



General Assembly

Amendment

February Session, 2022

LCO No. 5857



Offered by:

SEN. FLEXER, 29th Dist.

SEN. SAMPSON, 16th Dist.

REP. FOX, 148th Dist.

REP. MASTROFRANCESCO, 80th Dist.

To: Subst. Senate Bill No. 473

File No. 474

Cal. No. 339

"AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
4 provision of the general statutes, the appropriations recommended for
5 the State Contracting Standards Board shall be the estimates of
6 expenditure requirements transmitted to the Secretary of the Office of
7 Policy and Management by the executive director of the board and the
8 recommended adjustments and revisions of such estimates shall be the
9 recommended adjustments and revisions, if any, transmitted by said
10 executive director to the Office of Policy and Management.

11 (b) Notwithstanding any provision of the general statutes, the
12 Governor shall not reduce allotment requisitions or allotments in force

13 concerning the State Contracting Standards Board.

14 Sec. 2. Subsections (a) to (c), inclusive, of section 4e-5 of the general
15 statutes are repealed and the following is substituted in lieu thereof
16 (*Effective July 1, 2022*):

17 (a) (1) The head of each state contracting agency shall appoint an
18 agency procurement officer. Such officer shall serve as the liaison
19 between the agency and the Chief Procurement Officer on all matters
20 relating to the agency's procurement activity, including, but not limited
21 to, implementation and compliance with the provisions of statutes and
22 regulations concerning procurement and any policies or regulations
23 adopted by the board, coordination of the training and education of
24 agency procurement employees and any person serving on the
25 Contracting Standards Advisory Council;

26 (2) The agency procurement officer shall be responsible for (A)
27 ensuring that any invitation to bid, request for proposals or any other
28 solicitation for goods and service issued on or after July 1, 2022, contains
29 a notice of the rights of prospective bidders, proposers or prospective
30 contractors under sections 4e-36, 4e-39 and 4e-40, (B) assuring that
31 contractors are properly screened prior to the award of a contract, (C)
32 ensuring contractors are advised of their rights under sections 4e-36, 4e-
33 39 and 4e-40, prior to entering into a contract on or after July 1, 2022, (D)
34 ensuring that upon the award of such a contract that unsuccessful
35 bidders, proposers or respondents are advised of their rights under
36 sections 4e-36, 4e-39 and 4e-40, (E) evaluating contractor performance
37 during and at the conclusion of a contract, (F) submitting written
38 evaluations to a central data repository to be designated by the board,
39 and (G) creating a project management plan for the agency with annual
40 reports to the board pertaining to procurement projects within the
41 agency.

42 (b) The State Contracting Standards Board, with the advice and
43 assistance of the Commissioner of Administrative Services, shall
44 develop a standardized state procurement and project management

45 education and training program. Such education and training program
46 shall develop education, training and professional development
47 opportunities for employees of state contracting agencies charged with
48 procurement responsibilities. The education and training program shall
49 educate such employees in general business acumen and on proper
50 purchasing procedures as established in statutes and regulations
51 concerning procurement with an emphasis on ethics, fairness,
52 consistency and project management. Participation in the program shall
53 be required of any supervisory and nonsupervisory state employees in
54 state contracting agencies with responsibility for buying, purchasing,
55 renting, leasing or otherwise acquiring any supplies, service or
56 construction, including the preparation of the description of
57 requirements, selection and solicitation of sources, preparation and
58 award of contracts and all phases of contract administration.

59 (c) The state procurement and project management education and
60 training program shall include, but shall not be limited to (1) training
61 and education concerning federal, state and municipal procurement
62 processes, including the statutes and regulations concerning
63 procurement; (2) training and education courses developed in
64 cooperation with the Office of State Ethics, the Freedom of Information
65 Commission, the State Elections Enforcement Commission, the
66 Commission on Human Rights and Opportunities, the office of the
67 Attorney General and any other state agency the board determines is
68 necessary in carrying out statutes and regulations concerning
69 procurement; (3) providing technical assistance to state contracting
70 agencies and municipalities for implementing statutes and regulations
71 concerning procurement, regulations, policies and standards developed
72 by the board; (4) training to current and prospective contractors and
73 vendors and others seeking to do business with the state; and (5)
74 training and education of state employees in the area of best
75 procurement practices in state purchasing with the goal of achieving the
76 level of acumen necessary to achieve the objectives of statutes and
77 regulations concerning procurement.

78 Sec. 3. Subsection (a) of section 4e-10 of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective July 1,*
80 *2022*):

81 (a) On or before July 1, 2010, the board shall submit to the Governor
82 and the General Assembly such legislation as is necessary to permit state
83 contracting agencies, not including [quasi-publics] quasi-public
84 agencies, institutions of higher education, and municipal procurement
85 processes utilizing state funds, to carry out their functions under
86 statutes and regulations concerning procurement.

