



General Assembly

January Session, 2023

Raised Bill No. 1184

LCO No. 5298



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
DEPARTMENT OF ADMINISTRATIVE SERVICES CONCERNING
STATE CONTRACTING REQUIREMENTS AND CERTAIN
PROCUREMENT THRESHOLDS.**

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

1 Section 1. Subsection (b) of section 4a-53 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) Any state agency, with the approval of the Commissioner of
5 Administrative Services or [his or her] said commissioner's designee,
6 may purchase equipment, supplies, materials and services from (1)
7 another state, including an instrumentality or political subdivision of
8 another state, or (2) a person who has a contract to sell such property
9 or services to other state governments, other branches, divisions or
10 departments of this state, political subdivisions of this state, nonprofit
11 organizations or public purchasing consortia, in accordance with the
12 terms and conditions of such contract.

13 Sec. 2. Subsection (f) of section 4a-57 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage*):

16 (f) The commissioner shall post any contract entered into under this
17 section that has not been subject to competitive bidding or competitive
18 negotiation on the Internet web site of the Department of
19 Administrative Services, [provided nothing] except for minor
20 nonrecurring or emergency purchases in an amount of ten thousand
21 dollars or less. Nothing in this subsection shall be construed to require
22 the disclosure of any information not required to be disclosed under
23 subsection (b) of section 1-210.

24 Sec. 3. Section 4d-32 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 [(a)] No contractor shall award a subcontract for work under a
27 contract or for work under an amendment to a contract without the
28 approval of the Commissioner of Administrative Services or a
29 designee of (1) the selection of the subcontractor, and (2) the disclosure
30 of the provisions of the subcontract.

31 [(b) Each such contractor shall file a copy of each executed
32 subcontract or amendment to the subcontract with the Commissioner
33 of Administrative Services, who shall maintain the subcontract or
34 amendment as a public record, as defined in section 1-200.]

35 Sec. 4. Subsection (l) of section 4a-60g of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective July*
37 *1, 2024*):

38 (l) On or before [August] June thirtieth of each year, the
39 Commissioner of Administrative Services shall provide each awarding
40 agency setting aside contracts or portions of contracts under
41 subdivision (2) of subsection (b) of this section [shall prepare] a
42 preliminary report establishing small and minority business state set-
43 aside program goals for the twelve-month period beginning July first

44 in the same year. [Each] On or before September thirtieth of each year,
45 each such awarding agency shall submit a final version of such report
46 [shall be submitted] to the Commissioner of Administrative Services,
47 the Commission on Human Rights and Opportunities and the
48 cochairpersons and ranking members of the joint standing committees
49 of the General Assembly having cognizance of matters relating to
50 planning and development and government administration.

51 Sec. 5. Subsections (a) and (b) of section 4a-57 of the general statutes
52 are repealed and the following is substituted in lieu thereof (*Effective*
53 *October 1, 2023*):

54 (a) All purchases of, and contracts for, supplies, materials,
55 equipment and contractual services, except purchases and contracts
56 made pursuant to the provisions of subsection (b) or (d) of this section
57 and public utility services as provided in subsection (e) of this section
58 shall be based, when possible, on competitive bids or competitive
59 negotiation. The commissioner shall solicit competitive bids or
60 proposals by providing notice of the planned purchase in a form and
61 manner that the commissioner determines will maximize public
62 participation in the competitive bidding or competitive negotiation
63 process, including participation by small contractors, as defined in
64 section 4a-60g, as amended by this act, and promote competition. In
65 the case of an expenditure that is estimated to exceed [fifty] one
66 hundred thousand dollars, such notice shall be posted, not less than
67 five calendar days before the final date of submitting bids or
68 proposals, on the State Contracting Portal. Each notice of a planned
69 purchase under this subsection shall indicate the type of goods and
70 services to be purchased and the estimated value of the contract
71 award. The notice shall also contain a notice of state contract
72 requirements concerning nondiscrimination and affirmative action
73 pursuant to section 4a-60 and, when applicable, requirements
74 concerning the awarding of contracts to small contractors, minority
75 business enterprises, individuals with a disability and nonprofit
76 corporations pursuant to section 4a-60g, as amended by this act. Each
77 bid and proposal shall be kept sealed or secured until opened publicly

78 at the time stated in the notice soliciting such bid or proposal.

