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## **OLR Bill Analysis**

### **sSB 475**

#### ***AN ACT CONCERNING STATE AGENCY PROCUREMENT OF RECYCLABLE PRODUCTS.***

#### **SUMMARY**

This bill requires the Department of Administrative Services (DAS) commissioner, for open market orders and contracts awarded on or after October 1, 2022, to give up to a 10% preference for purchasing (1) recyclable or remanufactured products or (2) goods made with recycled materials. (A price preference is the percentage by which a bid may be reduced for purposes of awarding a contract to the lowest qualified bidder.) In doing so, the bill also eliminates current law's provisions that the commissioner may provide a preference when he determines that it would promote recycling or remanufacturing. However, as the percentage of the preference is discretionary, presumably the commissioner could still choose not to provide it.

"Recyclable" means able to be collected, separated, or otherwise recovered from the solid waste stream for reuse, or for use in the manufacture or assembly of another package or product, by a recycling program which is reasonably available to at least 75% of the state's population. "Remanufactured" means restored to its original function and diverted from the solid waste stream by retaining the bulk of components that have been used at least once and by replacing consumable components.

Existing law requires the DAS commissioner, whenever practicable, to make efforts to increase state procurement of these products. Current law allows him to take certain steps to do so, including by requiring that bids include statements (1) of postconsumer and secondary waste content and (2) assessing the ability of materials to be recycled or products to be recycled or remanufactured, and the extent to which there are established recycling programs to facilitate this.

The bill requires, rather than allows, him to use these specified actions. However, these efforts are still only required when practicable.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2022

## **BACKGROUND**

### ***Contracting Preference Programs***

State law generally requires that state contracts for goods and services be based on competitive bids or competitive negotiation (CGS § 4a-57(a)). However, there are several exceptions to this, such as allowing a price preference of up to 10% for certain small businesses and sustainable products (CGS § 4a-59(c)). In these instances, the contracting or purchasing official must abide by the laws surrounding the preference.

### ***Related Bill***

sSB 469, favorably reported by the Government Administration and Elections Committee, expands the types of procurement methods that state agencies may use when seeking to enter personal services agreements and contractual services contracts.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 13    Nay 6    (03/28/2022)