



General Assembly

February Session, 2022

***Raised Bill No. 344***

LCO No. 2642



Referred to Committee on VETERANS' AFFAIRS

Introduced by:  
(VA)

***AN ACT CONCERNING STATE CONTRACTING PRICE  
PREFERENCES FOR VETERAN-OWNED BUSINESSES.***

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

1 Section 1. Subsection (c) of section 4a-59 of the 2022 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2022*):

4 (c) (1) All open market orders or contracts shall be awarded to [(1)]  
5 (A) the lowest responsible qualified bidder, the qualities of the articles  
6 to be supplied, their conformity with the specifications, their suitability  
7 to the requirements of the state government and the delivery terms  
8 being taken into consideration and, at the discretion of the  
9 Commissioner of Administrative Services, life-cycle costs and trade-in  
10 or resale value of the articles may be considered where it appears to be  
11 in the best interest of the state, [(2)] (B) the highest scoring bidder in a  
12 multiple criteria bid, in accordance with the criteria set forth in the bid  
13 solicitation for the contract, or [(3)] (C) the proposer whose proposal is  
14 deemed by the awarding authority to be the most advantageous to the  
15 state, in accordance with the criteria set forth in the request for

16 proposals, including price and evaluation factors.

17 (2) Notwithstanding any provision of the general statutes, [to the  
18 contrary,] each state agency awarding a contract through competitive  
19 negotiation shall include price as an explicit factor in the criteria in the  
20 request for proposals and for the contract award. In considering past  
21 performance of a bidder for the purpose of determining the "lowest  
22 responsible qualified bidder" or the "highest scoring bidder in a multiple  
23 criteria bid", the commissioner shall evaluate the skill, ability and  
24 integrity of the bidder in terms of the bidder's fulfillment of past contract  
25 obligations and the bidder's experience or lack of experience in  
26 delivering supplies, materials, equipment or contractual services of the  
27 size or amount for which bids have been solicited.

28 (3) In determining the lowest responsible qualified bidder for the  
29 purposes of this section, the commissioner may give a price preference  
30 of up to ten per cent for:

31 (A) [the] The purchase of goods made with recycled materials or the  
32 purchase of recyclable or remanufactured products if the commissioner  
33 determines that such preference would promote recycling or  
34 remanufacturing. As used in this subsection, (i) "recyclable" means able  
35 to be collected, separated or otherwise recovered from the solid waste  
36 stream for reuse, or for use in the manufacture or assembly of another  
37 package or product, by means of a recycling program [which] that is  
38 reasonably available to at least seventy-five per cent of the state's  
39 population, (ii) "remanufactured" means restored to its original function  
40 and thereby diverted from the solid waste stream by retaining the bulk  
41 of components that have been used at least once and by replacing  
42 consumable components, and (iii) "remanufacturing" means any  
43 process by which a product is remanufactured;

44 (B) [the] The purchase of motor vehicles powered by a clean  
45 alternative fuel;

46 (C) [the] The purchase of motor vehicles powered by fuel other than

47 a clean alternative fuel and conversion equipment to convert such motor  
48 vehicles allowing the vehicles to be powered by either the exclusive use  
49 of clean alternative fuel or dual use of a clean alternative fuel and a fuel  
50 other than a clean alternative fuel. As used in this subsection, "clean  
51 alternative fuel" means natural gas, electricity, hydrogen or propane  
52 when used as a motor vehicle fuel; [or]

53 (D) [the] The purchase of goods or services from a micro business. As  
54 used in this subsection, "micro business" means a business with gross  
55 revenues not exceeding three million dollars in the most recently  
56 completed fiscal year; or

57 (E) The purchase of goods or services from a veteran-owned business,  
58 except that, in the case of a veteran-owned micro business, the  
59 commissioner may give a price preference of up to fifteen per cent. As  
60 used in this subsection, ["micro business" means a business with gross  
61 revenues not exceeding three million dollars in the most recently  
62 completed fiscal year,] (i) "veteran-owned business" means a business  
63 of which at least fifty-one per cent of the ownership is held by one or  
64 more veterans, (ii) "veteran-owned micro business" means a micro  
65 business of which at least fifty-one per cent of the ownership is held by  
66 one or more veterans, and (iii) "veteran" has the same meaning as  
67 provided in section 27-103.

68 (4) All other factors being equal, preference shall be given to supplies,  
69 materials and equipment produced, assembled or manufactured in the  
70 state and services originating and provided in the state.

71 (5) (A) Except with regard to contracts that may be paid for with  
72 United States Department of Transportation funds, if any such bidder  
73 refuses to accept, within ten days, a contract awarded to such bidder,  
74 such contract may be awarded to the next lowest responsible qualified  
75 bidder or the next highest scoring bidder in a multiple criteria bid,  
76 whichever is applicable, and so on until such contract is awarded and  
77 accepted.

78        (B) Except with regard to contracts that may be paid for with United  
79 States Department of Transportation funds, if any such proposer refuses  
80 to accept, within ten days, a contract awarded to such proposer, such  
81 contract shall be awarded to the next most advantageous proposer, and  
82 so on until the contract is awarded and accepted.

83        (6) There shall be a written evaluation made of each bid. This  
84 evaluation shall identify the vendors and their respective costs and  
85 prices, document the reason why any vendor is deemed to be  
86 nonresponsive and recommend a vendor for award. A contract valued  
87 at one million dollars or more shall be awarded to a bidder other than  
88 the lowest responsible qualified bidder or the highest scoring bidder in  
89 a multiple criteria bid, whichever is applicable, only with written  
90 approval signed by the Commissioner of Administrative Services and  
91 by the Comptroller. The commissioner shall post on the department's  
92 Internet web site all awards made pursuant to the provisions of this  
93 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	4a-59(c)

**VA**        *Joint Favorable*