



General Assembly

**Substitute Bill No. 1223**

January Session, 2023



**AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD.**

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

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

9 (b) Notwithstanding any provision of the general statutes, the  
10 Governor shall not reduce allotment requisitions or allotments in force  
11 concerning the State Contracting Standards Board.

12 Sec. 2. Section 4e-1 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective July 1, 2023*):

14 For the purposes of this section and sections [4e-1] 4e-2 to 4e-47,  
15 inclusive, as amended by this act:

16 (1) "Best value selection" means a contract selection process in which

17 the award of a contract is based on a combination of quality, timeliness  
18 and cost factors;

19 (2) "Bid" means an offer, submitted in response to an invitation to bid,  
20 to furnish supplies, materials, equipment, construction or contractual  
21 services to a state contracting agency under prescribed conditions at a  
22 stated price;

23 (3) "Bidder" means a business submitting a bid in response to an  
24 invitation to bid by a state contracting agency;

25 (4) "Business" means any individual or sole proprietorship,  
26 partnership, firm, corporation, trust, limited liability company, limited  
27 liability partnership, joint stock company, joint venture, association or  
28 other legal entity through which business for profit or not-for-profit is  
29 conducted;

30 (5) "Competitive bidding" means the submission of prices by a  
31 business competing for a contract to provide supplies, materials,  
32 equipment or contractual services to a state contracting agency, under a  
33 procedure in which the contracting authority does not negotiate prices,  
34 as set forth in statutes and regulations concerning procurement;

35 (6) "Consultant" means (A) any architect, professional engineer,  
36 landscape architect, land surveyor, accountant, interior designer,  
37 environmental professional or construction administrator, who is  
38 registered or licensed to practice such person's profession in accordance  
39 with the applicable provisions of the general statutes, (B) any planner or  
40 any environmental, management or financial specialist, or (C) any  
41 person who performs professional work in areas including, but not  
42 limited to, educational services, medical services, information  
43 technology and real estate appraisal;

44 (7) "Consultant services" means those professional services rendered  
45 by a consultant and any incidental services that a consultant and those  
46 in the consultant's employ are authorized to perform;

47 (8) "Contract" [or "state contract"] means an agreement or a  
48 combination or series of agreements between a state contracting agency  
49 [or quasi-public agency] and a business for:

50 (A) A project for the construction, reconstruction, alteration,  
51 remodeling, repair or demolition of any public building, public work,  
52 mass transit, rail station, parking garage, rail track or airport;

53 (B) Services, including, but not limited to, consultant and professional  
54 services;

55 (C) The acquisition or disposition of personal property;

56 (D) The provision of goods and services, including, but not limited  
57 to, the use of purchase of services contracts and personal service  
58 agreements;

59 (E) The provision of information technology, state agency  
60 information system or telecommunication system facilities, equipment  
61 or services;

62 (F) A lease; or

63 (G) A licensing agreement;

64 "Contract" [or "state contract"] does not include a contract between a  
65 state contracting agency [or a quasi-public agency] and a political  
66 subdivision of the state;

67 (9) "Term contract" means the agreement reached when the state  
68 accepts a bid or proposal to furnish supplies, materials, equipment or  
69 contractual services at a stated price for a specific period of time in  
70 response to an invitation to bid;

71 (10) "Contract risk assessment" means (A) the identification and  
72 evaluation of loss exposures and risks, including, but not limited to,  
73 business and legal risks associated with the contracting process and the  
74 contracted goods and services, and (B) the identification, evaluation and

75 implementation of measures available to minimize potential loss  
76 exposures and risks;

77 (11) "Contractor" means any business that is awarded, or is a  
78 subcontractor under, a contract or an amendment to a contract with a  
79 state contracting agency under statutes and regulations concerning  
80 procurement, including, but not limited to, a small contractor, minority  
81 business enterprise, an individual with a disability, as defined in section  
82 4a-60, or an organization providing products and services by persons  
83 with disabilities;

84 (12) "Contractual services" means the furnishing of labor by a  
85 contractor, not involving the delivery of a specific end product other  
86 than reports, which are merely incidental to the required performance  
87 and includes any and all laundry and cleaning service, pest control  
88 service, janitorial service, security service, the rental and repair, or  
89 maintenance, of equipment, machinery and other [state-owned]  
90 personal property owned by a state contracting agency, advertising and  
91 photostating, mimeographing, human services and other service  
92 arrangements where the services are provided by persons other than  
93 state employees or quasi-public agency employees. "Contractual  
94 services" includes the design, development and implementation of  
95 technology, communications or telecommunications systems or the  
96 infrastructure pertaining thereto, including hardware and software and  
97 services for which a contractor is conferred a benefit by the state,  
98 whether or not compensated by the state. "Contractual services" does  
99 not include employment agreements or collective bargaining  
100 agreements;

101 (13) "Data" means recorded information, regardless of form or  
102 characteristic;

103 (14) "Vote of two-thirds of the members of the board present and  
104 voting" means a vote by the State Contracting Standards Board that is  
105 agreed upon by two-thirds of the members of the State Contracting  
106 Standards Board present and voting for a particular purpose and that

107 includes the vote of one member of the board appointed by a legislative  
108 leader;

109 (15) "Electronic" means electrical, digital, magnetic, optical,  
110 electromagnetic, or any other similar technology;

111 (16) "Emergency procurement" means procurement by a state  
112 contracting agency, [quasi-public agency, as defined in section 1-120,]  
113 judicial department or constituent unit of higher education that is made  
114 necessary by a sudden, unexpected occurrence that poses a clear and  
115 imminent danger to public safety or requires immediate action to  
116 prevent or mitigate the loss or impairment of life, health, property or  
117 essential public services or in response to a court order, settlement  
118 agreement or other similar legal judgment;

119 (17) "Equipment" means personal property of a durable nature that  
120 retains its identity throughout its useful life;

121 (18) "Materials" means items required to perform a function or used  
122 in a manufacturing process, particularly those incorporated into an end  
123 product or consumed in its manufacture;

124 (19) "Nonprofit agency" means any organization that is not a for-  
125 profit business under Section 501(c)(3) of the Internal Revenue Code of  
126 1986, or any subsequent corresponding internal revenue code of the  
127 United States, as amended from time to time, [amended,] makes no  
128 distribution to its members, directors or officers and provides services  
129 contracted for by (A) the state or a quasi-public agency, or (B) a nonstate  
130 entity;

131 (20) "Professional services" means any type of service to the public  
132 that requires that members of a profession rendering such service obtain  
133 a license or other legal authorization as a condition precedent to the  
134 rendition thereof, including, but not limited to, the professional services  
135 of architects, professional engineers, or jointly by architects and  
136 professional engineers, landscape architects, certified public  
137 accountants and public accountants, land surveyors, attorneys-at-law,

138 psychologists, licensed marital and family therapists, licensed  
139 professional counselors and licensed clinical social workers as well as  
140 such other professional services described in section 33-182a;

