



General Assembly

January Session, 2015

**Raised Bill No. 1113**

LCO No. 5447



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

**AN ACT REVISING STATUTES CONCERNING THE STATE  
CONTRACTING STANDARDS BOARD.**

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

1 Section 1. Section 4e-1 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 For the purposes of [sections 4e-1 to 4e-47, inclusive] this chapter:

4 (1) "Best value selection" means a contract selection process in which  
5 the award of a contract is based on a combination of quality, timeliness  
6 and cost factors;

7 (2) "Bid" means an offer, submitted in response to an invitation to  
8 bid, to furnish supplies, materials, equipment, construction or  
9 contractual services to a state contracting agency under prescribed  
10 conditions at a stated price;

11 (3) "Bidder" means a business submitting a bid in response to an  
12 invitation to bid by a state contracting agency;

13        (4) "Board" means the State Contracting Standards Board;

14        ~~[(4)]~~ (5) "Business" means any individual or sole proprietorship,  
15        partnership, firm, corporation, trust, limited liability company, limited  
16        liability partnership, joint stock company, joint venture, association or  
17        other legal entity through which business for profit or not-for-profit is  
18        conducted;

19        ~~[(5)]~~ (6) "Competitive bidding" means the submission of prices by a  
20        business competing for a contract to provide supplies, materials,  
21        equipment or contractual services to a state contracting agency, under  
22        a procedure in which the contracting authority does not negotiate  
23        prices, as set forth in statutes and regulations concerning procurement;

24        ~~[(6)]~~ (7) "Consultant" means (A) any architect, professional engineer,  
25        landscape architect, land surveyor, accountant, interior designer,  
26        environmental professional or construction administrator, who is  
27        registered or licensed to practice such person's profession in  
28        accordance with the applicable provisions of the general statutes, (B)  
29        any planner or any environmental, management or financial specialist,  
30        or (C) any person who performs professional work in areas including,  
31        but not limited to, educational services, medical services, information  
32        technology and real estate appraisal;

33        ~~[(7)]~~ (8) "Consultant services" means those professional services  
34        rendered by a consultant and any incidental services that a consultant  
35        and those in the consultant's employ are authorized to perform;

36        ~~[(8)]~~ (9) "Contract" or "state contract" means an agreement or a  
37        combination or series of agreements between a state contracting  
38        agency or quasi-public agency and a business for:

39        (A) A project for the construction, reconstruction, alteration,  
40        remodeling, repair or demolition of any public building, public work,  
41        mass transit, rail station, parking garage, rail track or airport;

42 (B) Services, including, but not limited to, consultant and  
43 professional services;

44 (C) The acquisition or disposition of personal property;

45 (D) The provision of goods and services, including, but not limited  
46 to, the use of purchase of services contracts and personal service  
47 agreements;

48 (E) The provision of information technology, state agency  
49 information system or telecommunication system facilities, equipment  
50 or services;

51 (F) A lease; or

52 (G) A licensing agreement;

53 "Contract" or "state contract" does not include a contract between a  
54 state agency or a quasi-public agency and a political subdivision of the  
55 state;

56 [(9)] (10) "Term contract" means the agreement reached when the  
57 state accepts a bid or proposal to furnish supplies, materials,  
58 equipment or contractual services at a stated price for a specific period  
59 of time in response to an invitation to bid;

60 [(10)] (11) "Contract risk assessment" means (A) the identification  
61 and evaluation of loss exposures and risks, including, but not limited  
62 to, business and legal risks associated with the contracting process and  
63 the contracted goods and services, and (B) the identification,  
64 evaluation and implementation of measures available to minimize  
65 potential loss exposures and risks;

66 [(11)] (12) "Contractor" means any business that is awarded, or is a  
67 subcontractor under, a contract or an amendment to a contract with a  
68 state contracting agency under statutes and regulations concerning  
69 procurement, including, but not limited to, a small contractor, minority

70 business enterprise, an individual with a disability, as defined in  
71 section 4a-60, or an organization providing products and services by  
72 persons with disabilities;

73 [(12)] (13) "Contractual services" means the furnishing of labor by a  
74 contractor, not involving the delivery of a specific end product other  
75 than reports, which are merely incidental to the required performance  
76 and includes any and all laundry and cleaning service, pest control  
77 service, janitorial service, security service, the rental and repair, or  
78 maintenance, of equipment, machinery and other state-owned  
79 personal property, advertising and photostating, mimeographing,  
80 human services and other service arrangements where the services are  
81 provided by persons other than state employees. "Contractual services"  
82 includes the design, development and implementation of technology,  
83 communications or telecommunications systems or the infrastructure  
84 pertaining thereto, including hardware and software and services for  
85 which a contractor is conferred a benefit by the state, whether or not  
86 compensated by the state. "Contractual services" does not include  
87 employment agreements or collective bargaining agreements;

88 [(13)] (14) "Data" means recorded information, regardless of form or  
89 characteristic;

