



# House of Representatives

General Assembly

**File No. 497**

February Session, 2022

Substitute House Bill No. 5453

*House of Representatives, April 14, 2022*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT REQUIRING THE ONLINE POSTING OF CERTAIN STATE CONTRACTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-57 of the 2022 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2022*):

4 (a) All purchases of, and contracts for, supplies, materials, equipment  
5 and contractual services, except purchases and contracts made pursuant  
6 to the provisions of subsection (b) or (d) of this section and public utility  
7 services as provided in subsection (e) of this section shall be based, when  
8 possible, on competitive bids or competitive negotiation. The  
9 commissioner shall solicit competitive bids or proposals by providing  
10 notice of the planned purchase in a form and manner that the  
11 commissioner determines will maximize public participation in the  
12 competitive bidding or competitive negotiation process, including  
13 participation by small contractors, as defined in section 4a-60g, and

14 promote competition. In the case of an expenditure that is estimated to  
15 exceed fifty thousand dollars, such notice shall be posted, not less than  
16 five calendar days before the final date of submitting bids or proposals,  
17 on the State Contracting Portal. Each notice of a planned purchase under  
18 this subsection shall indicate the type of goods and services to be  
19 purchased and the estimated value of the contract award. The notice  
20 shall also contain a notice of state contract requirements concerning  
21 nondiscrimination and affirmative action pursuant to section 4a-60 and,  
22 when applicable, requirements concerning the awarding of contracts to  
23 small contractors, minority business enterprises, individuals with a  
24 disability and nonprofit corporations pursuant to section 4a-60g. Each  
25 bid and proposal shall be kept sealed or secured until opened publicly  
26 at the time stated in the notice soliciting such bid or proposal.

27 (b) The commissioner may, at the commissioner's discretion, waive  
28 the requirement of competitive bidding or competitive negotiation in  
29 the case of minor nonrecurring or emergency purchases of ten thousand  
30 dollars or less in amount.

31 (c) The commissioner shall adopt regulations, in accordance with the  
32 provisions of chapter 54, establishing (1) standards and procedures for  
33 using competitive negotiation for purchases and contracts, including  
34 but not limited to, criteria which shall be considered in making  
35 purchases by competitive negotiation and the weight which shall be  
36 assigned to each such criterion, and (2) standards and procedures under  
37 which additional purchases may be made under existing contracts.

38 (d) The commissioner, in consultation with the Commissioner of  
39 Energy and Environmental Protection and with the approval of the  
40 Secretary of the Office of Policy and Management, may waive the  
41 requirement of competitive bidding or competitive negotiation in the  
42 case of a purchase of cars or light-duty trucks in order to comply with  
43 any provisions of the general statutes regarding the purchase of  
44 alternative fuel vehicles or any such requirement of federal law.

45 (e) (1) The purchase of or contract for the following public utility  
46 services shall not be subject to competitive bidding or competitive

47 negotiation: (A) Electric distribution services; (B) water services; (C) gas  
48 distribution services; (D) electric generation services until the date such  
49 services are competitive pursuant to the schedule set forth in section 16-  
50 244b, provided electric generation services shall be exempt from  
51 competitive bidding and competitive negotiation after said date if such  
52 services are provided by an electric municipal utility other than by a  
53 participating electric municipal utility, as defined in section 16-1, in the  
54 service area of said electric municipal utility; and (E) gas supply services  
55 until the date such services are competitive pursuant to legislative act or  
56 order of the Public Utilities Regulatory Authority, provided gas supply  
57 services shall be exempt from competitive bidding and competitive  
58 negotiation after said date if such services are provided by a gas  
59 municipal utility in the service area of said gas municipal utility.

60 (2) Any purchase of or contract by the department for electric  
61 generation services that are subject to competitive bidding and  
62 competitive negotiations shall be conducted in cooperation with the  
63 Department of Energy and Environmental Protection pursuant to  
64 section 16a-14e.

65 (f) The commissioner shall post any contract entered into under this  
66 section that has not been subject to competitive bidding or competitive  
67 negotiation on the Internet web site of the Department of  
68 Administrative Services, provided nothing in this subsection shall be  
69 construed to require the disclosure of any information not required to  
70 be disclosed under subsection (b) of section 1-210.

71 ~~[(f)]~~ (g) Nothing in this section shall be construed to apply to the  
72 award of janitorial or service contracts pursuant to the provisions of  
73 subsections (b) to (d), inclusive, of section 4a-82.