141 (21) "Privatization contract" means an agreement or series of  
142 agreements between a state contracting agency and a person or entity in  
143 which such person or entity agrees to provide services that are  
144 substantially similar to and in lieu of services provided, in whole or in  
145 part, by state employees or quasi-public agency employees, other than  
146 contracts with a nonprofit agency, which are in effect as of January 1,  
147 2009, and which through a renewal, modification, extension or  
148 rebidding of contracts continue to be provided by a nonprofit agency;

149 (22) "Procurement" means contracting for, buying, purchasing,  
150 renting, leasing or otherwise acquiring or disposing of, any supplies,  
151 services, including but not limited to, contracts for purchase of services  
152 and personal service agreements, interest in real property, or  
153 construction, and includes all government functions that relate to such  
154 activities, including best value selection and qualification based  
155 selection;

156 (23) "Proposer" means a business submitting a proposal to a state  
157 contracting agency in response to a request for proposals or other  
158 competitive sealed proposal;

159 (24) "Public record" means a public record, as defined in section 1-  
160 200;

161 (25) "Qualification based selection" means a contract selection process  
162 in which the award of a contract is primarily based on an assessment of  
163 contractor qualifications and on the negotiation of a fair and reasonable  
164 price;

165 (26) "Regulation" means regulation, as defined in section 4-166;

166 (27) "Request for proposals" means all documents, whether attached  
167 or incorporated by reference, utilized for soliciting proposals;

168 (28) "State contracting agency" means any executive branch agency,  
169 board, commission, department, office, institution, [or] council or quasi-  
170 public agency. "State contracting agency" does not include the judicial  
171 branch, the legislative branch, the offices of the Secretary of the State,  
172 the State Comptroller, the Attorney General, the State Treasurer, with  
173 respect to their constitutional functions, any state agency with respect  
174 to contracts specific to the constitutional and statutory functions of the  
175 office of the State Treasurer. For the purposes of section 4e-16, as  
176 amended by this act, "state contracting agency" includes any constituent  
177 unit of the state system of higher education and [for the purposes of  
178 section 4e-19, "state contracting agency" includes the State Education  
179 Resource Center, established under section 10-4q] The University of  
180 Connecticut Health Center Finance Corporation;

181 (29) "Subcontractor" means a subcontractor of a contractor for work  
182 under a contract or an amendment to a contract;

183 (30) "Supplies" means any and all articles of personal property,  
184 including, but not limited to, equipment, materials, printing, insurance  
185 and leases of real property, excluding land or a permanent interest in  
186 land furnished to or used by any state agency;

187 (31) "Infrastructure facility" means a building, structure or network  
188 of buildings, structures, pipes, controls and equipment that provide  
189 transportation, utilities, public education or public safety services.  
190 [Infrastructure facility] "Infrastructure facility" includes government  
191 office buildings, public schools, jails, water treatment plants,  
192 distribution systems and pumping stations, wastewater treatment  
193 plants, collections systems and pumping stations, solid waste disposal  
194 plants, incinerators, landfills, and related facilities, public roads and  
195 streets, highways, public parking facilities, public transportation  
196 systems, terminals and rolling stock, rail, air and water port structures,  
197 terminals and equipment; [and]

198 (32) "State employee" means state employee, as defined in section 5-  
199 154 and, for purposes of section 4e-16, as amended by this act, [state

200 employee] "state employee" includes an employee of any state  
201 contracting agency that is not a quasi-public agency; and

202 (33) "Quasi-public agency" has the same meaning as provided in  
203 section 1-120.

204 Sec. 3. Subsections (g) and (h) of section 4e-2 of the general statutes  
205 are repealed and the following is substituted in lieu thereof (*Effective July*  
206 *1, 2023*):

207 (g) The board shall appoint a Chief Procurement Officer for a term  
208 not to exceed six years, unless reappointed pursuant to the provisions  
209 of this subsection. The Chief Procurement Officer shall report to the  
210 board and annually be evaluated by, and serve at the pleasure of, the  
211 board. For administrative purposes only, the Chief Procurement Officer  
212 shall be supervised by the executive director.

213 (1) The Chief Procurement Officer shall be responsible for carrying  
214 out the policies of the board relating to procurement including, but not  
215 limited to, oversight, investigation, auditing, agency procurement  
216 certification and procurement and project management training and  
217 enforcement of [said] such policies as well as the application of such  
218 policies to the screening and evaluation of current and prospective  
219 contractors. The Chief Procurement Officer may enter into such  
220 contractual agreements as may be necessary for the discharge of the  
221 duties as set forth in this subsection and by the board, including, but not  
222 limited to, recommending best practices and providing operational and  
223 administrative assistance to state agencies determined, by the board, to  
224 be in violation of sections 4e-16 to 4e-47, inclusive, as amended by this  
225 act.

226 (2) In addition to the duties set forth by the board, the Chief  
227 Procurement Officer shall (A) oversee state contracting agency  
228 compliance with the provisions of statutes and regulations concerning  
229 procurement; (B) monitor and assess the performance of the  
230 procurement duties of each agency procurement officer; (C) administer



231 the certification system and monitor the level of agency compliance with  
232 the requirements of statutes and regulations concerning procurement,  
233 including, but not limited to, the education and training, performance  
234 and qualifications of agency procurement officers; (D) review and  
235 monitor the procurement processes of each state contracting agency [,  
236 quasi-public agencies] and institutions of higher education; and (E)  
237 serve as chairperson of the Contracting Standards Advisory Council  
238 and an ex-officio member of the Vendor and Citizen Advisory Panel.

239 (h) The board may contract with consultants and professionals on a  
240 temporary or project by project basis, and [may] shall employ, subject  
241 to the provisions of chapter 67, [such] not less than five full-time  
242 employees and may employ additional employees as may be necessary  
243 to carry out the provisions of this section.

244 Sec. 4. Subdivision (2) of subsection (a) of section 4e-3 of the general  
245 statutes is repealed and the following is substituted in lieu thereof  
246 (*Effective July 1, 2023*):

247 (2) Any state contracting agency's contracting and procurement  
248 processes, including, but not limited to, leasing and property transfers,  
249 purchasing or leasing of supplies, materials or equipment, consultant or  
250 consultant services, purchase of service agreements or privatization  
251 contracts; and

252 Sec. 5. Section 4e-4 of the general statutes is repealed and the  
253 following is substituted in lieu thereof (*Effective July 1, 2023*):

254 Except as otherwise provided in the general statutes, the board shall  
255 have the following authority and responsibilities with respect to  
256 procurements by state contracting agencies:

257 [(a)] (1) Recommend the repeal of repetitive, conflicting or obsolete  
258 statutes concerning [state] procurement;

259 [(b)] (2) Review and make recommendations concerning proposed  
260 legislation and regulations concerning procurement, management,

261 control, and disposal of any and all supplies, services, and construction  
262 to be procured by [the] state contracting agencies, including, but not  
263 limited to:

264 [(1)] (A) Conditions and procedures for delegation of procurement  
265 authority;

266 [(2)] (B) Prequalification, suspension, debarment and reinstatement  
267 of prospective bidders and contractors;

268 [(3)] (C) Small purchase procedures;

269 [(4)] (D) Conditions and procedures for the procurement of  
270 perishables and items for resale;