87 Sec. 4. Subsection (d) of section 4e-16 of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective July 1,*
89 *2022*):

90 (d) Any business case developed by a state contracting agency for the
91 purpose of complying with subsection (c) of this section shall include:
92 (1) The cost-benefit analysis as described in subsection (b) of this section,
93 (2) a detailed description of the service or activity that is the subject of
94 such business case, (3) a description and analysis of the state contracting
95 agency's current performance of such service or activity, (4) the goals to
96 be achieved through the proposed privatization contract and the
97 rationale for such goals, (5) a description of available options for
98 achieving such goals, (6) an analysis of the advantages and
99 disadvantages of each option, including, at a minimum, potential
100 performance improvements and risks attendant to termination of the
101 contract or rescission of such contract, (7) an analysis of the potential
102 impact of the proposed privatization contract on workers of color and
103 workers who are women, including whether such privatization contract
104 will lessen or increase historical patterns that produce inequities
105 between such workers and other workers, (8) a description of the
106 current market for the services or activities that are the subject of such
107 business case, [(8)] (9) an analysis of the quality of services as gauged by
108 standardized measures and key performance requirements including
109 compensation, turnover, and staffing ratios, [(9)] (10) a description of
110 the specific results-based performance standards that shall, at a
111 minimum be met, to ensure adequate performance by any party

112 performing such service or activity, [(10)] (11) the projected time frame
113 for key events from the beginning of the procurement process through
114 the expiration of a contract, if applicable, [(11)] (12) a specific and
115 feasible contingency plan that addresses contractor nonperformance
116 and a description of the tasks involved in and costs required for
117 implementation of such plan, and [(12)] (13) a transition plan, if
118 appropriate, for addressing changes in the number of agency personnel,
119 affected business processes, employee transition issues, and
120 communications with affected stakeholders, such as agency clients and
121 members of the public, if applicable. Such transition plan shall contain
122 a reemployment and retraining assistance plan for employees who are
123 not retained by the state or employed by the contractor. If the primary
124 purpose of the proposed privatization contract is to provide a core
125 governmental function, such business case shall also include
126 information sufficient to rebut the presumption that such core
127 governmental function should not be privatized. Such presumption
128 shall not be construed to prohibit a state contracting agency from
129 contracting for specialized technical expertise not available within such
130 agency, provided such agency shall retain responsibility for such core
131 governmental function. For the purposes of this section, "core
132 governmental function" means a function for which the primary
133 purpose is (A) the inspection for adherence to health and safety
134 standards because public health or safety may be jeopardized if such
135 inspection is not done or is not done in a timely or proper manner, (B)
136 the establishment of statutory, regulatory or contractual standards to
137 which a regulated person, entity or state contractor shall be held, (C) the
138 enforcement of statutory, regulatory or contractual requirements
139 governing public health or safety, [or] (D) criminal or civil law
140 enforcement, or (E) the provision of essential human services to
141 residents of the state who would otherwise lack the support necessary
142 to assure basic human needs. If any part of such business case is based
143 upon evidence that the state contracting agency is not sufficiently
144 staffed to provide the core governmental function required by the
145 privatization contract, the state contracting agency shall also include
146 within such business case a plan for remediation of the understaffing to

147 allow such services to be provided directly by the state contracting
148 agency in the future.

149 Sec. 5. Subsection (c) of section 4e-21 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective July 1,*
151 *2022*):

152 (c) The State Contracting Standards Board, in consultation with the
153 Commissioner of Administrative Services, may waive the requirement
154 of competitive bidding or competitive negotiation in the case of minor,
155 nonrecurring or emergency purchases of ten thousand dollars or less in
156 amount, upon application of the state contracting agency. Any state
157 contracting agency that obtains such a waiver for such an emergency
158 purchase shall post notice of such emergency purchase on the Internet
159 web site of the state contracting agency prior to making such emergency
160 purchase.

161 Sec. 6. Section 4e-24 of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective July 1, 2022*):

163 [Not later than June 1, 2010, the State Contracting Standards Board,
164 in consultation with the Commissioner of Administrative Services and
165 any other appropriate award authority, shall adopt regulations, in
166 accordance with the provisions of chapter 54, permitting] (a) If an
167 emergency [procurements when there exists] procurement is deemed
168 necessary by a state contracting agency due to a threat to public health,
169 welfare or safety, the state contracting agency shall give notice to the
170 board of the need for such emergency procurement. Such emergency
171 procurements shall be made with competition, as is practicable under
172 the circumstances. [Said regulations shall require that] The state
173 contracting agency shall (1) include a written determination of the basis
174 for the emergency and for the selection of the particular contractor [be
175 included] in the contract file, [and transmitted] (2) transmit such
176 determination to the Governor, the president pro tempore of the Senate,
177 the majority and minority leaders of the Senate, the speaker of the House
178 of Representatives and the majority and minority leaders of the House

179 of Representatives, and (3) post such determination on the Internet web
180 site of the state contracting agency.

