General Assembly

Amendment

January Session, 2017

LCO No. 7767

Offered by:
SEN. LINARES, 33rd Dist.

To: Subst. Senate Bill No. 948 File No. 375 Cal. No. 199

"AN ACT CONCERNING DIGITAL DISCOUNTS TO REDUCE THE COST OF TEXTBOOKS AND OTHER EDUCATIONAL RESOURCES."

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

2 "Section 1. (NEW) (Effective January 1, 2018) The Office of Higher Education and the constituent units of the state system of higher education, as defined in section 10a-1 of the general statutes, may each establish guidelines that encourage institutions of higher education in this state to implement programs that reduce the cost of textbooks and other educational resources for students.

3 Sec. 2. (NEW) (Effective July 1, 2017) (a) For the purposes of this section:

4 (1) "Qualified contract" means a purchase contract entered into (A) pursuant to subsection (a) of section 10a-151b of the general statutes, and (B) by the chief executive officer of a constituent unit of the state
system of higher education or the chief executive officer of an institution within the jurisdiction of such a unit;

(2) "Purchase contract" means a contract for the purchase of equipment, supplies or contractual services, a personal service agreement, as defined in section 4-212 of the general statutes, or a lease of personal property;

(3) "Revenue contract" means a contract entered into by a chief executive officer with another entity where the constituent unit or an institution within the jurisdiction of such a unit is receiving monetary consideration from the other entity;

(4) "Nonmonetary contract" means a contract entered into by a chief executive officer with another entity where neither the constituent unit or institution or the other entity provides monetary consideration;

(5) "State and certain other institutional funds" means any (A) bonds authorized by the General Assembly, (B) revenue generated from tuition, (C) fees collected from student housing or dining services, (D) revenue generated from athletic sponsorship deals or ticket sales, or (E) fees collected from the clinical operations of The University of Connecticut Health Center and the John Dempsey Hospital; and

(6) "Chief executive officer" has the same meaning as provided in section 10a-151b of the general statutes, as amended by this act.

(b) The provisions of sections 1-101qq, 4-252 and 4a-81 of the general statutes, as amended by this act, and subdivision (2) of subsection (f) of section 9-612 of the general statutes, as amended by this act, shall not apply to:

(1) Any qualified contract entered into or amended on or after July 1, 2017, that: (A) Does not involve the expenditure of state and certain other institutional funds, (B) is for the purchase of equipment, supplies or services or the lease of personal property (i) to be used outside of the United States, and (ii) where the other party to the contract is
located outside of the United States, or (C) is a collaboration with another entity and involves at least two of the following: (i) Philanthropic support, (ii) sponsored research, (iii) research collaboration, (iv) employment opportunities for students, or (v) some other substantial value to the constituent unit or the state; or

(2) Any revenue contract or nonmonetary contract entered into by the chief executive officer that is not a qualified contract.

Sec. 3. (NEW) (Effective July 1, 2017) (a) (1) On and after July 1, 2017, the Board of Trustees of The University of Connecticut may adopt, and update as necessary, policies relating to the process for entering into or amending a qualified contract, as described in subdivision (1) of subsection (b) of section 2 of this act, provided the board of trustees provides a reasonable opportunity for interested persons to present their views on such policies prior to adoption, and such policies are subject to the provisions of section 4-175 of the general statutes. The board of trustees shall post such policies on its Internet web site.

(2) On and after July 1, 2017, the Board of Regents for Higher Education may adopt, and update as necessary, policies relating to the process for entering into or amending a qualified contract, as described in subdivision (1) of subsection (b) of section 2 of this act, provided the board provides a reasonable opportunity for interested persons to present their views on such policies prior to adoption, and such policies are subject to the provisions of section 4-175 of the general statutes. The board shall post such policies on its Internet web site.

(3) Nothing in this subsection shall exempt a constituent unit from complying with the provisions of title 4e of the general statutes applicable to constituent units, provided that any policies adopted pursuant to this section shall supersede any regulations of Connecticut state agencies adopted pursuant to section 4e-47 of the general statutes.