271 [(5)] (E) Conditions and procedures for the use of source selection  
272 methods authorized by statutes and regulations concerning  
273 procurement;

274 [(6)] (F) Conditions and procedures for the use of emergency  
275 procurements;

276 [(7)] (G) Conditions and procedures for the selection of contractors by  
277 processes or methods that restrict full and open competition;

278 [(8)] (H) The opening or rejection of bids and offers, and waiver of  
279 errors in bids and offers;

280 [(9)] (I) Confidentiality of technical data and trade secrets submitted  
281 by actual or prospective bidders;

282 [(10)] (J) Partial, progressive and multiple awards;

283 [(11)] (K) Supervision of storerooms and inventories, including  
284 determination of appropriate stock levels and the management,  
285 transfer, sale or other disposal of publicly-owned supplies;

286 [(12)] (L) Definitions and classes of contractual services and

287 procedures for acquiring such services;

288 [(13)] (M) Regulations providing for conducting cost and price  
289 analysis;

290 [(14)] (N) Use of payment and performance bonds;

291 [(15)] (O) Guidelines for use of cost principles in negotiations,  
292 adjustments and settlements; and

293 [(16)] (P) Identification of procurement best practices;

294 [(c)] (3) Adopt regulations, pursuant to chapter 54, to carry out the  
295 provisions of statutes concerning procurement, in order to facilitate  
296 consistent application of the law and require the implementation of  
297 procurement best practices;

298 [(d)] (4) Make recommendations with regard to information systems  
299 for [state] procurement including, but not limited to, data element and  
300 design and the State Contracting Portal;

301 [(e)] (5) Develop a guide to state statutes and regulations concerning  
302 procurement, for use by all state contracting agencies;

303 [(f)] (6) Assist state contracting agencies in complying with the  
304 statutes and regulations concerning procurement by providing  
305 guidance, models, advice and practical assistance to state contracting  
306 agency staff relating to: [(1)] (A) Buying the best service at the best price,  
307 [(2)] (B) properly selecting contractors, and [(3)] (C) drafting contracts  
308 that achieve state goals of accountability, transparency and results  
309 based outcomes and to protect taxpayers' interest;

310 [(g)] (7) Train and oversee the agency procurement officer of each  
311 state contracting agency and any contracting officers thereunder;

312 [(h)] (8) Review and certify, on or after January 1, 2009, that a state  
313 contracting agency's procurement processes are in compliance with  
314 statutes and regulations concerning procurement by:

315 [(1)] (A) Establishing procurement and project management  
316 education and training criteria and certification procedures for agency  
317 procurement officers and contracting officers. All agency procurement  
318 officers and contracting officers designated under this [provision]  
319 subparagraph shall be required to maintain the certification in good  
320 standing at all times while performing procurement functions;

321 [(2)] (B) Approving an ethics training course, in consultation with the  
322 Office of State Ethics, including, but not limited to, state employees and  
323 quasi-public agency employees involved in procurement and for state  
324 contractors and substantial subcontractors who are prequalified  
325 pursuant to chapter 58a. Such ethics training course may be developed  
326 and provided by the Office of State Ethics or by any person, firm or  
327 corporation provided such course is approved by the State Contracting  
328 Standards Board;

329 [(i)] (9) Recertify each state contracting agency's procurement  
330 processes, triennially, and provide agencies with notice of any  
331 certification deficiency and exercise those powers authorized by section  
332 4e-34, as amended by this act, 4e-39 or 4e-40, as amended by this act, as  
333 applicable, if a determination of noncompliance is made;

334 [(j)] (10) Define the contract data reporting requirements to the board  
335 for state contracting agencies concerning information on: [(1)] (A) The  
336 number and type of [state] contracts of each state contracting agency  
337 currently in effect state-wide; [(2)] (B) the term and dollar value of such  
338 contracts; [(3)] (C) a list of client agencies; [(4)] (D) a description of  
339 services purchased under such contracts; [(5)] (E) contractor names; [(6)]  
340 (F) an evaluation of contractor performance, including, but not limited  
341 to records pertaining to the suspension or disqualification of  
342 contractors, and assuring such information is available on the State  
343 Contracting Portal; and [(7)] (G) a list of contracts and contractors  
344 awarded without full and open competition stating the reasons [for]  
345 therefor and identifying the approving authority; and

346 [(k)] (11) Provide the Governor and the joint standing committee of

347 the General Assembly having cognizance of matters relating to  
348 government administration with recommendations concerning the  
349 statutes and regulations concerning procurement.

350 Sec. 6. Subsections (a) to (c), inclusive, of section 4e-5 of the general  
351 statutes are repealed and the following is substituted in lieu thereof  
352 (*Effective July 1, 2023*):

353 (a) (1) The head of each state contracting agency shall appoint an  
354 agency procurement officer. Such officer shall serve as the liaison  
355 between the agency and the Chief Procurement Officer on all matters  
356 relating to the agency's procurement activity, including, but not limited  
357 to, implementation and compliance with the provisions of statutes and  
358 regulations concerning procurement and any policies or regulations  
359 adopted by the board, coordination of the training and education of  
360 agency procurement employees and any person serving on the  
361 Contracting Standards Advisory Council;

362 (2) The agency procurement officer shall be responsible for (A)  
363 ensuring that any invitation to bid, request for proposals or any other  
364 solicitation for goods and services issued on or after July 1, 2023,  
365 contains a notice of the rights of prospective bidders, proposers or  
366 prospective contractors under sections 4e-36, 4e-39 and 4e-40, as  
367 amended by this act, (B) assuring that contractors are properly screened  
368 prior to the award of a contract, (C) ensuring contractors are advised of  
369 their rights under sections 4e-36, 4e-39 and 4e-40, as amended by this  
370 act, prior to entering into a contract on or after July 1, 2023, (D) ensuring  
371 that, upon the award of such a contract, unsuccessful bidders, proposers  
372 or respondents are advised of their rights under sections 4e-36, 4e-39  
373 and 4e-40, as amended by this act, (E) evaluating contractor  
374 performance during and at the conclusion of a contract, (F) submitting  
375 written evaluations to a central data repository to be designated by the  
376 board, and (G) creating a project management plan for the agency with  
377 annual reports to the board pertaining to procurement projects within  
378 the agency.

379 (b) The State Contracting Standards Board, with the advice and  
380 assistance of the Commissioner of Administrative Services, shall  
381 develop a standardized state procurement and project management  
382 education and training program. Such education and training program  
383 shall develop education, training and professional development  
384 opportunities for employees of state contracting agencies charged with  
385 procurement responsibilities. The education and training program shall  
386 educate such employees in general business acumen and on proper  
387 purchasing procedures as established in statutes and regulations  
388 concerning procurement with an emphasis on ethics, fairness,  
389 consistency and project management. Participation in the education and  
390 training program shall be required of any supervisory and  
391 nonsupervisory [state] employees in state contracting agencies with  
392 responsibility for buying, purchasing, renting, leasing or otherwise  
393 acquiring any supplies, service or construction, including the  
394 preparation of the description of requirements, selection and solicitation  
395 of sources, preparation and award of contracts and all phases of contract  
396 administration.