181 (b) The State Contracting Standards Board may adopt regulations in
182 accordance with the provisions of chapter 54 to implement the
183 provisions of this section.

184 Sec. 7. Subsection (d) of section 4b-51 of the general statutes is
185 repealed and the following is substituted in lieu thereof (*Effective July 1,*
186 *2022*):

187 (d) (1) Notwithstanding any provision of the general statutes, the
188 Commissioner of Administrative Services may select consultants to be
189 on a list established for the purpose of providing any consultant
190 services. Such list shall be established as provided in sections 4b-56 and
191 4b-57, as amended by this act. [The] In the case of an emergency
192 procurement due to a threat to public health, welfare or safety, the
193 commissioner may enter into a contract with any consultant on such list
194 [to perform a range of consultant services or] without inviting responses
195 from such consultants to perform a range of tasks pursuant to a task
196 letter detailing services to be performed under such contract.

197 (2) Notwithstanding any provision of the general statutes, the
198 Commissioner of Administrative Services may (A) compile a list of
199 architects, professional engineers and construction administrators for
200 the limited purpose of providing consultant services for a particular
201 program involving various projects for the construction of new
202 buildings or renovations to existing buildings where such buildings are
203 under the operation and control of either the Military Department or the
204 Department of Energy and Environmental Protection, and (B) in the case
205 of an emergency procurement due to a threat to public health, welfare
206 or safety, enter into a contract with any architect, professional engineer
207 or construction administrator on such list for such limited purpose
208 without inviting responses from the persons on such list, except that the
209 Adjutant General may perform the functions described in
210 subparagraphs (A) and (B) of this subdivision for any such building

211 under the operation and control of the Military Department.

212 (3) As used in this subsection, "consultant" means "consultant" as
213 defined in section 4b-55, "consultant services" means "consultant
214 services" as defined in section 4b-55, and "program" means multiple
215 projects involving the planning, design, construction, repair,
216 improvement or expansion of specified buildings, facilities or site
217 improvements, wherein the work (A) will be of a repetitive nature, (B)
218 will share a common funding source that imposes particular
219 requirements, or (C) would be significantly facilitated if completed by
220 the same design professional or construction administrator.

221 Sec. 8. Subsection (a) of section 4b-57 of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July 1,*
223 *2022*):

224 (a) Whenever consultant services are required by the commissioner
225 in fulfilling the responsibilities under section 4b-1, and in the case of
226 each project, the commissioner shall invite responses from such firms by
227 posting notice on the State Contracting Portal, except that in the case of
228 an emergency procurement, the commissioner may receive consultant
229 services under a contract entered into pursuant to subsection (d) of
230 section 4b-51, as amended by this act. The commissioner shall prescribe,
231 by regulations adopted in accordance with chapter 54, the advance
232 notice required for, the manner of submission, and conditions and
233 requirements of, such responses.

234 Sec. 9. Subsection (g) of section 4b-91 of the 2022 supplement to the
235 general statutes is repealed and the following is substituted in lieu
236 thereof (*Effective July 1, 2022*):

237 (g) Notwithstanding the provisions of this chapter regarding
238 competitive bidding procedures, in the case of an emergency
239 procurement due to a threat to public health, welfare or safety, the
240 commissioner may select and interview at least three responsible and
241 qualified general contractors who are prequalified pursuant to section
242 4a-100 and submit the three selected contractors to the construction

243 services award panels process described in section 4b-100a and any
 244 regulation adopted by the commissioner. The commissioner may
 245 negotiate with the successful bidder a contract which is both fair and
 246 reasonable to the state for a community court project, the downtown
 247 Hartford higher education center project, a correctional facility project,
 248 a juvenile residential center project, or a student residential facility for
 249 the Connecticut State University System that is a priority higher
 250 education facility project. The Commissioner of Administrative
 251 Services, prior to entering any such contract or performing any work on
 252 such project, shall submit such contract to the State Properties Review
 253 Board for review and approval or disapproval by the board, pursuant
 254 to subsection (i) of this section. Any general contractor awarded a
 255 contract pursuant to this subsection shall be subject to the same
 256 requirements concerning the furnishing of bonds as a contractor
 257 awarded a contract pursuant to subsection (b) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2022</i>	4e-5(a) to (c)
Sec. 3	<i>July 1, 2022</i>	4e-10(a)
Sec. 4	<i>July 1, 2022</i>	4e-16(d)
Sec. 5	<i>July 1, 2022</i>	4e-21(c)
Sec. 6	<i>July 1, 2022</i>	4e-24
Sec. 7	<i>July 1, 2022</i>	4b-51(d)
Sec. 8	<i>July 1, 2022</i>	4b-57(a)
Sec. 9	<i>July 1, 2022</i>	4b-91(g)