Wide Percentage Goals for the Award of State Procurement Contracts to Minority Business Enterprises

Good Afternoon Chairman Cassano, Jutila, and Honorable members of the Government Administration and Elections Committee. My name is Juan Candelaria and I represent the 95th District in New Haven. I am here today in support of **HB 6638, An Act Concerning State-Wide Percentage Goals for the Award of State Procurement Contracts to Minority Business Enterprises**.

Phase 1 and 2 of Connecticut's Disparity study has raised several concerns, the most important of which is the contention that Connecticut's Set-Aside Program statute, C.G.S. 4a-60g, will not be upheld in any court of law, if challenged. According to the study, our statute does not meet the strict scrutiny standard of review used for evaluating race-based programs in the courts (*City of Richmond v. J.A. Croson* (1989)).

The goal of HB 6638 is to amend the current statute and make the necessary changes that will meet the judicial test of strict scrutiny.

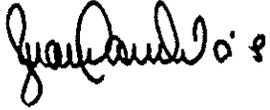
The first objective is to separate the Small and Minority Business Enterprise Set-Aside Program (SBE) from the MBE and WBE Program as the SBE Program is not held to the judicial test of strict scrutiny standards and establish guidelines on the implementation of both programs. The second is to establish the MBE and WBE Program as goal-based rather than set-aside program. Thirdly, that a biennial state-wide goal starting at 25%, separate of the 25% allotted for SBE is established for the MBE and WBE program.

In addition, HB 6638 would require that the Office of Policy and Management in consultation with the Commissioners of Administrative Services and Transportation and the Attorney General review, maintain or incrementally adjust the previous biennial statewide goal for the MBE and WBE program. In a year in which there is a delay in establishing the overall goal, the previous goal applies.

The Office of Policy and Management would also be required to establish biennial guidelines for State procurement units to consider in deciding whether to establish sub-goals for different minority groups recognized in statute. In a year in which there is a delay in issuing the guidelines, the previous year's guidelines apply.

I thank you for your consideration and support for these changes. I look forward to working with the committee to provide additional language to accomplish the bills intent.

Thank you for your attention.

A handwritten signature in black ink, appearing to read "Juan Candelaria". The signature is written in a cursive style with a small flourish at the end.

Juan Candelaria
State Representative
95th District