397 (c) The state procurement and project management education and  
398 training program shall include, but shall not be limited to (1) training  
399 and education concerning federal, state and municipal procurement  
400 processes, including the statutes and regulations concerning  
401 procurement; (2) training and education courses developed in  
402 cooperation with the Office of State Ethics, the Freedom of Information  
403 Commission, the State Elections Enforcement Commission, the  
404 Commission on Human Rights and Opportunities, the office of the  
405 Attorney General and any other state agency the board determines is  
406 necessary in carrying out statutes and regulations concerning  
407 procurement; (3) providing technical assistance to state contracting  
408 agencies and municipalities for implementing statutes and regulations  
409 concerning procurement, regulations, policies and standards developed  
410 by the board; (4) training to current and prospective contractors and  
411 vendors and others seeking to do business with [the] state contracting  
412 agencies; and (5) training and education of state employees and quasi-

413 public agency employees in the area of best procurement practices in  
414 [state] purchasing with the goal of achieving the level of acumen  
415 necessary to achieve the objectives of statutes and regulations  
416 concerning procurement.

417 Sec. 7. Subsection (a) of section 4e-7 of the general statutes is repealed  
418 and the following is substituted in lieu thereof (*Effective July 1, 2023*):

419 (a) For cause, the State Contracting Standards Board may review,  
420 terminate or recommend to a state contracting agency the termination  
421 of any contract or procurement agreement undertaken by any state  
422 contracting agency after providing fifteen days' notice to the state  
423 contracting agency and the applicable contractor, and consulting with  
424 the Attorney General. Such termination of a contract or procurement  
425 agreement by the board may occur only after (1) the board has consulted  
426 with the state contracting agency to determine the impact of an  
427 immediate termination of the contract, (2) a determination has been  
428 made jointly by the board and the state contracting agency that an  
429 immediate termination of the contract will not create imminent peril to  
430 the public health, safety or welfare, (3) a vote of two-thirds of the  
431 members of the board present and voting for that purpose, and (4) the  
432 board has provided the state contracting agency and the contractor with  
433 opportunity for a hearing conducted pursuant to the provisions of  
434 chapter 54. Such action shall be accompanied by notice to the state  
435 contracting agency and any other affected party. For the purpose of this  
436 section, "for cause" means: (A) A violation of section 1-84 or 1-86e, as  
437 determined by the Citizen's Ethics Advisory Board; (B) wanton or  
438 reckless disregard of any state or quasi-public agency contracting and  
439 procurement process by any person substantially involved in such  
440 contract or state contracting agency; or (C) notification from the  
441 Attorney General to the state contracting agency that an investigation  
442 pursuant to section 4-61dd has concluded that the process by which  
443 such contract was awarded was compromised by fraud, collusion or any  
444 other criminal violation. Nothing in this section shall be construed to  
445 limit the authority of the board as described in section 4e-6.

446 Sec. 8. Section 4e-8 of the general statutes is repealed and the  
447 following is substituted in lieu thereof (*Effective July 1, 2023*):

448 There is established a Contracting Standards Advisory Council,  
449 which shall consist of representatives from the Office of Policy and  
450 Management, Departments of Administrative Services and  
451 Transportation, [and] representatives of at least three additional state  
452 contracting agencies, including at least one human services related state  
453 agency, to be designated by the Governor, and at least four additional  
454 state contracting agencies that are quasi-public agencies, two to be  
455 appointed by the speaker of the House of Representatives and two to be  
456 appointed by the president pro tempore of the Senate. The Chief  
457 Procurement Officer shall be a member of the council and serve as  
458 chairperson. The advisory council shall meet at least four times per year  
459 to discuss [state] procurement issues and to make recommendations for  
460 improvement of the procurement processes to the State Contracting  
461 Standards Board. The advisory council may conduct studies, research  
462 and analyses and make reports and recommendations with respect to  
463 subjects or matters within the jurisdiction of the State Contracting  
464 Standards Board.

465 Sec. 9. Subsection (a) of section 4e-10 of the general statutes is  
466 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
467 *2023*):

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

474 Sec. 10. Section 4e-14 of the general statutes is repealed and the  
475 following is substituted in lieu thereof (*Effective July 1, 2023*):

476 On and after June 1, 2010, all [state] contracts of each state contracting



477 agency that is not a quasi-public agency that take effect on or after June  
478 1, 2010, shall contain provisions to ensure accountability, transparency  
479 and [results based] results-based outcomes, as prescribed by the State  
480 Contracting Standards Board. On and after June 1, 2010, all state  
481 contracts of the legislative branch and the judicial branch that take effect  
482 on or after June 1, 2010, shall contain provisions to ensure  
483 accountability, transparency and [results based] results-based  
484 outcomes. On and after July 1, 2023, all contracts of each state  
485 contracting agency that is a quasi-public agency that take effect on or  
486 after July 1, 2023, shall contain provisions to ensure accountability,  
487 transparency and results-based outcomes.

488 Sec. 11. Subsections (c) and (d) of section 4e-16 of the general statutes  
489 are repealed and the following is substituted in lieu thereof (*Effective July*  
490 *1, 2023*):

491 (c) (1) If such cost-benefit analysis identifies a cost savings to the state  
492 contracting agency of ten per cent or more, and such privatization  
493 contract will not diminish the quality of such service, the state  
494 contracting agency shall develop a business case, in accordance with the  
495 provisions of subsection (d) of this section, in order to evaluate the  
496 feasibility of entering into any such contract and to identify the potential  
497 results, effectiveness and efficiency of such contract.

498 (2) If such cost-benefit analysis identifies a cost savings of less than  
499 ten per cent to the state contracting agency and such privatization  
500 contract will not diminish the quality of such service, the state  
501 contracting agency may develop a business case, in accordance with the  
502 provisions of subsection (d) of this section, in order to evaluate the  
503 feasibility of entering into any such contract and to identify the potential  
504 results, effectiveness and efficiency of such contract, provided there is a  
505 significant public policy reason to enter into such privatization contract.  
506 Any such business case shall be approved in accordance with the  
507 provisions of subdivision (4) of subsection (h) of this section.

508 (3) If any such proposed privatization contract would result in the

509 layoff, transfer or reassignment of one hundred or more state  
510 contracting agency employees, after consulting with the potentially  
511 affected bargaining units, if any, the state contracting agency shall notify  
512 the state employees or quasi-public agency employees of such  
513 bargaining unit, as applicable, after such cost-benefit analysis is  
514 completed. Such state contracting agency shall provide an opportunity  
515 for [said] such employees to reduce the costs of conducting the  
516 operations to be privatized and provide reasonable resources for the  
517 purpose of encouraging and assisting such [state] employees to organize  
518 and submit a bid to provide the services that are the subject of the  
519 potential privatization contract. The state contracting agency shall retain  
520 sole discretion in determining whether to proceed with the privatization  
521 contract, provided the business case for such contract is approved by the  
522 board.