90 [(14)] (15) "Vote of two-thirds of the members of the board present  
91 and voting" means a vote by the State Contracting Standards Board  
92 that is agreed upon by two-thirds of the members of the State  
93 Contracting Standards Board present and voting for a particular  
94 purpose and that includes the vote of one member of the board  
95 appointed by a legislative leader;

96 [(15)] (16) "Electronic" means electrical, digital, magnetic, optical,  
97 electromagnetic, or any other similar technology;

98 [(16)] (17) "Emergency procurement" means procurement by a state  
99 contracting agency, quasi-public agency, as defined in section 1-120,  
100 judicial department or constituent unit of higher education that is

101 made necessary by a sudden, unexpected occurrence that poses a clear  
102 and imminent danger to public safety or requires immediate action to  
103 prevent or mitigate the loss or impairment of life, health, property or  
104 essential public services or in response to a court order, settlement  
105 agreement or other similar legal judgment;

106 [(17)] (18) "Equipment" means personal property of a durable nature  
107 that retains its identity throughout its useful life;

108 [(18)] (19) "Materials" means items required to perform a function or  
109 used in a manufacturing process, particularly those incorporated into  
110 an end product or consumed in its manufacture;

111 [(19)] (20) "Nonprofit agency" means any organization that is not a  
112 for-profit business under Section 501(c)(3) of the Internal Revenue  
113 Code of 1986, or any subsequent corresponding internal revenue code  
114 of the United States, as from time to time amended, makes no  
115 distribution to its members, directors or officers and provides services  
116 contracted for by (A) the state, or (B) a nonstate entity;

117 [(20)] (21) "Professional services" means any type of service to the  
118 public that requires that members of a profession rendering such  
119 service obtain a license or other legal authorization as a condition  
120 precedent to the rendition thereof, including, but not limited to, the  
121 professional services of architects, professional engineers, or jointly by  
122 architects and professional engineers, landscape architects, certified  
123 public accountants and public accountants, land surveyors, attorneys-  
124 at-law, psychologists, licensed marital and family therapists, licensed  
125 professional counselors and licensed clinical social workers as well as  
126 such other professional services described in section 33-182a;

127 [(21)] (22) "Privatization contract" means an agreement or series of  
128 agreements between a state contracting agency and a person or entity  
129 in which such person or entity agrees to provide services that are  
130 substantially similar to and in lieu of services provided, in whole or in  
131 part, by state employees, other than contracts with a nonprofit agency,

132 which are in effect as of January 1, 2009, and which through a renewal,  
133 modification, extension or rebidding of contracts continue to be  
134 provided by a nonprofit agency;

135 [(22)] (23) "Procurement" means contracting for, buying, purchasing,  
136 renting, leasing or otherwise acquiring or disposing of, any supplies,  
137 services, including but not limited to, contracts for purchase of services  
138 and personal service agreements, interest in real property, or  
139 construction, and includes all government functions that relate to such  
140 activities, including best value selection and qualification based  
141 selection;

142 [(23)] (24) "Proposer" means a business submitting a proposal to a  
143 state contracting agency in response to a request for proposals or other  
144 competitive sealed proposal;

145 [(24)] (25) "Public record" means a public record, as defined in  
146 section 1-200;

147 [(25)] (26) "Qualification based selection" means a contract selection  
148 process in which the award of a contract is primarily based on an  
149 assessment of contractor qualifications and on the negotiation of a fair  
150 and reasonable price;

151 [(26)] (27) "Regulation" means regulation, as defined in section 4-  
152 166;

153 [(27)] (28) "Request for proposals" means all documents, whether  
154 attached or incorporated by reference, utilized for soliciting proposals;

155 [(28)] (29) "State contracting agency" means any executive branch  
156 agency, board, commission, department, office, institution or council  
157 that engages in procurement. "State contracting agency" does not  
158 include the judicial branch, the legislative branch, the offices of the  
159 Secretary of the State, the State Comptroller, the Attorney General, the  
160 State Treasurer, with respect to their constitutional functions [,] or any

161 state agency with respect to contracts specific to the constitutional and  
162 statutory functions of the office of the State Treasurer. For the purposes  
163 of section 4e-16, "state contracting agency" (A) includes any constituent  
164 unit of the state system of higher education, and [for the purposes of  
165 section 4e-19, "state contracting agency" includes the State Education  
166 Resource Center, established under section 10-4q;] (B) does not include  
167 the division within the Department of Administrative Services that is  
168 charged with state-wide procurement;

169 [(29)] (30) "Subcontractor" means a subcontractor of a contractor for  
170 work under a contract or an amendment to a contract;

171 [(30)] (31) "Supplies" means any and all articles of personal  
172 property, including, but not limited to, equipment, materials, printing,  
173 insurance and leases of real property, excluding land or a permanent  
174 interest in land furnished to or used by any state agency;

175 [(31)] (32) "Infrastructure facility" means a building, structure or  
176 network of buildings, structures, pipes, controls and equipment that  
177 provide transportation, utilities, public education or public safety  
178 services. Infrastructure facility includes government office buildings,  
179 public schools, jails, water treatment plants, distribution systems and  
180 pumping stations, wastewater treatment plants, collections systems  
181 and pumping stations, solid waste disposal plants, incinerators,  
182 landfills, and related facilities, public roads and streets, highways,  
183 public parking facilities, public transportation systems, terminals and  
184 rolling stock, rail, air and water port structures, terminals and  
185 equipment; and

186 [(32)] (33) "State employee" means state employee, as defined in  
187 section 5-154 and, for purposes of section 4e-16, state employee  
188 includes an employee of any state contracting agency.

