



General Assembly

Amendment

January Session, 2017

LCO No. 8852



Offered by:
SEN. MCLACHLAN, 24th Dist.

To: House Bill No. 6219

File No. 255

Cal. No. 439

"AN ACT CONCERNING COMMUNITY REENTRY BY PERSONS WHO WERE INCARCERATED."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2017*) (a) As used in this
4 section:

5 (1) "Entity" means any corporation, general partnership, limited
6 partnership, limited liability partnership, joint venture, nonprofit
7 organization or other business organization.

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

13 (3) "Public entity crime" means a violation by a person or entity of

14 any state or federal law (A) involving antitrust, fraud, theft, bribery,
15 collusion, racketeering, conspiracy or material misrepresentation, and
16 (B) with respect to and directly related to the transaction of business
17 with any public entity or with an agency or political subdivision of any
18 other state or with the United States, including, but not limited to, any
19 bid, proposal, reply or contract for goods or services, any lease for real
20 property or any contract for the construction or repair of a public
21 building or public work.

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

24 (5) "Public works contract" means any contract for the construction,
25 reconstruction, alteration, remodeling, repair or demolition of any
26 public building or any other public work by the state or a quasi-public
27 agency.

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

30 (7) "Affiliate" means (A) a predecessor or successor of a person or
31 entity convicted of a public entity crime, or (B) an entity under the
32 control of any natural person who is active in the management of the
33 entity and who has been convicted of a public entity crime. "Affiliate"
34 includes those officers, directors, executives, partners, shareholders,
35 employees, members and agents who are active in the management of
36 an affiliate.

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

42 (c) (1) Any principal or key personnel of an entity who submits bids
43 or proposals for a contract described in subsection (b) of this section
44 shall attest in an affidavit as to whether any principal or key personnel

45 of such entity or affiliate has been convicted of, entered a plea of guilty
46 or nolo contendere for, or admitted to, a public entity crime related to
47 the procurement or performance of any contract within the past five
48 years.

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

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

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

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

71 Sec. 502. Subsection (i) of section 4a-100 of the general statutes is
72 repealed and the following is substituted in lieu thereof (*Effective*
73 *October 1, 2017*):

74 (i) The commissioner may not issue or renew a prequalification
75 certificate to any contractor or substantial subcontractor who (1) [who]

76 is disqualified pursuant to section 31-57c or 31-57d, [or] (2) [who] has a
77 principal or key personnel who, within the past five years, has a
78 conviction or has entered a plea of guilty or nolo contendere for or has
79 admitted to commission of an act or omission that reasonably could
80 have resulted in disqualification pursuant to any provision of
81 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57c or
82 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57d, as
83 determined by the commissioner, or (3) has failed to submit an
84 affidavit in violation of section 501 of this act."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2017</i>	New section
Sec. 502	<i>October 1, 2017</i>	4a-100(i)