523 (d) Any business case developed by a state contracting agency for the  
524 purpose of complying with subsection (c) of this section shall include:  
525 (1) The cost-benefit analysis as described in subsection (b) of this section,  
526 (2) a detailed description of the service or activity that is the subject of  
527 such business case, (3) a description and analysis of the state contracting  
528 agency's current performance of such service or activity, (4) the goals to  
529 be achieved through the proposed privatization contract and the  
530 rationale for such goals, (5) a description of available options for  
531 achieving such goals, (6) an analysis of the advantages and  
532 disadvantages of each option, including, at a minimum, potential  
533 performance improvements and risks attendant to termination of the  
534 contract or rescission of such contract, (7) an analysis of the potential  
535 impact of the proposed privatization contract on workers of color and  
536 workers who are women, including whether such privatization contract  
537 will lessen or increase historical patterns that produce inequities  
538 between such workers and other workers, (8) a description of the  
539 current market for the services or activities that are the subject of such  
540 business case, [(8)] (9) an analysis of the quality of services as gauged by  
541 standardized measures and key performance requirements including  
542 compensation, turnover, and staffing ratios, [(9)] (10) a description of

543 the specific results-based performance standards that shall, at a  
544 minimum be met, to ensure adequate performance by any party  
545 performing such service or activity, [(10)] (11) the projected time frame  
546 for key events from the beginning of the procurement process through  
547 the expiration of a contract, if applicable, [(11)] (12) a specific and  
548 feasible contingency plan that addresses contractor nonperformance  
549 and a description of the tasks involved in and costs required for  
550 implementation of such plan, and [(12)] (13) a transition plan, if  
551 appropriate, for addressing changes in the number of agency personnel,  
552 affected business processes, employee transition issues, and  
553 communications with affected stakeholders, such as agency clients and  
554 members of the public, if applicable. Such transition plan shall contain  
555 a reemployment and retraining assistance plan for employees who are  
556 not retained by the state or a quasi-public agency or employed by the  
557 contractor. If the primary purpose of the proposed privatization  
558 contract is to provide a core governmental function, such business case  
559 shall also include information sufficient to rebut the presumption that  
560 such core governmental function should not be privatized. Such  
561 presumption shall not be construed to prohibit a state contracting  
562 agency from contracting for specialized technical expertise not available  
563 within such agency, provided such agency shall retain responsibility for  
564 such core governmental function. For the purposes of this section, "core  
565 governmental function" means a function for which the primary  
566 purpose is (A) the inspection for adherence to health and safety  
567 standards because public health or safety may be jeopardized if such  
568 inspection is not done or is not done in a timely or proper manner, (B)  
569 the establishment of statutory, regulatory or contractual standards to  
570 which a regulated person, entity or state contractor shall be held, (C) the  
571 enforcement of statutory, regulatory or contractual requirements  
572 governing public health or safety, [or] (D) criminal or civil law  
573 enforcement, or (E) the provision of essential human services to  
574 residents of the state who would otherwise lack the support necessary  
575 to assure basic human needs. If any part of such business case is based  
576 upon evidence that the state contracting agency is not sufficiently  
577 staffed to provide the core governmental function required by the

578 privatization contract, the state contracting agency shall also include  
579 within such business case a plan for remediation of the understaffing to  
580 allow such services to be provided directly by the state contracting  
581 agency in the future.

582 Sec. 12. Subdivisions (2) to (4), inclusive, of subsection (l) of section  
583 4e-16 of the general statutes are repealed and the following is  
584 substituted in lieu thereof (*Effective July 1, 2023*):

585 (2) If such cost-benefit analysis identifies a ten per cent or more cost  
586 savings to the state contracting agency from the use of such  
587 privatization contract and such contract does not diminish the quality  
588 of the service provided, such state contracting agency shall develop a  
589 business case for the renewal of such privatization contract in  
590 accordance with the provisions of subsections (d) and (e) of this section.  
591 The board shall review such contract in accordance with the provisions  
592 of subsections (f) to (h), inclusive, of this section and may approve such  
593 renewal by the applicable vote of the board, provided any such renewal  
594 that is estimated to cost in excess of one hundred fifty million dollars  
595 annually or six hundred million dollars or more over the life of the  
596 contract shall also be approved by the General Assembly prior to the  
597 state contracting agency renewing such contract. If such renewal is  
598 approved by the board and the General Assembly, if applicable, the  
599 provisions of subsection (j) of this section shall apply to any proposed  
600 amendment to such contract.

601 (3) If such cost-benefit analysis identifies a cost savings to the state  
602 contracting agency of less than ten per cent, such state contracting  
603 agency shall prepare a plan to have such service provided by state  
604 employees [and] or, in the case of a state contracting agency that is a  
605 quasi-public agency, the employees of such quasi-public agency, shall  
606 begin to implement such plan, provided: (A) While such plan is  
607 prepared, but prior to implementation of such plan, such state  
608 contracting agency may develop a business case for such privatization  
609 contract, in accordance with the provisions of subsection (d) of this  
610 section, that achieves a cost savings to the state of ten per cent or more.

611 Any such business case shall be reviewed by the board in accordance  
612 with the provisions of subsections (f) to (h), inclusive, of this section, and  
613 may be approved by the applicable vote of the board; (B) such  
614 privatization contract shall not be renewed with the vendor currently  
615 providing such service unless: (i) There exists a significant public  
616 interest in renewing such contract, and (ii) such renewal is approved by  
617 a two-thirds vote of the board; (C) the state contracting agency may  
618 enter into a contract with a term of one year or less for the provision of  
619 such service until such state contracting agency implements such plan;  
620 and (D) the procedure for the transfer of funds from the General Fund,  
621 as described in section 4-94, may be utilized to allocate necessary  
622 resources for the implementation of the provisions of this subdivision.

623 (4) Notwithstanding the provisions of subdivision (3) of this  
624 subsection, the renewal of a privatization contract with a nonprofit  
625 organization shall not be denied if the cost of increasing compensation  
626 to employees performing the privatized service is the sole cause for such  
627 contract not achieving a cost savings to the state contracting agency of  
628 ten per cent or more.

629 Sec. 13. Subsection (n) of section 4e-16 of the general statutes is  
630 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
631 *2023*):

632 (n) The State Contracting Standards Board, in consultation with the  
633 Department of Administrative Services, shall: (1) Recommend and  
634 implement standards and procedures for state contracting agencies to  
635 develop business cases in connection with privatization contracts,  
636 including templates for use by state contracting agencies when  
637 submitting business cases to the board, and policies and procedures to  
638 guide state contracting agencies to complete such business cases, and (2)  
639 develop guidelines and procedures for assisting state employees or  
640 quasi-public agency employees whose jobs are affected by a  
641 privatization contract.