(b) Not later than January 1, 2018, and annually thereafter, The University of Connecticut and the Board of Regents for Higher
Education shall each submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and government administration. Such report shall include, but need not be limited to, (1) any policies adopted pursuant to this section, (2) a description of any revisions or amendments made in the previous fiscal year to any previously adopted policies, and (3) a description of each contract entered into or amended in the previous fiscal year pursuant to such policies.

Sec. 4. Subsections (b) and (c) of section 10a-151b of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(b) [Purchases] Except as provided in subsection (c) of this section, purchases made pursuant to this section shall be based, when possible, on competitive bids or competitive negotiation. Such chief executive officer shall solicit competitive bids or proposals by sending notice to prospective suppliers and by posting notice on a public bulletin board in such officer's office. Such notice shall contain a notice of state contract requirements pursuant to section 4a-60. Each bid or proposal shall be kept sealed until opened publicly at the time stated in the notice soliciting such bid or proposal. Sealed bids or proposals shall include bids or proposals sealed within an envelope or maintained within a safe and secure electronic environment until such time as they are publicly opened. If the amount of the expenditure is estimated to exceed fifty thousand dollars, not later than five calendar days before the final date of submitting competitive bids or proposals, competitive bids or proposals shall be solicited by public notice posted on the Internet. All purchases fifty thousand dollars or less in amount shall be made in the open market, but shall, when possible, be based on at least three competitive quotations. If desired by the constituent unit, competitive quotations may include quotations submitted to the constituent unit within a safe and secure electronic environment. The constituent unit shall not refuse to consider a bid, proposal or quotation because it is not submitted electronically.
(c) Notwithstanding the provisions of subsection (b) of this section, competitive bidding or competitive negotiation is not required in the case of (1) minor purchases of ten thousand dollars or less in amount, (2) purchases made pursuant to subsection (k) of this section, (3) emergency purchases, [or] (4) agricultural purchases of dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits, vegetables or other farm products in an amount of fifty thousand dollars or less, or (5) a qualified contract, as described in subdivision (1) of subsection (b) of section 2 of this act, that is entered into pursuant to the policies adopted by either the Board of Trustees of The University of Connecticut or the Board of Regents for Higher Education pursuant to section 3 of this act. Whenever an emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions, the chief executive officer may, if it is for the best interest of the state, make purchases without competitive bidding. A statement of all emergency purchases made under the provisions of this subsection shall be set forth in the annual report of the chief executive officer. The chief executive officer, when making an agricultural purchase in accordance with subdivision (4) of this subsection, shall give preference to dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits, vegetables or other farm products grown or produced in this state when such products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits or vegetables are comparable in cost to other dairy products, poultry, eggs, fruits or vegetables being considered for purchase by the chief executive officer that have not been grown or produced in this state.

Sec. 5. Section 1-101qq of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) Except as provided in section 2 of this act, a state agency or institution or quasi-public agency that is seeking a contractor for a large state construction or procurement contract shall provide the summary of state ethics laws developed by the Office of State Ethics pursuant to section 1-81b to any person seeking a large state
construction or procurement contract. Such person shall affirm to the
agency or institution, in writing or electronically, (1) receipt of such
summary, and (2) that key employees of such person have read and
understand the summary and agree to comply with the provisions of
state ethics law. After the initial submission of such affirmation, such
person shall not be required to resubmit such affirmation unless there
is a change in the information contained in the affirmation. If there is
any change in the information contained in the most recently filed
affirmation, such person shall submit an updated affirmation either
(A) not later than thirty days after the effective date of any such
change, or (B) upon the submittal of any new bid or proposal,
whichever is earlier. No state agency or institution or quasi-public
agency shall accept a bid or proposal for a large state construction or
procurement contract without such affirmation.