74 Sec. 2. Subsection (b) of section 4a-58 of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective October*  
76 *1, 2022*):

77 (b) Whenever an emergency exists by reason of extraordinary  
78 conditions or contingencies that could not reasonably be foreseen and

79 guarded against, or because of unusual trade or market conditions, the  
80 Commissioner of Administrative Services, or, in the case of purchases,  
81 leases and contracts for information systems, information technology  
82 personal property and telecommunication systems, the Chief  
83 Information Officer, may, if it is in the best interests of the state, waive  
84 the competitive bid or proposal requirements set forth in section 4a-57,  
85 as amended by this act. If any such procurement is estimated to cost fifty  
86 thousand dollars or more, such waiver shall be subject to the approval  
87 of the Standardization Committee. A statement of all purchases made  
88 under the provisions of this section and, in the case of a contract, the  
89 contract shall be posted on the Internet web site of the Department of  
90 Administrative Services, provided nothing in this subsection shall be  
91 construed to require the disclosure of any information not required to  
92 be disclosed under subsection (b) of section 1-210.

93 Sec. 3. Subsection (c) of section 4a-59a of the general statutes is  
94 repealed and the following is substituted in lieu thereof (*Effective October*  
95 *1, 2022*):

96 (c) If any contract is extended pursuant to this section without  
97 complying with the competitive bidding requirements of subsection (a)  
98 of section 4a-57, as amended by this act, the Commissioner of  
99 Administrative Services shall post the contract and an explanation of the  
100 reasons for such noncompliance on the Department of Administrative  
101 Services' Internet web site, provided nothing in this subsection shall be  
102 construed to require the disclosure of any information not required to  
103 be disclosed under subsection (b) of section 1-210.

104 Sec. 4. Section 4e-15 of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective October 1, 2022*):

106 Nothing in sections 4e-1 to 4e-14, inclusive, and 4e-16 shall be  
107 construed to affect the requirements of subsection [(f)] (g) of section 4a-  
108 57, as amended by this act, subsection (p) of section 4a-60g, sections 4a-  
109 82 and 17b-656 and subsection (c) of section 31-57g.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	4a-57
Sec. 2	<i>October 1, 2022</i>	4a-58(b)
Sec. 3	<i>October 1, 2022</i>	4a-59a(c)
Sec. 4	<i>October 1, 2022</i>	4e-15

**Statement of Legislative Commissioners:**

In Section 1(a), a reference to Subsec. (d) was added for accuracy and in Section 1(f), "without being" was changed to "that has not been" for clarity.

**GAE**      *Joint Favorable Subst. -LCO*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

---

**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

This bill, which requires the Department of Administrative Services to post on its website any goods or services contract or extension entered into without competitive bidding or competitive negotiation, including through emergency procurement authority, has no fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

---

**OLR Bill Analysis**

**HB 5453**

***AN ACT REQUIRING THE ONLINE POSTING OF CERTAIN STATE CONTRACTS.***

**SUMMARY**

This bill requires the Department of Administrative Services (DAS) to post on its website any goods or services contract or extension entered into without competitive bidding or competitive negotiation, including through emergency procurement authority. In doing so, it expands upon provisions in current law that require DAS to post on its website information about specified contracts and purchases meeting these criteria. It allows DAS, when posting these contracts, to redact information that is not subject to disclosure under the Freedom of Information Act.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

**CONTRACTS ENTERED INTO WITHOUT COMPETITIVE BIDDING OR NEGOTIATION**

Generally, the law requires the DAS commissioner, when possible, to use competitive bidding or negotiation when purchasing, and entering into contracts for, supplies, materials, equipment, and contractual services (i.e., goods or services). The law establishes exceptions for, among other things, (1) minor nonrecurring or emergency purchases of \$10,000 or less, (2) purchasing cars or light-duty trucks to comply with state and federal laws for purchasing alternative-fuel vehicles, and (3) certain public utility services. The bill requires the commissioner to post on the department's website any contract entered into under these exceptions (or otherwise not subject to competitive bidding or negotiation).

The law also grants a competitive bidding and negotiation exception for emergencies due to (1) extraordinary conditions or contingencies that could not be reasonably foreseen and guarded against or (2) unusual trade or market conditions. Current law requires that a statement of all purchases made using this authority be posted on DAS’s website. The bill additionally requires the posting of all contracts entered into using this authority.

The bill similarly expands an existing requirement about contract extension information. Existing law generally prohibits state agencies from extending a goods and services contract without competitive bidding or negotiation unless the DAS commissioner makes a written determination that it is necessary to do so for specified reasons (e.g., for a sole source procurement). Under current law, the commissioner must post, for any contract extended in this manner, the reasons for noncompliance on the department’s website. The bill additionally requires her to post the contract itself.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 19    Nay 0    (03/29/2022)