189 Sec. 2. Section 4e-3 of the general statutes is repealed and the  
190 following is substituted in lieu thereof (*Effective October 1, 2015*):

191 (a) All rights, powers, duties and authority relating to the  
192 procurement policies of the state, vested in, or exercised by, any state  
193 contracting agency may [also] be [exercised] reviewed by the board,  
194 [provided such rights, powers, duties and authority may be exercised  
195 by the board] as provided in this section and sections 4e-4 to 4e-47,  
196 inclusive, as amended by this act, and absent any affirmative action by  
197 the board, pursuant to said sections, shall not be deemed to limit or  
198 restrict the exercise of such rights, powers, duties and authority by any  
199 such state contracting agency. Such review of rights, powers, duties  
200 and authority shall [include] be related to the following:

201 (1) Acquisition of supplies, services, and construction, and the  
202 management, control, warehousing, sale, and disposal of supplies,  
203 services, and construction;

204 (2) Any state contracting and procurement processes, including, but  
205 not limited to, leasing and property transfers, purchasing or leasing of  
206 supplies, materials or equipment, consultant or consultant services,  
207 purchase of service agreements or privatization contracts; and

208 (3) Contracts for the construction, reconstruction, alteration,  
209 remodeling, repair or demolition of any public building.

210 (b) Notwithstanding any provision of chapter 14, upon request by  
211 the board, each state contracting agency, including institutions of  
212 higher education, shall provide the board, in a timely manner, with  
213 such procurement information as the board deems necessary. The  
214 board shall have access to all information, files and records related to  
215 any state contracting agency in furtherance of the board's duties, as  
216 described in this [section and sections 4e-4 to 4e-47, inclusive] chapter.  
217 Nothing in this section shall be construed to require the board's  
218 disclosure of documents that are exempt from disclosure pursuant to  
219 chapter 14.

220 Sec. 3. Section 4e-4 of the general statutes is repealed and the  
221 following is substituted in lieu thereof (*Effective October 1, 2015*):

222 Except as otherwise provided in the general statutes, the board shall  
223 have the following authority [and responsibilities] with respect to  
224 procurements by state contracting agencies:

225 (a) Recommend the repeal of repetitive, conflicting or obsolete  
226 statutes concerning state procurement;

227 (b) Review and make recommendations concerning proposed  
228 legislation and proposed regulations concerning procurement,  
229 management, control, and disposal of any and all supplies, services,  
230 and construction to be procured by the state, including, but not limited  
231 to:

232 (1) Conditions and procedures for delegation of procurement  
233 authority;

234 (2) Prequalification, suspension, debarment and reinstatement of  
235 prospective bidders and contractors;

236 (3) Small purchase procedures;

237 (4) Conditions and procedures for the procurement of perishables  
238 and items for resale;

239 (5) Conditions and procedures for the use of source selection  
240 methods authorized by statutes and regulations concerning  
241 procurement;

242 (6) Conditions and procedures for the use of emergency  
243 procurements;

244 (7) Conditions and procedures for the selection of contractors by  
245 processes or methods that restrict full and open competition;

246 (8) The opening or rejection of bids and offers, and waiver of errors  
247 in bids and offers;

248 (9) Confidentiality of technical data and trade secrets submitted by

- 249 actual or prospective bidders;
- 250 (10) Partial, progressive and multiple awards;
- 251 (11) Supervision of storerooms and inventories, including  
252 determination of appropriate stock levels and the management,  
253 transfer, sale or other disposal of publicly-owned supplies;
- 254 (12) Definitions and classes of contractual services and procedures  
255 for acquiring such services;
- 256 (13) Regulations providing for conducting cost and price analysis;
- 257 (14) Use of payment and performance bonds;
- 258 (15) Guidelines for use of cost principles in negotiations,  
259 adjustments and settlements; and
- 260 (16) Identification of procurement best practices;
- 261 (c) Adopt regulations, pursuant to chapter 54, to carry out the  
262 provisions of [statutes concerning procurement] this chapter, in order  
263 to facilitate consistent application of the law and require the  
264 implementation of procurement best practices;
- 265 (d) Make recommendations with regard to information systems for  
266 state procurement including, but not limited to, data element and  
267 design and the State Contracting Portal;
- 268 (e) Develop a guide to state statutes and regulations concerning  
269 procurement, for use by all state contracting agencies;
- 270 (f) Assist state contracting agencies in complying with the statutes  
271 and regulations concerning procurement by providing guidance,  
272 models, advice and practical assistance to state contracting agency staff  
273 relating to: (1) Buying the best service at the best price, (2) properly  
274 selecting contractors, and (3) drafting contracts that achieve state goals  
275 of accountability, transparency and results based outcomes and to