(b) [Prior] Except as provided in section 2 of this act, prior to
entering into a contract with any subcontractors or consultants, each
large state construction or procurement contractor shall (1) provide the
summary of state ethics laws described in subsection (a) of this section
to all subcontractors and consultants, and (2) obtain an affirmation
from each subcontractor and consultant that such subcontractor and
consultant has received such summary and key employees of such
subcontractor and consultant have read and understand the summary
and agree to comply with its provisions. The contractor shall provide
such affirmations to the state agency, institution or quasi-public
agency not later than fifteen days after the request of such agency,
institution or quasi-public agency for such affirmation. Failure to
submit such affirmations in a timely manner shall be cause for
termination of the large state construction or procurement contract.

(c) Each contract with a contractor, subcontractor or consultant
described in subsection (a) or (b) of this section shall incorporate such
summary by reference as a part of the contract terms.

Sec. 6. Section 4-252 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2017):
(a) Except as provided in section 2 of this act, on and after July 1, 2006, no state agency or quasi-public agency shall execute a large state contract unless the state agency or quasi-public agency obtains the written or electronic certification described in this section. Each such certification shall be sworn as true to the best knowledge and belief of the person signing the certification, subject to the penalties of false statement. If there is any change in the information contained in the most recently filed certification, such person shall submit an updated certification either (1) not later than thirty days after the effective date of any such change, or (2) upon the submittal of any new bid or proposal for a large state contract, whichever is earlier. Such person shall also submit to the state agency or quasi-public agency an accurate, updated certification not later than fourteen days after the twelve-month anniversary of the most recently filed certification or updated certification.

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall certify that the selection of the most qualified or highest ranked person, firm or corporation was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

(c) Any principal or key personnel of the person, firm or corporation submitting a bid or proposal for a large state contract shall certify:

1. That no gifts were made by (A) such person, firm, corporation, (B) any principals and key personnel of the person, firm or corporation, who participate substantially in preparing bids, proposals or negotiating state contracts, or (C) any agent of such person, firm, corporation or principals and key personnel, who participates substantially in preparing bids, proposals or negotiating state contracts, to (i) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for state contracts, who participates substantially in the preparation of bid solicitations or requests for proposals for state contracts or the negotiation or award of

2.
state contracts, or (ii) any public official or state employee of any other
state agency, who has supervisory or appointing authority over such
state agency or quasi-public agency;

(2) That no such principals and key personnel of the person, firm or
corporation, or agent of such person, firm or corporation or principals
and key personnel, knows of any action by the person, firm or
corporation to circumvent such prohibition on gifts by providing for
any other principals and key personnel, official, employee or agent of
the person, firm or corporation to provide a gift to any such public
official or state employee; and

(3) That the person, firm or corporation is submitting bids or
proposals without fraud or collusion with any person.

(d) Any bidder or proposer that does not make the certification
required under this section shall be disqualified and the state agency
or quasi-public agency shall award the contract to the next highest
ranked proposer or the next lowest responsible qualified bidder or
seek new bids or proposals.

(e) Each state agency and quasi-public agency shall include in the
bid specifications or request for proposals for a large state contract a
notice of the certification requirements of this section.

Sec. 7. Section 4a-60 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2017):

(a) [Every] Except as provided in section 9 of this act, every contract
to which an awarding agency is a party, every quasi-public agency
project contract and every municipal public works contract shall
contain the following provisions:

(1) The contractor agrees and warrants that in the performance of
the contract such contractor will not discriminate or permit
discrimination against any person or group of persons on the grounds
of race, color, religious creed, age, marital status, national origin,
ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved;

(2) The contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission on Human Rights and Opportunities;

(3) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(4) The contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, 46a-68e, 46a-68f and 46a-86; and

(5) The contractor agrees to provide the Commission on Human
Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56.

(b) If the contract is a public works contract, municipal public works contract or contract for a quasi-public agency project, the contractor agrees and warrants that he or she will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works or quasi-public agency project.

