



General Assembly

February Session, 2022

Substitute Bill No. 5453



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2 is repealed and the following is substituted in lieu thereof (*Effective*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	October 1, 2022	4e-15
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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*