276 protect taxpayers' interest;

277 (g) Train [and oversee] the agency procurement officer of each state  
278 contracting agency and any contracting officers thereunder; and

279 (h) Review and certify, on or after January 1, 2009, that a state  
280 contracting agency's procurement processes are in compliance with  
281 statutes and regulations concerning procurement by:

282 (1) Establishing procurement and project management education  
283 and training criteria and certification procedures for agency  
284 procurement officers and contracting officers. All agency procurement  
285 officers and contracting officers designated under this provision shall  
286 be required to maintain the certification in good standing at all times  
287 while performing procurement functions; and

288 (2) Approving an ethics training course, in consultation with the  
289 Office of State Ethics, including, but not limited to, state employees  
290 involved in procurement and for state contractors and substantial  
291 subcontractors who are prequalified pursuant to chapter 58a. Such  
292 ethics training course may be developed and provided by the Office of  
293 State Ethics or by any person, firm or corporation provided such  
294 course is approved by the State Contracting Standards Board. [;]

295 [(i) Recertify each state contracting agency's procurement processes,  
296 triennially, and provide agencies with notice of any certification  
297 deficiency and exercise those powers authorized by section 4e-34, 4e-  
298 39 or 4e-40, as applicable, if a determination of noncompliance is made;

299 (j) Define the contract data reporting requirements to the board for  
300 state agencies concerning information on: (1) The number and type of  
301 state contracts of each state contracting agency currently in effect state-  
302 wide; (2) the term and dollar value of such contracts; (3) a list of client  
303 agencies; (4) a description of services purchased under such contracts;  
304 (5) contractor names; (6) an evaluation of contractor performance,  
305 including, but not limited to records pertaining to the suspension or

306 disqualification of contractors, and assuring such information is  
307 available on the State Contracting Portal; and (7) a list of contracts and  
308 contractors awarded without full and open competition stating the  
309 reasons for and identifying the approving authority; and

310 (k) Provide the Governor and the joint standing committee of the  
311 General Assembly having cognizance of matters relating to  
312 government administration with recommendations concerning the  
313 statutes and regulations concerning procurement.]

314 Sec. 4. Section 4e-5 of the general statutes is repealed and the  
315 following is substituted in lieu thereof (*Effective October 1, 2015*):

316 (a) (1) The head of each state contracting agency shall appoint an  
317 agency procurement officer. Such officer shall serve as the liaison  
318 between the agency and the Chief Procurement Officer on all matters  
319 relating to the agency's procurement activity, including, but not  
320 limited to, implementation and compliance with the provisions of  
321 statutes and regulations concerning procurement and any policies or  
322 regulations adopted by the board, coordination of the training and  
323 education of agency procurement employees and any person serving  
324 on the Contracting Standards Advisory Council;

325 (2) The [agency procurement officer] state contracting agency shall  
326 be responsible for assuring that contractors are properly screened prior  
327 to the award of a contract, evaluating contractor performance during  
328 and at the conclusion of a contract [,] and submitting written  
329 evaluations to a central data repository to be designated by the board,  
330 [and creating a project management plan for the agency with annual  
331 reports to the board pertaining to procurement projects within the  
332 agency.]

333 (b) The State Contracting Standards Board, with the advice and  
334 assistance of the Commissioner of Administrative Services, shall  
335 develop a standardized state procurement [and project management]  
336 education and training program. Such education and training program

337 shall develop education, training and professional development  
338 opportunities for employees of state contracting agencies charged with  
339 procurement responsibilities. The program shall educate such  
340 employees in general business acumen and on proper purchasing  
341 procedures as established in statutes and regulations concerning  
342 procurement with an emphasis on ethics, fairness [,] and consistency.  
343 [and project management.] Participation in the program shall be  
344 required of any supervisory and nonsupervisory state employees in  
345 state contracting agencies with responsibility for buying, purchasing,  
346 renting, leasing or otherwise acquiring any supplies, service or  
347 construction, including the preparation of the description of  
348 requirements, selection and solicitation of sources, preparation and  
349 award of contracts and all phases of contract administration.

350 (c) The program shall include, but shall not be limited to (1) training  
351 and education concerning federal, state and municipal procurement  
352 processes, including the statutes and regulations concerning  
353 procurement; (2) training and education courses developed in  
354 cooperation with the Office of State Ethics, the Freedom of Information  
355 Commission, the State Elections Enforcement Commission, the  
356 Commission on Human Rights and Opportunities, the office of the  
357 Attorney General and any other state agency the board determines is  
358 necessary in carrying out statutes and regulations concerning  
359 procurement; (3) providing technical assistance to state contracting  
360 agencies and municipalities for implementing statutes and regulations  
361 concerning procurement, regulations, policies and standards  
362 developed by the board; (4) training to current and prospective  
363 contractors and vendors and others seeking to do business with the  
364 state; and (5) training and education of state employees in the area of  
365 best procurement practices in state purchasing with the goal of  
366 achieving the level of acumen necessary to achieve the objectives of  
367 statutes and regulations concerning procurement.