642 Sec. 14. Subsection (p) of section 4e-16 of the general statutes is

643 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
644 *2023*):

645 (p) Prior to entering into or renewing any privatization contract that  
646 is not subject to the provisions of subsection (a) of this section, the state  
647 contracting agency shall evaluate such contract to determine if entering  
648 into or renewing such contract is the most cost-effective method of  
649 delivering the service, by determining the costs, as defined in subsection  
650 (b) of this section, of such service. The state contracting agency shall  
651 perform such evaluation in accordance with a template prescribed by  
652 the Secretary of the Office of Policy and Management, in consultation  
653 with the board, pursuant to subsection (m) of this section, and such  
654 evaluation shall be subject to verification by the [secretary] board. The  
655 [secretary] board may waive the requirement for an evaluation of cost-  
656 effectiveness under this subsection upon a finding by the [secretary]  
657 board that exigent or emergent circumstances necessitate such waiver.

658 Sec. 15. Section 4e-17 of the general statutes is repealed and the  
659 following is substituted in lieu thereof (*Effective July 1, 2023*):

660 (a) Except as otherwise provided, the provisions of sections 4e-16 to  
661 4e-47, inclusive, as amended by this act, shall apply to all contracts  
662 solicited or entered into by [state contracting agencies] a state  
663 contracting agency that is a state agency after June 1, 2010, and all  
664 contracts solicited or entered into by a state contracting agency that is a  
665 quasi-public agency on or after July 1, 2023.

666 (b) Except as otherwise provided, the provisions of sections 4e-16 to  
667 4e-47, inclusive, as amended by this act, shall apply to every  
668 expenditure of public funds by any state contracting agency,  
669 irrespective of their source, involving any state or quasi-public agency  
670 contracting and procurement processes, including, but not limited to,  
671 leasing and property transfers, purchasing or leasing of supplies,  
672 materials or equipment, consultant or consultant services, personal  
673 service agreements, purchase of service agreements or privatization  
674 contracts, as defined in section 4e-1, as amended by this act, and,

675 relating to contracts for the construction, reconstruction, alteration,  
676 remodeling, repair or demolition of any public building, bridge or road.

677 (c) Nothing in sections 4e-16 to 4e-47, inclusive, as amended by this  
678 act, shall be construed to require the application of procurement statutes  
679 or regulations to a procurement that involves the expenditure of federal  
680 assistance or federal contract funds if federal law provides procurement  
681 procedures applicable to the expenditure of such funds, to the extent  
682 such federal procedures are inconsistent with state procurement  
683 statutes or regulations.

684 Sec. 16. Section 4e-18 of the general statutes is repealed and the  
685 following is substituted in lieu thereof (*Effective July 1, 2023*):

686 For the purpose of obtaining supplies, materials, equipment or  
687 contractual services, except infrastructure facilities, the Commissioner  
688 of Administrative Services shall establish a requisition system to be used  
689 by state contracting agencies that are not quasi-public agencies to  
690 initiate and authorize the procurement process. Such system shall be  
691 approved by the State Contracting Standards Board.

692 Sec. 17. Subsection (c) of section 4e-21 of the general statutes is  
693 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
694 *2023*):

695 (c) The State Contracting Standards Board, in consultation with the  
696 Commissioner of Administrative Services, may waive the requirement  
697 of competitive bidding or competitive negotiation in the case of minor,  
698 nonrecurring or emergency purchases of ten thousand dollars or less in  
699 amount, upon application of the state contracting agency. Any state  
700 contracting agency that obtains such a waiver for such an emergency  
701 purchase shall post notice of such emergency purchase on the Internet  
702 web site of the state contracting agency prior to making such emergency  
703 purchase.

704 Sec. 18. Section 4e-24 of the general statutes is repealed and the  
705 following is substituted in lieu thereof (*Effective July 1, 2023*):

706 (a) [Not later than June 1, 2010, the State Contracting Standards  
707 Board, in consultation with the Commissioner of Administrative  
708 Services and any other appropriate award authority, shall adopt  
709 regulations, in accordance with the provisions of chapter 54, permitting]  
710 If an emergency [procurements when there exists] procurement is  
711 deemed necessary by a state contracting agency due to a threat to public  
712 health, welfare or safety, the state contracting agency shall give notice  
713 to the board of the need for such emergency procurement. Such  
714 emergency procurements shall be made with competition, as is  
715 practicable under the circumstances. [Said regulations shall require that]  
716 The state contracting agency shall (1) include a written determination of  
717 the basis for the emergency and for the selection of the particular  
718 contractor [be included] in the contract file and [transmitted] transmit  
719 such determination to the Governor, the president pro tempore of the  
720 Senate, the majority and minority leaders of the Senate, the speaker of  
721 the House of Representatives and the majority and minority leaders of  
722 the House of Representatives, and (2) post such determination on the  
723 Internet web site of the state contracting agency.

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

727 Sec. 19. Subsection (d) of section 4b-51 of the general statutes is  
728 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
729 *2023*):

730 (d) (1) Notwithstanding any provision of the general statutes, the  
731 Commissioner of Administrative Services may select consultants to be  
732 on a list established for the purpose of providing any consultant  
733 services. Such list shall be established as provided in sections 4b-56 and  
734 4b-57, as amended by this act. [The] In the case of an emergency  
735 procurement due to a threat to public health, welfare or safety, the  
736 commissioner may enter into a contract with any consultant on such list  
737 without inviting responses from such consultants to perform a range of  
738 consultant services or to perform a range of tasks pursuant to a task



739 letter detailing services to be performed under such contract.

740 (2) Notwithstanding any provision of the general statutes, the  
741 Commissioner of Administrative Services may (A) compile a list of  
742 architects, professional engineers and construction administrators for  
743 the limited purpose of providing consultant services for a particular  
744 program involving various projects for the construction of new  
745 buildings or renovations to existing buildings where such buildings are  
746 under the operation and control of either the Military Department or the  
747 Department of Energy and Environmental Protection, and (B) in the case  
748 of an emergency procurement due to a threat to public health, welfare  
749 or safety, enter into a contract with any architect, professional engineer  
750 or construction administrator on such list for such limited purpose  
751 without inviting responses from the persons on such list, except that the  
752 Adjutant General may perform the functions described in  
753 subparagraphs (A) and (B) of this subdivision for any such building  
754 under the operation and control of the Military Department.

755 (3) As used in this subsection, "consultant" means "consultant" as  
756 defined in section 4b-55, "consultant services" means "consultant  
757 services" as defined in section 4b-55, and "program" means multiple  
758 projects involving the planning, design, construction, repair,  
759 improvement or expansion of specified buildings, facilities or site  
760 improvements, wherein the work (A) will be of a repetitive nature, (B)  
761 will share a common funding source that imposes particular  
762 requirements, or (C) would be significantly facilitated if completed by  
763 the same design professional or construction administrator.

764 Sec. 20. Subsection (a) of section 4b-57 of the general statutes is  
765 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
766 *2023*):

767 (a) Whenever consultant services are required by the commissioner  
768 in fulfilling the responsibilities under section 4b-1, and in the case of  
769 each project, the commissioner shall invite responses from such firms by  
770 posting notice on the State Contracting Portal, except that, in the case of

771 an emergency procurement, the commissioner may receive consultant  
772 services under a contract entered into pursuant to subsection (d) of  
773 section 4b-51, as amended by this act. The commissioner shall prescribe,  
774 by regulations adopted in accordance with chapter 54, the advance  
775 notice required for, the manner of submission, and conditions and  
776 requirements of, such responses.

