



General Assembly

February Session, 2022

Raised Bill No. 5432

LCO No. 2507



Referred to Committee on APPROPRIATIONS

Introduced by:
(APP)

**AN ACT PLACING THE STATE CONTRACTING STANDARDS BOARD
WITHIN THE LEGISLATIVE DEPARTMENT.**

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

1 Section 1. Section 1-300 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) There is established the Office of Governmental Accountability.
4 The executive administrator of the office shall serve as the
5 administrative head of the office, who shall be appointed in accordance
6 with the provisions of section 1-301, as amended by this act.

7 (b) The Office of Governmental Accountability shall provide
8 personnel, payroll, affirmative action and administrative and business
9 office functions and information technology associated with such
10 functions for the following: The Judicial Review Council established
11 under section 51-51k, Judicial Selection Commission established under
12 section 51-44a, Board of Firearms Permit Examiners established under
13 section 29-32b, Office of the Child Advocate established under section
14 46a-13k [] and Office of the Victim Advocate established under section
15 46a-13b₂ [and State Contracting Standards Board established under

16 section 4e-2.] The personnel, payroll, affirmative action and
17 administrative and business office functions of said offices, commission,
18 council and boards shall be merged and consolidated within the Office
19 of Governmental Accountability.

20 (c) The executive administrator may employ necessary staff to carry
21 out the administrative functions of the Office of Governmental
22 Accountability, within available appropriations. Such necessary staff of
23 the Office of Governmental Accountability shall be in classified service.

24 (d) Nothing in this section shall be construed to affect or limit the
25 independent decision-making authority of the Judicial Review Council,
26 Judicial Selection Commission, Board of Firearms Permit Examiners,
27 Office of the Child Advocate [,] or Office of the Victim Advocate, [or the
28 State Contracting Standards Board.] Such decision-making authority
29 includes, but is not limited to, decisions concerning budgetary issues
30 and concerning the employment of necessary staff to carry out the
31 statutory duties of each such office, commission, council or board.

32 Sec. 2. Subsection (a) of section 1-301 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective July 1,*
34 *2022*):

35 (a) (1) There shall be a Governmental Accountability Commission,
36 within the Office of Governmental Accountability established under
37 section 1-300, as amended by this act, that shall consist of six members
38 as follows: (A) The executive director of the Judicial Review Council
39 established under section 51-51k, or the executive director's designee;
40 (B) the chairperson of the Judicial Selection Commission established
41 under section 51-44a, or the chairperson's designee; (C) the chairperson
42 of the Board of Firearms Permit Examiners established under section 29-
43 32b, or the chairperson's designee; (D) the Child Advocate appointed
44 under section 46a-13k, or the advocate's designee; and (E) the Victim
45 Advocate appointed under section 46a-13b, or the advocate's designee,
46 [; and (F) the chairperson of the State Contracting Standards Board
47 established under section 4e-2, or the chairperson's designee,] provided

48 no person serving as a designee under this subsection may be a state
49 employee. The Governmental Accountability Commission shall select a
50 chairperson who shall preside at meetings of the commission. Said
51 commission shall meet for the purpose of making recommendations to
52 the Governor for candidates for the executive administrator of the Office
53 of Governmental Accountability pursuant to the provisions of
54 subsection (b) of this section, or for the purpose of terminating the
55 employment of the executive administrator.

56 (2) The commission established under subdivision (1) of this
57 subsection shall not be construed to be a board or commission within
58 the meaning of section 4-9a.

