



General Assembly

Amendment

February Session, 2016

LCO No. 4264



Offered by:

SEN. LOONEY, 11th Dist.

SEN. FLEXER, 29th Dist.

To: Subst. Senate Bill No. 2

File No. 199

Cal. No. 167

**"AN ACT SUPPORTING VETERAN-OWNED SMALL
BUSINESSES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 4a-59 of the 2016 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2016*):

6 (c) All open market orders or contracts shall be awarded to (1) the
7 lowest responsible qualified bidder, the qualities of the articles to be
8 supplied, their conformity with the specifications, their suitability to
9 the requirements of the state government and the delivery terms being
10 taken into consideration and, at the discretion of the Commissioner of
11 Administrative Services, life-cycle costs and trade-in or resale value of
12 the articles may be considered where it appears to be in the best
13 interest of the state, (2) the highest scoring bidder in a multiple criteria
14 bid, in accordance with the criteria set forth in the bid solicitation for

15 the contract, or (3) the proposer whose proposal is deemed by the
16 awarding authority to be the most advantageous to the state, in
17 accordance with the criteria set forth in the request for proposals,
18 including price and evaluation factors. Notwithstanding any provision
19 of the general statutes to the contrary, each state agency awarding a
20 contract through competitive negotiation shall include price as an
21 explicit factor in the criteria in the request for proposals and for the
22 contract award. In considering past performance of a bidder for the
23 purpose of determining the "lowest responsible qualified bidder" or
24 the "highest scoring bidder in a multiple criteria bid", the
25 commissioner shall evaluate the skill, ability and integrity of the
26 bidder in terms of the bidder's fulfillment of past contract obligations
27 and the bidder's experience or lack of experience in delivering
28 supplies, materials, equipment or contractual services of the size or
29 amount for which bids have been solicited. In determining the lowest
30 responsible qualified bidder for the purposes of this section, the
31 commissioner may give a price preference of up to ten per cent for (A)
32 the purchase of goods made with recycled materials or the purchase of
33 recyclable or remanufactured products if the commissioner determines
34 that such preference would promote recycling or remanufacturing. As
35 used in this subsection, "recyclable" means able to be collected,
36 separated or otherwise recovered from the solid waste stream for
37 reuse, or for use in the manufacture or assembly of another package or
38 product, by means of a recycling program which is reasonably
39 available to at least seventy-five per cent of the state's population,
40 "remanufactured" means restored to its original function and thereby
41 diverted from the solid waste stream by retaining the bulk of
42 components that have been used at least once and by replacing
43 consumable components and "remanufacturing" means any process by
44 which a product is remanufactured; (B) the purchase of motor vehicles
45 powered by a clean alternative fuel; (C) the purchase of motor vehicles
46 powered by fuel other than a clean alternative fuel and conversion
47 equipment to convert such motor vehicles allowing the vehicles to be
48 powered by either the exclusive use of clean alternative fuel or dual
49 use of a clean alternative fuel and a fuel other than a clean alternative

50 fuel. As used in this subsection, "clean alternative fuel" means natural
51 gas, electricity, hydrogen or propane when used as a motor vehicle
52 fuel; or (D) the purchase of goods or services from [micro businesses] a
53 micro business, except that, in the case of a veteran-owned micro
54 business, the commissioner may give a price preference of up to fifteen
55 per cent. As used in this subsection, "micro business" means a business
56 with gross revenues not exceeding three million dollars in the most
57 recently completed fiscal year and "veteran-owned micro business"
58 means a micro business of which at least fifty-one per cent of the
59 ownership is held by one or more veterans, as defined in subsection (a)
60 of section 27-103. All other factors being equal, preference shall be
61 given to supplies, materials and equipment produced, assembled or
62 manufactured in the state and services originating and provided in the
63 state. Except with regard to contracts that may be paid for with United
64 States Department of Transportation funds, if any such bidder refuses
65 to accept, within ten days, a contract awarded to such bidder, such
66 contract may be awarded to the next lowest responsible qualified
67 bidder or the next highest scoring bidder in a multiple criteria bid,
68 whichever is applicable, and so on until such contract is awarded and
69 accepted. Except with regard to contracts that may be paid for with
70 United States Department of Transportation funds, if any such
71 proposer refuses to accept, within ten days, a contract awarded to such
72 proposer, such contract shall be awarded to the next most
73 advantageous proposer, and so on until the contract is awarded and
74 accepted. There shall be a written evaluation made of each bid. This
75 evaluation shall identify the vendors and their respective costs and
76 prices, document the reason why any vendor is deemed to be
77 nonresponsive and recommend a vendor for award. A contract valued
78 at one million dollars or more shall be awarded to a bidder other than
79 the lowest responsible qualified bidder or the highest scoring bidder in
80 a multiple criteria bid, whichever is applicable, only with written
81 approval signed by the Commissioner of Administrative Services and
82 by the Comptroller. The commissioner shall post on the department's
83 Internet web site all awards made pursuant to the provisions of this
84 section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	4a-59(c)