368 (d) Any employee who completes the program established under  
369 subsection (b) of this section shall be issued documentation by the

370 board acknowledging such employee's participation in the program.  
371 The board shall submit an annual report to the Governor and the  
372 General Assembly on the status of such program in accordance with  
373 section 11-4a.

374 (e) The board shall adopt regulations, in accordance with the  
375 provisions of chapter 54, to develop and implement the education and  
376 training [and education] program established under subsection (b) of  
377 this section.

378 Sec. 5. Section 4e-6 of the general statutes is repealed and the  
379 following is substituted in lieu thereof (*Effective October 1, 2015*):

380 (a) The board [shall] may conduct audits of state contracting  
381 agencies, triennially, to ensure compliance with statutes and  
382 regulations concerning procurement. In conducting each such audit,  
383 the board shall have access to all contracting and procurement records,  
384 may interview any and all personnel responsible for contracting,  
385 contract negotiations or procurement and may enter into an agreement  
386 with the Auditors of Public Accounts to effectuate such audit.

387 (b) Upon completion of any such audit, the board [shall] may  
388 prepare and issue a compliance report for the state contracting agency.  
389 [Such] Any such report shall identify any process or procedure that is  
390 inconsistent with statutes and regulations concerning procurement  
391 and indicate those corrective measures the board deems necessary to  
392 comply with statutes and regulations concerning procurement  
393 requirements. [Such] If the board issues such a report, the report shall  
394 be issued and delivered not later than thirty days after completion of  
395 such audit and shall be a public record.

396 Sec. 6. Section 4e-7 of the general statutes is repealed and the  
397 following is substituted in lieu thereof (*Effective October 1, 2015*):

398 (a) For cause, the State Contracting Standards Board may review,  
399 terminate or recommend to a state contracting agency the termination

400 of any contract or procurement agreement undertaken by any state  
401 contracting agency after providing fifteen days' notice to the state  
402 contracting agency and the applicable contractor, and consulting with  
403 the Attorney General. Such termination of a contract or procurement  
404 agreement by the board may occur only after (1) the board has  
405 consulted with the contracting agency to determine the impact of an  
406 immediate termination of the contract, (2) a determination has been  
407 made jointly by the board and the contracting agency that an  
408 immediate termination of the contract will not create imminent peril to  
409 the public health, safety or welfare, (3) a vote of two-thirds of the  
410 members of the board present and voting for that purpose, and (4) the  
411 board has provided the state contracting agency and the contractor  
412 with opportunity for a hearing conducted pursuant to the provisions  
413 of chapter 54. Any such termination shall comply with the terms of the  
414 contract or procurement agreement entered into by the state  
415 contracting agency and the contractor. Such action shall be  
416 accompanied by notice to the state contracting agency and any other  
417 affected party. For the purpose of this section, "for cause" means: (A) A  
418 violation of section 1-84 or 1-86e, as determined by the Citizen's Ethics  
419 Advisory Board; (B) wanton or reckless disregard of any state  
420 contracting and procurement process by any person substantially  
421 involved in such contract or state contracting agency; or (C)  
422 notification from the Attorney General to the state contracting agency  
423 that an investigation pursuant to section 4-61dd has concluded that the  
424 process by which such contract was awarded was compromised by  
425 fraud, collusion or any other criminal violation. Nothing in this section  
426 shall be construed to limit the authority of the board as described in  
427 section 4e-6, as amended by this act.

428 (b) Following consultation with the state contracting agency and the  
429 Department of Administrative Services and upon providing fifteen  
430 days' notice and the opportunity for a hearing, the State Contracting  
431 Standards Board may restrict or terminate the authority of any state  
432 contracting agency to enter into any contract or procurement

433 agreement if: (1) The board, upon a vote of two-thirds of the members  
434 of the board present and voting for such purpose, determines that such  
435 state contracting agency failed to comply with statutory contracting  
436 and procurement requirements and evidenced a reckless disregard for  
437 applicable procedures and policy; and (2) such limitation, restriction or  
438 termination of authority is in the state's best interest, provided the  
439 board has made arrangements for the exercise of the contracting power  
440 of such agency during the period of limitation, restriction or  
441 termination. Such limitation, restriction or termination of authority  
442 shall remain in effect until such time as the board determines that such  
443 state contracting agency has implemented corrective measures and  
444 demonstrated compliance with statutes and regulations concerning  
445 procurement.