777 Sec. 21. Subsection (g) of section 4b-91 of the general statutes is  
778 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
779 *2023*):

780 (g) Notwithstanding the provisions of this chapter regarding  
781 competitive bidding procedures, in the case of an emergency  
782 procurement due to a threat to public health, welfare or safety, the  
783 commissioner may select and interview at least three responsible and  
784 qualified general contractors who are prequalified pursuant to section  
785 4a-100 and submit the three selected contractors to the construction  
786 services award panels process described in section 4b-100a and any  
787 regulation adopted by the commissioner. The commissioner may  
788 negotiate with the successful bidder a contract which is both fair and  
789 reasonable to the state for a community court project, the downtown  
790 Hartford higher education center project, a correctional facility project,  
791 a juvenile residential center project, or a student residential facility for  
792 the Connecticut State University System that is a priority higher  
793 education facility project. The Commissioner of Administrative  
794 Services, prior to entering any such contract or performing any work on  
795 such project, shall submit such contract to the State Properties Review  
796 Board for review and approval or disapproval by the board, pursuant  
797 to subsection (i) of this section. Any general contractor awarded a  
798 contract pursuant to this subsection shall be subject to the same  
799 requirements concerning the furnishing of bonds as a contractor  
800 awarded a contract pursuant to subsection (b) of this section.

801 Sec. 22. Section 4e-27 of the general statutes is repealed and the  
802 following is substituted in lieu thereof (*Effective July 1, 2023*):

803 Not later than June 1, 2010, the State Contracting Standards Board, in  
804 consultation with the Attorney General, shall adopt regulations, in  
805 accordance with the provisions of chapter 54, specifying the types of  
806 contracts that may be used by state contracting agencies. Such  
807 regulations shall specify that a cost-reimbursement contract may be  
808 used only when a determination is made in writing by the agency  
809 procurement officer that such contract is likely to be less costly to the  
810 state contracting agency than any other type or that it is impracticable  
811 to obtain the supplies, services or construction required except under  
812 such a contract.

813 Sec. 23. Section 4e-31 of the general statutes is repealed and the  
814 following is substituted in lieu thereof (*Effective July 1, 2023*):

815 When, for any reason, collusion or other anticompetitive practices are  
816 suspected among any bidders or proposers for a [state] contract of a  
817 state contracting agency, a notice of the relevant facts shall be  
818 transmitted to the Attorney General by any affected party, including,  
819 but not limited to, the state contracting agency, a bidder or a proposer.

820 Sec. 24. Section 4e-34 of the general statutes is repealed and the  
821 following is substituted in lieu thereof (*Effective July 1, 2023*):

822 (a) After reasonable notice and hearing and consultation with the  
823 relevant state contracting agency and the Attorney General, the State  
824 Contracting Standards Board, acting through a subcommittee of three  
825 members, appointed by the chairperson, which subcommittee shall  
826 include not less than one legislative appointee, may disqualify any  
827 contractor, bidder or proposer, for a period of not more than five years,  
828 from bidding on, applying for or participating as a contractor or  
829 subcontractor under, contracts with the state or quasi-public agencies.  
830 Such disqualification shall be upon the vote of two-thirds of the  
831 members of the subcommittee present and voting for that purpose. Such  
832 hearing shall be conducted in accordance with the provisions of chapter  
833 54. The subcommittee shall issue a written recommendation not later  
834 than sixty days after the conclusion of such hearing, and shall state the

835 reason for the recommended action and, if the disqualification is  
836 recommended, the period of time the contractor, bidder or proposer  
837 shall be disqualified. In determining whether to disqualify a contractor,  
838 bidder or proposer, the subcommittee shall consider the seriousness of  
839 the acts or omissions of the contractor, bidder or proposer and any  
840 mitigating factors. Such recommendation shall be submitted to the  
841 board for action and sent to the contractor by certified mail, return  
842 receipt requested. If disqualification is recommended, the contractor  
843 shall have thirty days to submit comments to the board. Upon receipt of  
844 the proposed recommendation by the subcommittee, the board shall  
845 issue a written decision either adopting, rejecting or modifying the  
846 subcommittee's recommendation. Such decision shall be issued not later  
847 than thirty days after receipt by the board of the contractor's comments,  
848 if any. The board shall send the decision to the contractor by certified  
849 mail, return receipt requested. The written decision shall be a final  
850 decision for purposes of sections 4-180 and 4-183.

851 (b) Causes for such disqualification shall include the following:

852 (1) Conviction of, or entry of a plea of guilty or nolo contendere or  
853 admission to, the commission of a criminal offense as an incident to  
854 obtaining or attempting to obtain a public or private contract or  
855 subcontract, or in the performance of such contract or subcontract;

856 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
857 admission to, the violation of any state or federal law for embezzlement,  
858 theft, forgery, bribery, falsification or destruction of records, receiving  
859 stolen property or any other offense indicating a lack of business  
860 integrity or business honesty which affects responsibility as a [state]  
861 contractor;

862 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
863 admission to, a violation of any state or federal antitrust, collusion or  
864 conspiracy law arising out of the submission of bids or proposals on a  
865 public or private contract or subcontract;

866 (4) Accumulation of two or more suspensions pursuant to section 4e-  
867 35, as amended by this act, within a twenty-four-month period;

868 (5) A wilful, negligent or reckless failure to perform in accordance  
869 with the terms of one or more contracts or subcontracts, agreements or  
870 transactions with state contracting agencies;

871 (6) A history of failure to perform or of unsatisfactory performance  
872 on one or more public contracts, agreements or transactions with state  
873 contracting agencies;

874 (7) A wilful violation of a statutory or regulatory provision or  
875 requirement applicable to a contract, agreement or transaction with  
876 state contracting agencies;

877 (8) A wilful or egregious violation of the ethical standards set forth in  
878 sections 1-84, 1-86e and 1-101nn, as determined by the Citizen's Ethics  
879 Advisory Board; or

880 (9) Any other cause or conduct the board determines to be so serious  
881 and compelling as to affect responsibility as a [state] contractor,  
882 including, but not limited to:

883 (A) Disqualification by another state for cause;

884 (B) The fraudulent or criminal conduct of any officer, director,  
885 shareholder, partner, employee or other individual associated with a  
886 contractor, bidder or proposer of such contractor, bidder or proposer,  
887 provided such conduct occurred in connection with the individual's  
888 performance of duties for or on behalf of such contractor, bidder or  
889 proposer and such contractor, bidder or proposer knew or had reason  
890 to know of such conduct;

891 (C) The existence of an informal or formal business relationship with  
892 a contractor who has been disqualified from bidding or proposing on  
893 [state] contracts of any state contracting agency.

894 (c) Upon written request by the affected [state] contractor, bidder or  
895 proposer, the State Contracting Standards Board may reduce the period  
896 or extent of disqualification for a contractor, bidder or proposer if  
897 documentation supporting any of the following reasons for  
898 modification is provided to the board by the contractor, bidder or  
899 proposer:

900 (1) Newly discovered material evidence;

901 (2) Reversal of the conviction upon which the disqualification was  
902 based;

903 (3) Bona fide change in ownership or management; or

904 (4) Elimination of other causes for which the disqualification was  
905 imposed.