79 (b) The commissioner may, at the commissioner's discretion, waive
80 the requirement of competitive bidding or competitive negotiation in
81 the case of minor nonrecurring or emergency purchases of [ten]
82 twenty-five thousand dollars or less in amount.

83 Sec. 6. Subsection (b) of section 4a-58 of the general statutes is
84 repealed and the following is substituted in lieu thereof (*Effective*
85 *October 1, 2023*):

86 (b) Whenever an emergency exists by reason of extraordinary
87 conditions or contingencies that could not reasonably be foreseen and
88 guarded against, or because of unusual trade or market conditions, the
89 Commissioner of Administrative Services, or, in the case of purchases,
90 leases and contracts for information systems, information technology
91 personal property and telecommunication systems, the Chief
92 Information Officer, may, if it is in the best interests of the state, waive
93 the competitive bid or proposal requirements set forth in section 4a-57,
94 as amended by this act. If any such procurement is estimated to cost
95 [fifty] one hundred thousand dollars or more, such waiver shall be
96 subject to the approval of the Standardization Committee. A statement
97 of all purchases made under the provisions of this section and, in the
98 case of a contract, the contract shall be posted on the Internet web site
99 of the Department of Administrative Services, provided nothing in this
100 subsection shall be construed to require the disclosure of any
101 information not required to be disclosed under subsection (b) of
102 section 1-210.

103 Sec. 7. Subsection (a) of section 4a-100 of the general statutes is
104 repealed and the following is substituted in lieu thereof (*Effective*
105 *October 1, 2023*):

106 (a) As used in this section: (1) "Prequalification" means
107 prequalification issued by the Commissioner of Administrative
108 Services to bid on a contract or perform work pursuant to a contract
109 for the construction, reconstruction, alteration, remodeling, repair or

110 demolition of any public building or any other public work by the state
111 or a municipality, except a public highway or bridge project or any
112 other construction project administered by the Department of
113 Transportation, or to perform work under such a contract as a
114 substantial subcontractor; (2) "subcontractor" means a person who
115 performs work with a value in excess of twenty-five thousand dollars
116 for a contractor pursuant to a contract for work for the state or a
117 municipality which is estimated to cost more than [five hundred
118 thousand] one million dollars; (3) "principals and key personnel"
119 includes officers, directors, shareholders, members, partners and
120 managerial employees; (4) "aggregate work capacity rating" means the
121 maximum amount of work an applicant is capable of undertaking for
122 any and all projects; (5) "single project limit" means the highest
123 estimated cost of a single project that an applicant is capable of
124 undertaking; (6) "contract" means an agreement for work for the state
125 or a municipality that is estimated to cost more than [five hundred
126 thousand] one million dollars and is funded, in whole or in part, by
127 state funds; and (7) "substantial subcontractor" means a person who
128 performs work with a value in excess of [five hundred thousand] one
129 million dollars for a contractor pursuant to a contract for work for the
130 state or a municipality which is estimated to cost more than [five
131 hundred thousand] one million dollars.

132 Sec. 8. Subsection (c) of section 4a-101 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2023*):

135 (c) As used in this section, "public agency" means a public agency,
136 as defined in section 1-200, "contract" means an agreement for work for
137 the state or a municipality that is estimated to cost more than [five
138 hundred thousand] one million dollars and is funded, in whole or in
139 part, by state funds, "subcontractor" means a person who performs
140 work with a value in excess of twenty-five thousand dollars for a
141 contractor pursuant to a contract and "substantial subcontractor"
142 means a substantial subcontractor, as defined in section 4a-100, as
143 amended by this act.