59 Sec. 3. Section 4e-2 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective July 1, 2022*):

61 (a) (1) There is established a State Contracting Standards Board that
62 shall, initially, and through June 30, 2023, consist of fourteen members
63 appointed as follows: Eight members by the Governor, at least one of
64 whom is certified in procurement, two members by the speaker of the
65 House of Representatives, two members by the president pro tempore
66 of the Senate, one member by the majority leader of the Senate and one
67 member by the majority leader of the House of Representatives, who is
68 certified in procurement. In the event that the party of the Governor also
69 controls both houses of the General Assembly, the board shall be
70 appointed as follows: Eight members by the Governor, at least one of
71 whom is certified in procurement, one member by the president pro
72 tempore of the Senate, one member by the speaker of the House of
73 Representatives, one member by the majority leader of the Senate, one
74 member by the majority leader of the House of Representatives, one
75 member by the minority leader of the Senate and one member by the
76 minority leader of the House of Representatives, who is certified in
77 procurement.

78 (2) On and after July 1, 2023, the members of the board shall be
79 appointed as follows: Four members by the Governor, at least one of

80 whom is certified in procurement, four members by the speaker of the
81 House of Representatives, four members by the president pro tempore
82 of the Senate, one member by the majority leader of the Senate, one
83 member by the majority leader of the House of Representatives, who is
84 certified in procurement, one member by the minority leader of the
85 Senate and one member by the minority leader of the House of
86 Representatives, who is certified in procurement.

87 (b) Each member shall have demonstrated sufficient knowledge by
88 education, training or experience in one or more of the following
89 enumerated areas: (1) Procurement; (2) contract negotiation, selection
90 and drafting; (3) contract risk assessment; (4) competitive bidding and
91 proposal procedures; (5) real estate transactions, including the
92 purchase, sale and lease of real estate and buildings; (6) building
93 construction and architecture; (7) business insurance and bonding; (8)
94 ethics in public contracting; (9) federal and state statutes, procurement
95 policies and regulations; (10) outsourcing and privatization analysis;
96 (11) small and minority business enterprise development; (12)
97 engineering and information technologies; (13) human services; and (14)
98 personnel and labor relations, provided such education, training or
99 experience was acquired over not less than a continuous five-year
100 period within the ten-year period preceding such appointment.

101 (c) [The] Initially, and through June 30, 2023, the chairperson of the
102 board shall be appointed by the Governor. On and after July 1, 2023, the
103 speaker of the House of Representatives and the president pro tempore
104 of the Senate shall jointly appoint the chairperson from among the
105 members of the board. The terms of the members shall be coterminous
106 with the terms of the appointing authority for each member and subject
107 to the provisions of section 4-1a. If any vacancy occurs on the board, the
108 appointing authority having the power to make the appointment under
109 the provisions of this section shall appoint a person in accordance with
110 the provisions of this section.

111 (d) The State Contracting Standards Board shall be [within the Office
112 of Governmental Accountability established under section 1-300] an

113 independent body within the Legislative Department for administrative
114 purposes only.

115 (e) The chairperson of the board and other members of the board shall
116 be compensated two hundred dollars per diem. No person shall serve
117 on the board who is a state or municipal employee. No board member
118 or any spouse, child, stepchild, parent or sibling of such board member
119 shall be directly involved in any enterprise that does business with the
120 state.

121 (f) [The] (1) Initially, and through June 30, 2023, the Governor shall
122 appoint an executive director of the board who shall serve as an ex-
123 officio, nonvoting member of the board. On and after July 1, 2023, the
124 speaker of the House of Representatives and the president pro tempore
125 of the Senate shall jointly appoint an executive director of the board,
126 who shall serve as an ex-officio, nonvoting member of the board. The
127 executive director shall be appointed in accordance with the provisions
128 of section 4-7 and may be removed from office for reasonable cause, in
129 accordance with chapter 67.

130 (2) The board shall, annually, conduct a performance evaluation of
131 such executive director. The executive director shall report to the
132 chairperson of the board and, in consultation with the Chief
133 Procurement Officer, [(1)] (A) conduct comprehensive planning with
134 respect to the administrative functions of the board; [(2)] (B) coordinate
135 the budget and personnel activities of the board; [(3)] (C) cause the
136 administrative organization of the board to be examined with a view to
137 promoting economy and efficiency; [(4)] (D) act as the external liaison
138 for the board; and [(5)] (E) execute such other duties as may be assigned
139 by the chairperson of the board or the board, as applicable. The
140 executive director may enter into such contractual agreements as may
141 be necessary for the discharge of the director's duties.