446 (c) Following consultation with the state contracting agency, and  
447 thereafter upon providing fifteen days' notice and the opportunity for  
448 a hearing, the State Contracting Standards Board may order a state  
449 contracting agency to take appropriate action to restrict or terminate  
450 the authority of an employee or agent to enter into any contract or  
451 procurement agreement if the board, upon a vote of two-thirds of the  
452 members of the board present and voting for such purpose, determines  
453 that such employee or agent failed to comply with statutory  
454 contracting and procurement requirements, and evidenced a reckless  
455 disregard for applicable procedures and policy. Such limitation,  
456 restriction or termination of authority shall remain in effect until such  
457 time as the board determines that such state contracting agency has  
458 implemented corrective measures and demonstrated compliance with  
459 statutes and regulations concerning procurement.

460 (d) The board shall develop procedures for applying to the board to  
461 request a review or for the recommendation to terminate a contract.  
462 Such procedure shall be clearly defined and posted on the board's  
463 Internet web site.

464 Sec. 7. Section 4e-8 of the general statutes is repealed and the

465 following is substituted in lieu thereof (*Effective October 1, 2015*):

466 There is established a Contracting Standards Advisory Council,  
467 which shall consist of representatives from the Office of Policy and  
468 Management, Departments of Administrative Services and  
469 Transportation and representatives of at least three additional  
470 contracting agencies designated by the Governor, including at least  
471 one human services related state agency. [, to be designated by the  
472 Governor.] The Chief Procurement Officer shall be a member of the  
473 council and serve as chairperson. The advisory council shall meet at  
474 least four times per year to discuss state procurement issues and to  
475 make recommendations for improvement of the procurement  
476 processes to the State Contracting Standards Board. The advisory  
477 council may conduct studies, research and analyses and make reports  
478 and recommendations with respect to subjects or matters within the  
479 jurisdiction of the State Contracting Standards Board.

480 Sec. 8. Section 4e-10 of the general statutes is repealed and the  
481 following is substituted in lieu thereof (*Effective October 1, 2015*):

482 [(a) On or before July 1, 2010, the board shall submit to the  
483 Governor and the General Assembly such legislation as is necessary to  
484 permit state contracting agencies, not including quasi-publics,  
485 institutions of higher education, and municipal procurement processes  
486 utilizing state funds, to carry out their functions under statutes and  
487 regulations concerning procurement.

488 (b) On or before July 1, 2011, the board shall submit to the Governor  
489 and the General Assembly such legislation as is necessary to apply the  
490 provisions of statutes concerning procurement to constituent units of  
491 the state system of higher education. Concomitantly, the board shall  
492 submit such additional legislation as is necessary to apply the  
493 provisions of statutes and regulations concerning privatization and  
494 procurement to quasi-public agencies.

495 (c) On or before July 1, 2012, the board shall submit to the Governor

496 and the General Assembly such legislation as is necessary to apply the  
497 provisions of statutes and regulations concerning procurement to the  
498 municipal procurement processes utilizing state funds.]

499 (a) The board shall assist the constituent units of higher education in  
500 developing best procurement practices that are specific to such units  
501 and consistent with the provisions of the general statutes and  
502 regulations concerning procurement.

503 (b) On or before June 30, 2016, each of the constituent units of higher  
504 education shall adopt a code of procurement practices and submit a  
505 copy of such code to the board.

506 Sec. 9. Section 4e-11 of the general statutes is repealed and the  
507 following is substituted in lieu thereof (*Effective October 1, 2015*):

508 (a) The board shall [provide assistance to] assist the Secretary of the  
509 State, Comptroller, Treasurer and Attorney General [to develop] in  
510 developing best procurement practices specific to the constitutional  
511 and statutory functions of each office and consistent with the  
512 provisions of the general statutes and regulations concerning  
513 procurement.

514 (b) [Each] On or before June 30, 2016, each of the officers specified in  
515 subsection (a) of this section shall adopt a code of procurement  
516 practices [on or before June 1, 2011] and submit a copy of such code to  
517 the board.

518 Sec. 10. Section 4e-12 of the general statutes is repealed and the  
519 following is substituted in lieu thereof (*Effective October 1, 2015*):

520 (a) On or before [February 1, 2011] June 30, 2016, the judicial branch  
521 and the legislative branch shall each prepare a procurement code  
522 applicable to contracting expenditures, including, but not limited to,  
523 expenditures: (1) Involving contracting and procurement processes for  
524 purchasing or leasing of supplies, materials or equipment, consultant

525 or consultant services, personal service agreements or purchase of  
526 service agreements; and (2) relating to contracts for the renovation,  
527 alteration or repair of any judicial branch or legislative branch facility  
528 in accordance with section 4b-1.

529 (b) The procurement codes described in subsection (a) of this section  
530 shall be designed to: (1) Establish uniform contracting standards and  
531 practices; (2) simplify and clarify contracting standards and  
532 procurement policies and practices, including, but not limited to,  
533 procedures for competitive sealed bids, competitive sealed proposals,  
534 small purchases, sole source procurements, emergency procurements  
535 and special procurements; (3) ensure the fair and equitable treatment  
536 of all businesses and persons who deal with the procurement system;  
537 (4) include a process to maximize the use of small contractors and  
538 minority business enterprises; (5) provide increased economy in  
539 procurement activities and maximize purchasing value to the fullest  
540 extent possible; (6) ensure that the procurement of supplies, materials,  
541 equipment, services, real property and construction is obtained in a  
542 cost-effective and responsive manner; (7) include a process to ensure  
543 contractor and judicial branch or legislative branch accountability; and  
544 (8) provide a process for competitive sealed bids, competitive sealed  
545 proposals, small purchases, sole source procurements, emergency  
546 procurements, special procurements, best value selection, qualification  
547 based selection and the conditions for their use.