(c) Except as provided in section 9 of this act: (1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written or electronic representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section, provided if there is any change in such representation, the contractor shall provide the updated representation to the awarding agency or commission not later than thirty days after such change.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any one of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that
complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the
execution of a new contract with the awarding agency, municipality or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(d) For the purposes of this section, "contract" includes any extension or modification of the contract, "contractor" includes any successors or assigns of the contractor, "marital status" means being single, married as recognized by the state of Connecticut, widowed, separated or divorced, and "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (2) any other state, as defined in section 1-267, (3) the federal government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(e) For the purposes of this section, "minority business enterprise" means any small contractor or supplier of materials fifty-one per cent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) Who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of section 32-9n; and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith
efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

(f) Determination of the contractor's good faith efforts shall include, but shall not be limited to, the following factors: The contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the Commission on Human Rights and Opportunities may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(g) The contractor shall develop and maintain adequate documentation, in a manner prescribed by the Commission on Human Rights and Opportunities, of its good faith efforts.

(h) The contractor shall include the provisions of subsections (a) and (b) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contract or contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer, unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.
Sec. 8. Section 4a-60a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) [Every] Except as provided in section 9 of this act, every contract to which an awarding agency is a party, every contract for a quasi-public agency project and every municipal public works contract shall contain the following provisions:

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation;

(2) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(3) The contractor agrees to comply with each provision of this section and with each regulation or relevant order issued by said commission pursuant to section 46a-56; and

(4) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor which relate to the provisions of this section and section 46a-56.

(b) Except as provided in section 9 of this act: (1) Any contractor
who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide such awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or
(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality, or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(4) For the purposes of this section, "contract" includes any extension or modification of the contract, and "contractor" includes any successors or assigns of the contractor. For the purposes of this section, "contract" does not include a contract where each contractor is (A) a political subdivision of the state, including, but not limited to, a
municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (B) any other state, as defined in section 1-267, (C) the federal government, (D) a foreign government, or (E) an agency of a subdivision, state or government described in subparagraph (A), (B), (C) or (D) of this subdivision.

(c) The contractor shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contractor contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

Sec. 9. (NEW) (Effective July 1, 2017) (a) Any qualified contract described in subdivision (1) of subsection (b) of section 2 of this act, and any revenue contract or nonmonetary contract that is not a qualified contract, as such terms are defined in section 2 of this act, that is entered into or amended on or after July 1, 2017, by the chief executive officer of the Board of Regents for Higher Education or the chief executive officer of an institution within the jurisdiction of the Board of Regents for Higher Education shall not be required to comply with the provisions of subsection (c) of section 4a-60 of the general statutes, as amended by this act, or subsection (b) of section 4a-60a of the general statutes, as amended by this act, and may contain the following provision in lieu of setting forth the full text of subdivisions
(1) to (5), inclusive, of subsection (a) of section 4a-60 of the general statutes, as amended by this act, and of subdivisions (1) to (4), inclusive, of subsection (a) of section 4a-60a of the general statutes, as amended by this act: "The Board of Regents for Higher Education agrees to not knowingly conduct business with any contractor that discriminates against any person on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, sexual orientation, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, pursuant to sections 4a-60 and 4a-60a of the Connecticut General Statutes. The parties agree to comply with all federal and state of Connecticut nondiscrimination laws, including, but not limited to, sections 4a-60 and 4a-60a of the Connecticut General Statutes."

(b) Any qualified contract described in subdivision (1) of subsection (b) of section 2 of this act, and any revenue contract or nonmonetary contract that is not a qualified contract, as such terms are defined in section 2 of this act, that is entered into or amended on or after July 1, 2017, by the chief executive officer of The University of Connecticut shall not be required to comply with the provisions of subsection (c) of section 4a-60 of the general statutes, as amended by this act, or subsection (b) of section 4a-60a of the general statutes, as amended by this act, and may contain the following provision in lieu of setting forth the full text of subdivisions (1) to (5), inclusive, of subsection (a) of section 4a-60 of the general statutes, as amended by this act, and subdivisions (1) to (4), inclusive, of subsection (a) of section 4a-60a of the general statutes, as amended by this act: "The University of Connecticut agrees to not knowingly conduct business with any contractor that discriminates against any person on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, sexual orientation, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability
prevents performance of the work involved, pursuant to sections 4a-60
and 4a-60a of the Connecticut General Statutes. The parties agree to
comply with all federal and state of Connecticut nondiscrimination
laws, including, but not limited to, sections 4a-60 and 4a-60a of the
Connecticut General Statutes.”.