142 (g) The board shall appoint a Chief Procurement Officer for a term
143 not to exceed six years, unless reappointed pursuant to the provisions
144 of this subsection. The Chief Procurement Officer shall report to the

145 board and annually be evaluated by, and serve at the pleasure of, the
146 board. For administrative purposes only, the Chief Procurement Officer
147 shall be supervised by the executive director.

148 (1) The Chief Procurement Officer shall be responsible for carrying
149 out the policies of the board relating to procurement including, but not
150 limited to, oversight, investigation, auditing, agency procurement
151 certification and procurement and project management training and
152 enforcement of said policies as well as the application of such policies to
153 the screening and evaluation of current and prospective contractors. The
154 Chief Procurement Officer may enter into such contractual agreements
155 as may be necessary for the discharge of the duties as set forth in this
156 subsection and by the board, including, but not limited to,
157 recommending best practices and providing operational and
158 administrative assistance to state agencies determined, by the board, to
159 be in violation of sections 4e-16 to 4e-47, inclusive.

160 (2) In addition to the duties set forth by the board, the Chief
161 Procurement Officer shall (A) oversee state contracting agency
162 compliance with the provisions of statutes and regulations concerning
163 procurement; (B) monitor and assess the performance of the
164 procurement duties of each agency procurement officer; (C) administer
165 the certification system and monitor the level of agency compliance with
166 the requirements of statutes and regulations concerning procurement,
167 including, but not limited to, the education and training, performance
168 and qualifications of agency procurement officers; (D) review and
169 monitor the procurement processes of each state contracting agency,
170 quasi-public agencies and institutions of higher education; and (E) serve
171 as chairperson of the Contracting Standards Advisory Council and an
172 ex-officio member of the Vendor and Citizen Advisory Panel.

173 (h) The board may contract with consultants and professionals on a
174 temporary or project by project basis. [and may] The board shall
175 employ, subject to the provisions of chapter 67, not fewer than four
176 employees and may employ such additional employees as may be
177 necessary to carry out the provisions of this section.

178 (i) The reasonable expenses of the State Contracting Standards Board
179 and its employees shall be paid from the budget of the board, upon the
180 approval of the board.

181 (j) No employee of the State Contracting Standards Board shall hold
182 another state or municipal position. No nonclerical employee of the
183 board or any spouse, child, stepchild, parent or sibling of such
184 employee, shall be associated with an enterprise that does business with
185 the state. For purposes of this subsection, "associated with" means
186 "business with which he is associated", as defined in section 1-79. Each
187 member and employee of the State Contracting Standards Board shall
188 file, with the board and with the Office of State Ethics, a statement of
189 financial interests, as described in section 1-83. Except as provided in
190 section 1-83, such statement shall be a public record. Such statements for
191 the preceding calendar year shall be filed with the Office of State Ethics,
192 as required by law, if such employee or member held such a position
193 during the preceding calendar year.

194 (k) Any violation of the provisions of subsection (j) of this section
195 shall constitute a violation of part I of chapter 10 and may be the subject
196 of a complaint and investigation filed and conducted in accordance with
197 the provisions of section 1-82.

198 (l) The board shall adopt such rules as it deems necessary for the
199 conduct of its internal affairs, in accordance with section 4-167,
200 including, but not limited to, rules of procedure for any audit
201 undertaken pursuant to section 4e-6.

202 (m) A majority of the appointed members of the board, but not less
203 than five members, shall constitute a quorum, which shall be required
204 for the transaction of business by the board.

205 Sec. 4. Section 4e-20 of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective July 1, 2022*):

207 (a) [Not later than June 1, 2010, the] The State Contracting Standards
208 Board shall adopt regulations, in accordance with the provisions of

209 chapter 54, specifying the procedure for issuing invitations for bids
210 which shall include the required elements of an invitation for bids, the
211 process for opening of bids, and criteria for the evaluation and award of
212 bids.