548 (c) On or before [February 1, 2011] June 30, 2016, the judicial branch  
549 shall submit such procurement code for review and approval to the  
550 joint standing committee of the General Assembly having cognizance  
551 of matters relating to the judiciary.

552 Sec. 11. Section 4e-13 of the general statutes is repealed and the  
553 following is substituted in lieu thereof (*Effective October 1, 2015*):

554 (a) The Department of Administrative Services, in consultation with  
555 the State Contracting Standards Board, shall establish and maintain a

556 single electronic portal available on the Internet and located on the  
557 Department of Administrative Services' web site for purposes of  
558 posting all contracting opportunities with state agencies in the  
559 executive branch, the constituent units of the state system of higher  
560 education and quasi-public agencies. Such electronic portal shall be  
561 known as the State Contracting Portal.

562 (b) The State Contracting Portal shall, among other things, include:  
563 (1) All requests for bids or proposals, and other solicitations regardless  
564 of the method of source selection, related materials and all resulting  
565 contracts and agreements by state agencies; (2) a searchable database  
566 for locating information; (3) personal services agreements and  
567 purchase of service agreements; (4) a state procurement and contract  
568 manual or other similar information designated by the Department of  
569 Administrative Services as describing approved contracting processes  
570 and procedures; and (5) prominent features to encourage the active  
571 recruitment and participation of small businesses and women and  
572 minority-owned enterprises in the state contracting process.

573 (c) All state agencies in the executive branch, the constituent units of  
574 the state system of higher education and quasi-public agencies shall  
575 post all bids, requests for proposals and all resulting contracts and  
576 agreements on the State Contracting Portal and shall, with the  
577 assistance of the Department of Administrative Services as needed,  
578 develop the infrastructure and capability to electronically  
579 communicate with the State Contracting Portal.

580 (d) All state agencies in the executive branch, the constituent units  
581 of the state system of higher education and quasi-public agencies shall  
582 develop written policies and procedures to ensure that information is  
583 posted to the State Contracting Portal in a timely, complete and  
584 accurate manner consistent with the highest legal and ethical  
585 standards of state government.

586 [(e) The Department of Administrative Services shall periodically

587 report to the Governor and the State Contracting Standards Board on  
588 the progress of all state agencies in the executive branch, the  
589 constituent units of the state system higher education and quasi-public  
590 agencies, in developing the capacity, infrastructure, policies and  
591 procedures to electronically communicate with the State Contracting  
592 Portal and the Department of Administrative Services' progress  
593 toward establishment and maintenance of the State Contracting  
594 Portal.]

595 Sec. 12. Section 4e-18 of the general statutes is repealed and the  
596 following is substituted in lieu thereof (*Effective October 1, 2015*):

597 For the purpose of obtaining supplies, materials, equipment or  
598 contractual services, except infrastructure facilities, the Commissioner  
599 of Administrative Services shall establish a requisition system to be  
600 used by state contracting agencies to initiate and authorize the  
601 procurement process. [Such system shall be approved by the State  
602 Contracting Standards Board.]

603 Sec. 13. Section 4e-29 of the general statutes is repealed and the  
604 following is substituted in lieu thereof (*Effective October 1, 2015*):

605 (a) Each contract of a state contracting agency shall provide that a  
606 state contracting agency may, at reasonable times, inspect the part of  
607 the plant or place of business of a contractor or any subcontractor  
608 which is related to the performance of any contract awarded, or to be  
609 awarded by the state, to ensure compliance with the contract.

610 (b) Each contract of a state contracting agency shall provide that the  
611 contractor shall, upon the request of such agency, submit all necessary  
612 documentation, including data concerning cost, in the form required  
613 for the specific contract type.

614 Sec. 14. Section 4e-36 of the general statutes is repealed and the  
615 following is substituted in lieu thereof (*Effective October 1, 2015*):

616 (a) [Any] Except as otherwise provided by law, after a bidder or  
617 proposer on a state contract has exhausted all administrative remedies  
618 within the state contracting agency, such bidder or proposer may  
619 contest the solicitation or award of a contract to a subcommittee of the  
620 State Contracting Standards Board [which] that shall be appointed by  
621 the chairperson of the board and consist of three members, at least one  
622 of whom shall be a legislative appointee. Such contest shall be  
623 submitted, in writing, not later than fourteen days after such bidder or  
624 proposer knew or should have known of the facts giving rise to such  
625 contest and shall be limited to the procedural elements of the  
626 solicitation or award process, or claims of an unauthorized or  
627 unwarranted, noncompetitive selection process.