Sec. 10. Section 4a-81 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2017):

(a) [No] Except as provided in section 2 of this act, no state agency
or quasi-public agency shall execute a contract for the purchase of
goods or services, which contract has a total value to the state of fifty
thousand dollars or more in any calendar or fiscal year, unless the state
agency or quasi-public agency obtains the affidavit described in
subsection (b) of this section.

(b) (1) Any principal or key personnel of a person, firm or
corporation who submit bids or proposals for a contract described in
subsection (a) of this section shall attest in an affidavit as to whether
any consulting agreement has been entered into in connection with
any such contract. Such affidavit shall be required if any duties of the
consultant included communications concerning business of a state or
quasi-public agency, whether or not direct contact with a state agency,
state or public official or state employee was expected or made. As
used in this section, "consulting agreement" means any written or oral
agreement to retain the services, for a fee, of a consultant for the
purposes of (A) providing counsel to a contractor, vendor, consultant
or other entity seeking to conduct, or conducting, business with the
state, (B) contacting, whether in writing or orally, any executive,
judicial, or administrative office of the state, including any department,
institution, bureau, board, commission, authority, official or employee
for the purpose of solicitation, dispute resolution, introduction,
requests for information, or (C) any other similar activity related to
such contracts. "Consulting agreement" does not include any
agreements entered into with a consultant who is registered under the
provisions of chapter 10 as of the date such affidavit is submitted in
accordance with the provisions of this section.

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

(3) Such affidavit shall include the following information for each consulting agreement listed: The name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such affidavit shall indicate his or her former agency and the date such employment terminated.

(4) After the initial submission of such affidavit, the principal or key personnel of the person, firm or corporation shall not be required to resubmit such affidavit unless there is a change in the information contained in such affidavit. If there is any change in the information contained in the most recently filed affidavit required under this section, the principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall submit an updated affidavit either (A) not later than thirty days after the effective date of any such change, or (B) upon the submittal of any new bid or proposal, whichever is earlier.

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

(d) [In the event that] If a bidder or vendor refuses to submit the affidavit required under subsection (b) of this section, such bidder or vendor shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked vendor or the next lowest responsible qualified bidder or seek new bids or proposals.
Sec. 11. Subsection (f) of section 9-612 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(f) (1) As used in this subsection and subsections (g) and (h) of this section:

(A) "Quasi-public agency" has the same meaning as provided in section 1-120.

(B) "State agency" means any office, department, board, council, commission, institution or other agency in the executive or legislative branch of state government.

(C) "State contract" means an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. "State contract" does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense.

(D) "State contractor" means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. "State contractor" does not include a municipality or any other political subdivision of the state, including any entities or
associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(E) "Prospective state contractor" means a person, business entity or nonprofit organization that (i) submits a response to a state contract solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under section 4a-100. "Prospective state contractor" does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(F) "Principal of a state contractor or prospective state contractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any state contractor or prospective state contractor who
has managerial or discretionary responsibilities with respect to a state
contract, (v) the spouse or a dependent child who is eighteen years of
age or older of an individual described in this subparagraph, or (vi) a
political committee established or controlled by an individual
described in this subparagraph or the business entity or nonprofit
organization that is the state contractor or prospective state contractor.

(G) "Dependent child" means a child residing in an individual's
household who may legally be claimed as a dependent on the federal
income tax return of such individual.