213 (b) [Not later than June 1, 2010, the] The State Contracting Standards
214 Board [, in consultation with the Commissioner of Administrative
215 Services,] shall adopt regulations, in accordance with the provisions of
216 chapter 54, specifying the circumstances in which contracts and
217 purchase orders, in an amount in excess of fifty thousand dollars, may
218 be awarded by a method of source selection other than competitive
219 sealed bidding.

220 Sec. 5. Section 4e-21 of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective July 1, 2022*):

222 (a) [Not later than January 1, 2010, the] The State Contracting
223 Standards Board [, in consultation with the Department of
224 Administrative Services,] shall adopt regulations to establish small
225 purchase procedures for procurements that do not exceed fifty thousand
226 dollars. Such regulations shall include a prohibition on the artificial
227 division of a procurement in order to make use of such small
228 procurement procedures.

229 (b) The State Contracting Standards Board [, in consultation with the
230 Commissioner of Administrative Services,] may determine that a state
231 contracting agency has artificially divided procurement requirements so
232 as to constitute a small purchase under this section and, upon such
233 determination shall prohibit the state contracting agency from utilizing
234 such small purchase procedures.

235 (c) The State Contracting Standards Board [, in consultation with the
236 Commissioner of Administrative Services,] may waive the requirement
237 of competitive bidding or competitive negotiation in the case of minor,
238 nonrecurring or emergency purchases of ten thousand dollars or less in
239 amount.

240 Sec. 6. Section 4e-22 of the general statutes is repealed and the
241 following is substituted in lieu thereof (*Effective July 1, 2022*):

242 [Not later than June 1, 2010, the] The State Contracting Standards
243 Board [, in consultation with the Commissioner of Administrative
244 Services,] shall adopt regulations, in accordance with the provisions of
245 chapter 54, specifying the circumstances in which a contract may be
246 awarded for a supply, service or construction item without competition.
247 Such regulations shall include, but not be limited to, situations in which
248 an agency contracting officer states in writing that there is only one
249 source for the required supply, service or construction item, provided
250 sole source procurement is not permitted unless a requirement is
251 available from only a single supplier.

252 Sec. 7. Section 4e-24 of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective July 1, 2022*):

254 [Not later than June 1, 2010, the] The State Contracting Standards
255 Board, in consultation with [the Commissioner of Administrative
256 Services and any other] any appropriate award authority, shall adopt
257 regulations, in accordance with the provisions of chapter 54, permitting
258 emergency procurements when there exists a threat to public health,
259 welfare or safety. Such emergency procurements shall be made with
260 competition, as is practicable under the circumstances. Said regulations
261 shall require that a written determination of the basis for the emergency
262 and for the selection of the particular contractor be included in the
263 contract file and transmitted to the Governor, the president pro tempore
264 of the Senate, the majority and minority leaders of the Senate, the
265 speaker of the House of Representatives and the majority and minority
266 leaders of the House of Representatives.

267 Sec. 8. Section 4e-26 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective July 1, 2022*):

269 [Not later than June 1, 2010, the] The State Contracting Standards
270 Board [, in consultation with the Commissioner of Administrative
271 Services,] shall adopt regulations, in accordance with the provisions of

272 chapter 54, establishing standards for the preparation, maintenance, and
273 content of specifications for supplies, services, and construction
274 required by the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	1-300
Sec. 2	<i>July 1, 2022</i>	1-301(a)
Sec. 3	<i>July 1, 2022</i>	4e-2
Sec. 4	<i>July 1, 2022</i>	4e-20
Sec. 5	<i>July 1, 2022</i>	4e-21
Sec. 6	<i>July 1, 2022</i>	4e-22
Sec. 7	<i>July 1, 2022</i>	4e-24
Sec. 8	<i>July 1, 2022</i>	4e-26

Statement of Purpose:

To place the State Contracting Standards Board within the Legislative Department.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]