628 (b) The filing of a contest pursuant to this section shall not, alone, be  
629 deemed to prohibit the award or execution of any such contested  
630 contract.

631 (c) The assigned subcommittee of the State Contracting Standards  
632 Board may settle and resolve any such contest.

633 (d) In the event such contest is not resolved by mutual agreement,  
634 the assigned subcommittee of the State Contracting Standards Board  
635 shall issue a decision, in writing, not later than [thirty] sixty days after  
636 receipt of [any] all information required by the subcommittee to make  
637 an informed decision concerning such contest. Such decision shall:

638 (1) Describe the procedure used by [such] the state contracting  
639 agency in soliciting and awarding such contract; and

640 (2) Indicate [such] the state contracting agency's finding as to the  
641 merits of such bidder or proposer's contest. ]; and

642 (3) Inform such bidder or proposer of the right to review.]

643 (e) [A] The subcommittee shall provide a copy of [such] its decision  
644 [shall be provided to such] to the bidder or proposer contesting the

645 award and to the applicable state contracting agency.

646 Sec. 15. Section 4e-43 of the general statutes is repealed and the  
647 following is substituted in lieu thereof (*Effective October 1, 2015*):

648 Not later than June 1, 2010, the State Insurance and Risk  
649 Management Board established pursuant to section 4a-19 shall adopt  
650 regulations, in accordance with the provisions of chapter 54, in  
651 consultation with the State Contracting Standards Board, that specify  
652 when a state contracting agency shall require proposers to provide  
653 appropriate errors and omissions insurance to cover architectural and  
654 engineering services. [under the project delivery methods established  
655 in regulations adopted pursuant to section 4e-41.]

656 Sec. 16. Subsection (c) of section 10-357b of the general statutes is  
657 repealed and the following is substituted in lieu thereof (*Effective*  
658 *October 1, 2015*):

659 (c) The State Education Resource Center shall be subject to (1) rules,  
660 regulations and restrictions on purchasing, procurement, personal  
661 service agreements and the disposition of assets generally applicable to  
662 Connecticut state agencies, including those contained in titles 4, 4a and  
663 4b, [section 4e-19,] and (2) audit by the Auditors of Public Accounts  
664 under section 2-90.

665 Sec. 17. Section 4e-47 of the general statutes is repealed and the  
666 following is substituted in lieu thereof (*Effective October 1, 2015*):

667 On or after January 1, 2011, the State Contracting Standards Board  
668 shall adopt regulations, in accordance with the provisions of chapter  
669 54, to apply the contracting procedures, as described in sections 4e-18,  
670 as amended by this act, [to 4e-45, inclusive,] 4e-25, 4e-29 to 4e-31,  
671 inclusive, as amended by this act, 4e-34 to 4e-36, inclusive, as amended  
672 by this act, 4e-39, 4e-40 and 4e-43, as amended by this act, to each  
673 constituent unit of the state system of higher education. Such  
674 regulations shall take into consideration circumstances and factors that

675 are unique to such constituent units.

676 Sec. 18. Sections 4e-19 to 4e-24, inclusive, 4e-26 to 4e-28, inclusive,  
 677 4e-32, 4e-33, 4e-37, 4e-38, 4e-41, 4e-42, 4e-44 to 4e-46, inclusive, and 4e-  
 678 49 of the general statutes are repealed. (*Effective October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	4e-1
Sec. 2	<i>October 1, 2015</i>	4e-3
Sec. 3	<i>October 1, 2015</i>	4e-4
Sec. 4	<i>October 1, 2015</i>	4e-5
Sec. 5	<i>October 1, 2015</i>	4e-6
Sec. 6	<i>October 1, 2015</i>	4e-7
Sec. 7	<i>October 1, 2015</i>	4e-8
Sec. 8	<i>October 1, 2015</i>	4e-10
Sec. 9	<i>October 1, 2015</i>	4e-11
Sec. 10	<i>October 1, 2015</i>	4e-12
Sec. 11	<i>October 1, 2015</i>	4e-13
Sec. 12	<i>October 1, 2015</i>	4e-18
Sec. 13	<i>October 1, 2015</i>	4e-29
Sec. 14	<i>October 1, 2015</i>	4e-36
Sec. 15	<i>October 1, 2015</i>	4e-43
Sec. 16	<i>October 1, 2015</i>	10-357b(c)
Sec. 17	<i>October 1, 2015</i>	4e-47
Sec. 18	<i>October 1, 2015</i>	Repealer section

**Statement of Purpose:**

To redefine "state contracting agency", to limit the State Contracting Standards Board to the review rather than exercise of agency procurement powers, duties and authority, to make triennial audits of agencies and board compliance reports after an audit discretionary rather than mandatory, to require constituent units to adopt a code of procurement, to make other revisions to the statutes concerning procurement and to delete provisions (1) requiring the board to adopt certain regulations, (2) concerning the retention and disposal of certain records, and (3) concerning contractor appeals of an agency suspension decision to the board.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*