144 Sec. 9. Subsection (a) of section 4b-91 of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective*
146 *October 1, 2023*):

147 (a) (1) As used in this section, "prequalification classification" means
148 the prequalification classifications established by the Commissioner of
149 Administrative Services pursuant to section 4a-100, as amended by this
150 act, "public agency" has the same meaning as provided in section 1-
151 200, "awarding authority" means the Department of Administrative
152 Services, except "awarding authority" means (A) the Joint Committee
153 on Legislative Management, in the case of a contract for the
154 construction of or work on a building or other public work under the
155 supervision and control of the joint committee, (B) a constituent unit of
156 the state system of higher education, in the case of a contract for the
157 construction of or work on a building or other public work under the
158 supervision and control of such constituent unit, or (C) the Military
159 Department, in the case of a contract for the construction of or work on
160 a building or other public work under the supervision and control of
161 said department and "community court project", "downtown Hartford
162 higher education center project", "correctional facility project",
163 "juvenile residential center project" and "priority higher education
164 facility project" have the same meanings as provided in section 4b-55.

165 (2) Except as provided in subdivision (3) of this subsection, every
166 contract for the construction, reconstruction, alteration, remodeling,
167 repair or demolition of any public building or any other public work
168 by the state that is estimated to cost more than [five hundred
169 thousand] one million dollars shall be awarded to the lowest
170 responsible and qualified general bidder who is prequalified pursuant
171 to section 4a-100, as amended by this act, on the basis of competitive
172 bids in accordance with the procedures set forth in this chapter, after
173 the awarding authority has invited such bids by posting notice on the
174 State Contracting Portal. The awarding authority shall indicate the
175 prequalification classification required for the contract in such notice.

176 (3) The requirements set forth in subdivision (2) of this subsection

177 shall not apply to (A) a public highway or bridge project or any other
178 construction project administered by the Department of
179 Transportation, or (B) a contract awarded by the Commissioner of
180 Administrative Services for (i) any public building or other public
181 works project administered by the Department of Administrative
182 Services that is estimated to cost one million five hundred thousand
183 dollars or less, (ii) a community court project, (iii) the downtown
184 Hartford higher education center project, (iv) a correctional facility
185 project, (v) a juvenile residential center project, or (vi) a student
186 residential facility for the Connecticut State University System that is a
187 priority higher education facility project.

188 (4) Every contract for the construction, reconstruction, alteration,
189 remodeling, repair or demolition of any public building or any other
190 public work by a public agency that is paid for, in whole or in part,
191 with state funds and that is estimated to cost more than [five hundred
192 thousand] one million dollars shall be awarded to a bidder that is
193 prequalified pursuant to section 4a-100, as amended by this act, after
194 the public agency has invited such bids by posting notice on the State
195 Contracting Portal, except for (A) a public highway or bridge project or
196 any other construction project administered by the Department of
197 Transportation, or (B) any public building or other public works
198 project administered by the Department of Administrative Services
199 that is estimated to cost one million five hundred thousand dollars or
200 less. The awarding authority or public agency, as the case may be, shall
201 indicate the prequalification classification required for the contract in
202 such notice.

203 (5) (A) The Commissioner of Administrative Services may select
204 contractors to be on lists established for the purpose of providing
205 contractor services for the construction, reconstruction, alteration,
206 remodeling, repair or demolition of any public building or other public
207 works project administered by the Department of Administrative
208 Services involving an expense to the state of one million five hundred
209 thousand dollars or less. The commissioner shall use the
210 prequalification classifications established pursuant to section 4a-100,

211 as amended by this act, to determine the specific categories of services
212 that contractors may perform after being selected in accordance with
213 this subparagraph and subparagraph (B) of this subdivision and
214 awarded a contract in accordance with subparagraph (C) of this
215 subdivision. The commissioner may establish a separate list for
216 projects involving an expense to the state of less than [five hundred
217 thousand] one million dollars for the purpose of selecting and utilizing
218 the services of small contractors and minority business enterprises, as
219 such terms are defined in section 4a-60g, as amended by this act.