(H) "Managerial or discretionary responsibilities with respect to a
state contract" means having direct, extensive and substantive
responsibilities with respect to the negotiation of the state contract and
not peripheral, clerical or ministerial responsibilities.

(I) "Rendition of services" means the provision of any service to a
state agency or quasi-public agency in exchange for a fee,
remuneration or compensation of any kind from the state or through
an arrangement with the state.

(J) "State contract solicitation" means a request by a state agency or
quasi-public agency, in whatever form issued, including, but not
limited to, an invitation to bid, request for proposals, request for
information or request for quotes, inviting bids, quotes or other types
of submittals, through a competitive procurement process or another
process authorized by law waiving competitive procurement.

(K) "Subcontractor" means any person, business entity or nonprofit
organization that contracts to perform part or all of the obligations of a
state contractor's state contract. Such person, business entity or
nonprofit organization shall be deemed to be a subcontractor until
December thirty-first of the year in which the subcontract terminates.
"Subcontractor" does not include (i) a municipality or any other
political subdivision of the state, including any entities or associations
duly created by the municipality or political subdivision exclusively
amongst themselves to further any purpose authorized by statute or
charter, or (ii) an employee in the executive or legislative branch of
state government or a quasi-public agency, whether in the classified or
unclassified service and full or part-time, and only in such person's
capacity as a state or quasi-public agency employee.

(L) "Principal of a subcontractor" means (i) any individual who is a
member of the board of directors of, or has an ownership interest of
five per cent or more in, a subcontractor, which is a business entity,
except for an individual who is a member of the board of directors of a
nonprofit organization, (ii) an individual who is employed by a
subcontractor, which is a business entity, as president, treasurer or
executive vice president, (iii) an individual who is the chief executive
officer of a subcontractor, which is not a business entity, or if a
subcontractor has no such officer, then the officer who duly possesses
comparable powers and duties, (iv) an officer or an employee of any
subcontractor who has managerial or discretionary responsibilities
with respect to a subcontract with a state contractor, (v) the spouse or a
dependent child who is eighteen years of age or older of an individual
described in this subparagraph, or (vi) a political committee
established or controlled by an individual described in this
subparagraph or the business entity or nonprofit organization that is
the subcontractor.

(2) (A) No state contractor, prospective state contractor, principal of
a state contractor or principal of a prospective state contractor, with
regard to a state contract or a state contract solicitation with or from a
state agency in the executive branch or a quasi-public agency or a
holder, or principal of a holder, of a valid prequalification certificate,
shall make a contribution to, or, on and after January 1, 2011,
knowingly solicit contributions from the state contractor's or
prospective state contractor's employees or from a subcontractor or
principals of the subcontractor on behalf of (i) an exploratory
committee or candidate committee established by a candidate for
nomination or election to the office of Governor, Lieutenant Governor,
Attorney General, State Comptroller, Secretary of the State or State
Treasurer, (ii) a political committee authorized to make contributions
or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(B) No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from the General Assembly or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of state senator or state representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(C) If a state contractor or principal of a state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, the contracting state agency or quasi-public agency may, in the case of a state contract executed on or after February 8, 2007, void the existing contract with such contractor, and no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made or solicited unless the commission determines that mitigating circumstances exist concerning such violation. No violation of the prohibitions contained in subparagraph (A) or (B) of this subdivision shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made;

(D) If a prospective state contractor or principal of a prospective state contractor makes or solicits a contribution as prohibited under
subparagraph (A) or (B) of this subdivision, as determined by the State
Elections Enforcement Commission, no state agency or quasi-public
agency shall award the prospective state contractor the contract
described in the state contract solicitation or any other state contract
for one year after the election for which such contribution is made or
solicited unless the commission determines that mitigating
circumstances exist concerning such violation. The Commissioner of
Administrative Services shall notify applicants of the provisions of this
subparagraph and subparagraphs (A) and (B) of this subdivision
during the prequalification application process; and

