



General Assembly

Amendment

January Session, 2017

LCO No. 8436



Offered by:

SEN. FLEXER, 29th Dist.

SEN. MCLACHLAN, 24th Dist.

REP. FOX, 148th Dist.

To: Subst. Senate Bill No. 991

File No. 620

Cal. No. 314

"AN ACT MAKING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES."

1 In line 230, strike "fifty" and insert "one hundred" in lieu thereof

2 After line 249, insert the following:

3 "Sec. 6. Section 4b-22a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 Notwithstanding any provision of the general statutes, [to the
6 contrary,] the Commissioner of Administrative Services may (1) grant
7 easements with respect to land owned by the state to a public service
8 company, as defined in section 16-1, the owner of a district heating and
9 cooling system, [or] a municipal water or sewer authority [, in
10 connection with a Department of Administrative Services project,] or a
11 telecommunications company, as defined in section 16-1, subject to the
12 approval of the Office of Policy and Management, the agency having

13 supervision of the care and control of such land and the State
14 Properties Review Board, and (2) acquire easements with respect to
15 land not owned by the state in connection with a Department of
16 Administrative Services project, subject to the approval of the State
17 Properties Review Board. No easement granted under subdivision (1)
18 of this section shall be for the disposal or storage of radioactive or
19 hazardous waste materials. The commissioner shall provide notice of
20 any easement granted under said subdivision [(1)] to the chief
21 executive official of the municipality, and the members of the General
22 Assembly representing the municipality, in which the land is located.

23 Sec. 7. (NEW) (*Effective October 1, 2017*) (a) As used in this section:

24 (1) "Entity" means any corporation, general partnership, limited
25 partnership, limited liability partnership, joint venture, nonprofit
26 organization or other business organization.

27 (2) "Convicted" or "conviction" means a finding of guilt, with or
28 without an adjudication of guilt, in any federal or state trial court of
29 record relating to charges brought by indictment or information as a
30 result of a jury verdict, nonjury trial or entry of a plea of guilty or nolo
31 contendere.

32 (3) "Public entity crime" means a violation by a person or entity of
33 any state or federal law (A) involving antitrust, fraud, theft, bribery,
34 collusion, racketeering, conspiracy or material misrepresentation, and
35 (B) with respect to and directly related to the transaction of business
36 with any public entity or with an agency or political subdivision of any
37 other state or with the United States, including, but not limited to, any
38 bid, proposal, reply or contract for goods or services, any lease for real
39 property or any contract for the construction or repair of a public
40 building or public work.

41 (4) "Public entity" means the state, any state agency or any political
42 subdivision of the state.

43 (5) "Public works contract" means any contract for the construction,

44 reconstruction, alteration, remodeling, repair or demolition of any
45 public building or any other public work by the state or a quasi-public
46 agency.

47 (6) "Quasi-public agency" has the same meaning as provided in
48 section 1-79 of the general statutes.

49 (7) "Affiliate" means (A) a predecessor or successor of a person or
50 entity convicted of a public entity crime, or (B) an entity under the
51 control of any natural person who is active in the management of the
52 entity and who has been convicted of a public entity crime. "Affiliate"
53 includes those officers, directors, executives, partners, shareholders,
54 employees, members and agents who are active in the management of
55 an affiliate.

56 (b) No state agency or quasi-public agency shall execute a public
57 works contract with a total value to the state of five hundred thousand
58 dollars or more in any calendar or fiscal year, unless the state agency
59 or quasi-public agency obtains the affidavit described in subsection (c)
60 of this section.

61 (c) (1) Any principal or key personnel of an entity who submits bids
62 or proposals for a contract described in subsection (b) of this section
63 shall attest in an affidavit as to whether any principal or key personnel
64 of such entity or affiliate has been convicted of, entered a plea of guilty
65 or nolo contendere for, or admitted to, a public entity crime related to
66 the procurement or performance of any contract within the past five
67 years.

68 (2) Such affidavit shall be sworn as true to the best knowledge and
69 belief of the person signing the certification on the affidavit and shall
70 be subject to the penalties of false statement.

71 (3) After the initial submission of such affidavit, the principal or key
72 personnel of the person, firm or corporation shall not be required to
73 resubmit such affidavit unless there is a change in the information
74 contained in such affidavit. If there is any change in the information

75 contained in the most recently filed affidavit required under this
76 section, the principal or key personnel of a person, firm or corporation
77 who submit bids or proposals for a contract described in subsection (b)
78 of this section shall submit an updated affidavit either (A) not later
79 than thirty days after the effective date of any such change, or (B) upon
80 the submittal of any new bid or proposal, whichever is earlier.

81 (d) Each state agency and quasi-public agency shall include a notice
82 of the affidavit requirements of this section in the bid specifications or
83 request for proposals for any contract that is described in subsection
84 (b) of this section.

85 (e) If a bidder or vendor refuses to submit the affidavit required
86 under subsection (c) of this section, such bidder or vendor shall be
87 disqualified and the state agency or quasi-public agency shall award
88 the contract to the next highest ranked vendor or the next lowest
89 responsible qualified bidder or seek new bids or proposals.

90 Sec. 8. Subsection (i) of section 4a-100 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2017*):

93 (i) The commissioner may not issue or renew a prequalification
94 certificate to any contractor or substantial subcontractor who (1) [who]
95 is disqualified pursuant to section 31-57c or 31-57d, [or] (2) [who] has a
96 principal or key personnel who, within the past five years, has a
97 conviction or has entered a plea of guilty or nolo contendere for or has
98 admitted to commission of an act or omission that reasonably could
99 have resulted in disqualification pursuant to any provision of
100 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57c or
101 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57d, as
102 determined by the commissioner, or (3) has failed to submit an
103 affidavit in violation of section 7 of this act."