220 (B) The commissioner shall invite contractors to submit
221 qualifications for each specific category of services sought by the
222 department by posting notice of such invitation on the State
223 Contracting Portal. The notice shall be in the form determined by the
224 commissioner, and shall set forth the information that a contractor is
225 required to submit to be considered for selection. Upon receipt of the
226 submittal from the contractor, the commissioner shall select, for each
227 specified category, those contractors who (i) are determined to be the
228 most responsible and qualified, as such terms are defined in section 4b-
229 92, to perform the work required under the specified category, (ii) have
230 demonstrated the skill, ability and integrity to fulfill contract
231 obligations considering their past performance, financial responsibility
232 and experience with projects of the size, scope and complexity
233 required by the state under the specified category, and (iii) for projects
234 with a cost exceeding [five hundred thousand] one million dollars,
235 have the ability to obtain the requisite bonding. The commissioner
236 shall establish the duration that each list remains in effect, which in no
237 event may exceed three years.

238 (C) For any public building or public works project involving an
239 expense to the state of one million five hundred thousand dollars or
240 less, the commissioner shall invite bids from only those contractors
241 selected pursuant to subparagraphs (A) and (B) of this subdivision for
242 the specific category of services required for the particular project. The
243 commissioner shall determine the form of bid invitation, the manner
244 of, and time for, submission of bids, and the conditions and

245 requirements of such bids. The contract shall be awarded to the lowest
246 responsible and qualified bidder, subject to the provisions of sections
247 4b-92 and 4b-94. In the event that fewer than three bids are received in
248 response to an invitation to bid under this subdivision, or that all the
249 bids are in excess of the amount of available funds for the project, the
250 commissioner may negotiate a contract with any of the contractors
251 submitting a bid, or reject the bids received and rebid the project in
252 accordance with this section.

253 Sec. 10. Subsection (j) of section 4b-91 of the general statutes is
254 repealed and the following is substituted in lieu thereof (*Effective*
255 *October 1, 2023*):

256 (j) No person whose subcontract exceeds [five hundred thousand]
257 one million dollars in value may perform work as a subcontractor on a
258 project for the construction, reconstruction, alteration, remodeling,
259 repair or demolition of any public building or any other public work
260 by the state or a municipality, except a public highway or bridge
261 project or any other construction project administered by the
262 Department of Transportation, which project is estimated to cost more
263 than [five hundred thousand] one million dollars and is paid for, in
264 whole or in part, with state funds, unless, at the time of the bid
265 submission, the person is prequalified in accordance with section 4a-
266 100, as amended by this act. The provisions of this subsection shall not
267 apply to the downtown Hartford higher education center project.

268 Sec. 11. Subdivision (1) of subsection (b) of section 4a-60a of the
269 general statutes is repealed and the following is substituted in lieu
270 thereof (*Effective from passage*):

271 (1) Any contractor who has one or more contracts with an awarding
272 agency or who is a party to a municipal public works contract or a
273 contract for a quasi-public agency project shall include a
274 nondiscrimination affirmation provision in the contract certifying that
275 the contractor understands the obligations of this section and will
276 maintain a policy for the duration of the contract to assure that the

277 contract will be performed in conformance with the nondiscrimination
 278 requirements of this section. The authorized signatory of the contract
 279 shall demonstrate his or her understanding of this obligation by either
 280 (A) initialing the nondiscrimination affirmation provision in the body
 281 of the contract, [or] (B) providing an affirmative response in the
 282 required online bid or response to a proposal question which asks if
 283 the contractor understands its obligations, or (C) signing the contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-53(b)
Sec. 2	<i>from passage</i>	4a-57(f)
Sec. 3	<i>from passage</i>	4d-32
Sec. 4	<i>July 1, 2024</i>	4a-60g(l)
Sec. 5	<i>October 1, 2023</i>	4a-57(a) and (b)
Sec. 6	<i>October 1, 2023</i>	4a-58(b)
Sec. 7	<i>October 1, 2023</i>	4a-100(a)
Sec. 8	<i>October 1, 2023</i>	4a-101(c)
Sec. 9	<i>October 1, 2023</i>	4b-91(a)
Sec. 10	<i>October 1, 2023</i>	4b-91(j)
Sec. 11	<i>from passage</i>	4a-60a(b)(1)

Statement of Purpose:

To make revisions to various statutes concerning state contracting recommended by the Department of Administrative Services, including by permitting the department to make cooperative purchases from another state, increasing thresholds relating to contractor prequalification and competitive bidding waivers and revising provisions concerning set-aside goal reports and nondiscrimination affirmations.

[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.]