Bill No.: HB-7385
AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND CHANGES TO AFFIRMATION, AFFIDAVIT AND CERTIFICATION REQUIREMENTS FOR LARGE STATE CONTRACTS.

Vote Date: 4/1/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/25/2019
File No.: 

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SPONSORS OF BILL:
Government Administration and Elections Committee

REASONS FOR BILL:
This bill would help to streamline paperwork and bureaucratic requirements of vendors/contractors for large state contracts in order to make the state more business friendly, revising the affidavits, certification, and affirmation requirements to comply with state ethics laws. Contracts would now include language that vendors and their key employees have read and understood summaries of state ethics laws and prohibited practices and will comply with them. This new practice would change current process in which contractors and their principals have to affirmatively identify past political contributions.

Substitute Language LCO No. 6751- The chief executive officer or signatory of the contract and all key employees of the officer or signatory have read the representation (summary) of compliance and ethics laws contained in the contract that they will need to abide by and agree to adhere to such laws and restrictions. Principals of state contractors or prospective state contractors must certify that within the past four years, they did not make or solicit prohibited political contributions to party or political committees or to candidate or exploratory committees for state-level office. Allowable contributions in the past four years by principals of state contractors or prospective state contractors must be disclosed. Any changes to the certifications must be reported within 30 days. State agencies and quasi-public agencies must include in bid specifications or requests for proposal these requirements of state contractors.

Any contractor of an agency, quasi-public agency, or municipal public works project must acknowledge that he or she will abide by non-discrimination standards, either by
initializing a non-discrimination provision within the contract or affirmatively stating in the bid or request for proposal that he/she understands the obligations.

RESPONSE FROM ADMINISTRATION/AGENCY:

**Josh Geballe, Commissioner, Department of Administrative Services (DAS):** DAS seeks to reduce bureaucracy and make internal operations more efficient. One reason is because businesses have said that they won’t bid on state contracts because of too much red tape – resulting in less competition and higher prices. The minor changes will eliminate the cumbersome process in which vendors must print, sign, notarize, and upload stand-alone affidavits and certifications; the process will be replaced with applicable representations in contracts in which signatories to the contract affirm the statements contained within. The changes will not eliminate ethical standards or hurt taxpayers. DAS has been working with SEEC and the Governor’s Office to ensure that changes do not interfere with the requirement to disclose past campaign contributions and has been working with CHRO to ensure anti-discrimination provisions remain intact.

**Commission on Human Rights and Opportunities (CHRO):** CHRO wants to work with DAS to ensure that DAS’ goal to streamline the contract process with regard to paperwork can be balanced with preventing discrimination in the performance of state-financed contracts.

**Michael J. Brandi, Executive Director & General Counsel, State Elections Enforcement Commission (SEEC):** SEEC strongly opposes the bill in its current form. State contractors having to take the time to identify their past political contributions and also having to identify the principals in their firm/organization who must themselves identify their past political contributions puts all of them on notice in terms of how seriously the state takes the ban on contributions and solicitations from state contractors and makes it less likely that the contractor/firm would violate the ban and put their contract in jeopardy. Being required to fill out the affidavit – OPM Ethics Form 1 – has resulted in principals calling SEEC with questions or to self-report mistakes or past illegal contributions, which SEEC can help mitigate. Eliminating or reducing the status quo will go against the anti-corruption practices enacted by the state’s previous two governors who worked hard to steer us away from the “pay-to-play” schemes of past administrations.

NATURE AND SOURCES OF SUPPORT:

**Eric Gjede, Vice President of Government Affairs, Connecticut Business and Industry Association (CBIA):** CBIA supports reducing affidavits, certifications, and affirmations for large state contracts. The volume of legal documents to be reviewed and submitted can be a barrier for small contractors, especially emerging minority- and women-owned firms that want to do business with the state. It’s important to maintain ethical safeguards, but it needs to be balanced with a competitive process that doesn’t discourage or deter certain businesses from wanting or being able to do business with the state.

NATURE AND SOURCES OF OPPOSITION:

None Expressed