(E) The State Elections Enforcement Commission shall make
available to each state agency and quasi-public agency a written notice
advising state contractors and prospective state contractors of the
contribution and solicitation prohibitions contained in subparagraphs
(A) and (B) of this subdivision. Such notice shall: (i) Direct each state
contractor and prospective state contractor to inform each individual
described in subparagraph (F) of subdivision (1) of this subsection,
with regard to such state contractor or prospective state contractor,
about the provisions of subparagraph (A) or (B) of this subdivision,
whichever is applicable, and this subparagraph; (ii) inform each state
contractor and prospective state contractor of the civil and criminal
penalties that could be imposed for violations of such prohibitions if
any such contribution is made or solicited; (iii) inform each state
contractor and prospective state contractor that, in the case of a state
contractor, if any such contribution is made or solicited, the contract
may be voided; (iv) inform each state contractor and prospective state
contractor that, in the case of a prospective state contractor, if any such
contribution is made or solicited, the contract described in the state
contract solicitation shall not be awarded, unless the commission
determines that mitigating circumstances exist concerning such
violation; and (v) inform each state contractor and prospective state
contractor that the state will not award any other state contract to
anyone found in violation of such prohibitions for a period of one year
after the election for which such contribution is made or solicited,
unless the commission determines that mitigating circumstances exist concerning such violation. Each state agency and quasi-public agency shall distribute such notice to the chief executive officer of its contractors and prospective state contractors, or an authorized signatory to a state contract, and shall obtain a written acknowledgment of the receipt of such notice.

(3) (A) On and after December 31, 2006, neither the Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, any candidate for any such office nor any agent of any such official or candidate shall knowingly, wilfully or intentionally solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a person who he or she knows is prohibited from making contributions, including a principal of a state contractor or prospective state contractor with regard to a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder of a valid prequalification certificate.

(B) On and after December 31, 2006, neither a member of the General Assembly, any candidate for any such office nor any agent of any such official or candidate shall knowingly, wilfully or intentionally solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a person who he or she knows is prohibited from making contributions, including a principal of a state contractor or prospective state contractor with regard to a state contract solicitation with or from the General Assembly or a holder of a valid prequalification certificate.

(4) The provisions of this subsection shall not apply to the campaign of a principal of a state contractor or prospective state contractor or to a principal of a state contractor or prospective state contractor who is an elected public official.
(5) Each state contractor and prospective state contractor shall make reasonable efforts to comply with the provisions of this subsection. If the State Elections Enforcement Commission determines that a state contractor or prospective state contractor has failed to make reasonable efforts to comply with this subsection, the commission may impose civil penalties against such state contractor or prospective state contractor in accordance with subsection (a) of section 9-7b.

(6) The provisions of subdivision (2) of this subsection shall not apply to any qualified contract, as described in subdivision (1) of subsection (b) of section 2 of this act, or any revenue contract or nonmonetary contract that is not a qualified contract, as such terms are defined in section 2 of this act."

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Effect Date</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1</td>
<td>January 1, 2018</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 2</td>
<td>July 1, 2017</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>July 1, 2017</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>July 1, 2017</td>
<td>10a-151b(b) and (c)</td>
</tr>
<tr>
<td>Sec. 5</td>
<td>July 1, 2017</td>
<td>1-101qq</td>
</tr>
<tr>
<td>Sec. 6</td>
<td>July 1, 2017</td>
<td>4-252</td>
</tr>
<tr>
<td>Sec. 7</td>
<td>July 1, 2017</td>
<td>4a-60</td>
</tr>
<tr>
<td>Sec. 8</td>
<td>July 1, 2017</td>
<td>4a-60a</td>
</tr>
<tr>
<td>Sec. 9</td>
<td>July 1, 2017</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 10</td>
<td>July 1, 2017</td>
<td>4a-81</td>
</tr>
<tr>
<td>Sec. 11</td>
<td>July 1, 2017</td>
<td>9-612(f)</td>
</tr>
</tbody>
</table>