906 Sec. 25. Section 4e-35 of the general statutes is repealed and the  
907 following is substituted in lieu thereof (*Effective July 1, 2023*):

908 (a) For purposes of this section and sections 4e-37 and 4e-38, as  
909 amended by this act, "contracting agency of the state" does not include  
910 a quasi-public agency. After reasonable notice and a hearing, conducted  
911 in accordance with the provisions of chapter 54, the department head of  
912 any [state] contracting agency of the state may suspend any contractor,  
913 bidder or proposer for a period of not more than six months from  
914 bidding on, applying for or performing work as a contractor or  
915 subcontractor under, contracts with the state. The department head  
916 shall issue a written decision not later than ninety days after the  
917 conclusion of such hearing and state in the decision the reasons for the  
918 action taken and, if the contractor, bidder or proposer is being  
919 suspended, the period of such suspension. In determining whether to  
920 suspend a contractor, bidder or proposer, the department head shall  
921 consider the seriousness of the acts or omissions of the contractor,  
922 bidder or proposer and any mitigating factors. The department head  
923 shall send such decision to the contractor and the State Contracting  
924 Standards Board by certified mail, return receipt requested. Such

925 decision shall be a final decision for purposes of sections 4-180 and 4-  
926 183.

927 (b) Causes for such suspension shall include the following:

928 (1) Failure without good cause to perform in accordance with  
929 specifications or within the time limits provided in the contract;

930 (2) A record of failure to perform or of unsatisfactory performance in  
931 accordance with the terms of one or more contracts, provided failure to  
932 perform or unsatisfactory performance caused by acts beyond the  
933 control of the contractor shall not be considered to be a basis for  
934 suspension;

935 (3) Any cause the complainant [state] contracting agency of the state  
936 determines to be so serious and compelling as to affect the responsibility  
937 of a state contractor, including suspension by another [state] contracting  
938 agency of the state for cause; or

939 (4) A violation of the ethical standards set forth in section 1-84, 1-86e  
940 or 1-101nn, as determined by the Citizen's Ethics Advisory Board.

941 (c) The State Contracting Standards Board may grant an exception  
942 permitting a suspended contractor to participate in a particular contract  
943 or subcontract upon a written determination by the board that there is  
944 good cause for such exception and that such exception is in the best  
945 interest of the state.

946 (d) The department head of each [state] contracting agency of the  
947 state shall conduct reviews of contractors and shall file reports  
948 pertaining to any of the reasons set forth in this section that may be the  
949 basis for disqualification.

950 Sec. 26. Subsections (g) to (i), inclusive, of section 4e-37 of the general  
951 statutes are repealed and the following is substituted in lieu thereof  
952 (*Effective July 1, 2023*):

953 (g) In the event that the appeals review subcommittee or the board  
954 determines that a procedural violation occurred, or that allegations of  
955 an unauthorized or unwarranted, noncompetitive selection process  
956 have been substantiated, the board shall direct the [state] contracting  
957 agency of the state to take corrective action not later than thirty days  
958 after the date of the subcommittee's or board's decision, as applicable.

959 (h) In the event such appeal is found to be frivolous by the appeals  
960 review subcommittee or the full board, such frivolous appeal may serve  
961 as a basis for disqualification pursuant to section 4e-34, as amended by  
962 this act.

963 (i) Any three members of the board may request a full board review  
964 of any contract deliberation or award process of a [state] contracting  
965 agency of the state.

966 Sec. 27. Section 4e-38 of the general statutes is repealed and the  
967 following is substituted in lieu thereof (*Effective July 1, 2023*):

968 The State Contracting Standards Board shall issue a decision in  
969 writing or take other appropriate action on each appeal submitted  
970 pursuant to section 4e-37, as amended by this act. A copy of any decision  
971 shall be provided to all parties, the department head of the [state]  
972 contracting agency of the state and the Chief Procurement Officer.

973 Sec. 28. Subdivision (2) of section 4e-40 of the general statutes is  
974 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
975 *2023*):

976 (2) If the person awarded the contract acted in bad faith:

977 (A) The contract may be declared null and void; or

978 (B) The contract may be ratified and affirmed if such action is in the  
979 best interests of the state, as determined by the State Contracting  
980 Standards Board, in writing, without prejudice to the [state's] state  
981 contracting agency's right to such damages as may be appropriate.



982 Sec. 29. Section 4e-45 of the general statutes is repealed and the  
983 following is substituted in lieu thereof (*Effective July 1, 2023*):

984 With respect to infrastructure facilities, not later than June 1, 2010, the  
985 State Contracting Standards Board, in consultation with the state  
986 contracting agencies and the Attorney General, shall adopt regulations,  
987 in accordance with the provisions of chapter 54, requiring the inclusion  
988 in [state] contracts with any state contracting agency of clauses  
989 providing for adjustments in prices, time of performance, remedies,  
990 termination or other contract provisions necessary to protect the  
991 interests of the state.

992 Sec. 30. Section 4e-46 of the general statutes is repealed and the  
993 following is substituted in lieu thereof (*Effective July 1, 2023*):

994 Not later than June 1, 2010, the State Contracting Standards Board  
995 shall adopt regulations, in accordance with the provisions of chapter 54,  
996 concerning the procedure and circumstances under which a state  
997 contracting agency may allow contract modification, change order, or  
998 contract price adjustment under a construction contract with [the state]  
999 a state contracting agency in excess of fifty thousand dollars. Such  
1000 regulations shall require that every contract modification, change order  
1001 or contract price adjustment under a construction contract with [the  
1002 state] a state contracting agency in excess of fifty thousand dollars shall  
1003 be subject to prior written certification by the fiscal officer of the state  
1004 contracting agency or other agency responsible for funding the project  
1005 or the contract, or other official responsible for monitoring and  
1006 reporting upon the status of the costs of the total project budget or  
1007 contract budget, as to the effect of the contract modification, change  
1008 order, or adjustment in contract price on the total project budget or the  
1009 total contract budget. Such regulations shall further provide that in the  
1010 event the certification of the fiscal officer or other responsible official  
1011 discloses a resulting increase in the total project budget or the total  
1012 contract budget, the agency procurement officer shall not execute or  
1013 make such contract modification, change order, or adjustment in  
1014 contract price unless sufficient funds are available or the scope of the

1015 project or contract is adjusted so as to permit the degree of completion  
1016 that is feasible within the total project budget or total contract budget as  
1017 it existed prior to the contract modification, change order, or adjustment  
1018 in contract price under consideration provided, with respect to the  
1019 validity, as to the contractor, of any executed contract modification,  
1020 change order, or adjustment in contract price which the contractor has  
1021 reasonably relied upon, it shall be presumed that there has been  
1022 compliance with the provisions of this section.

1023 Sec. 31. Subsection (a) of section 4e-48 of the general statutes is  
1024 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1025 *2023*):

1026 (a) For the purposes of this section, "nonresident bidder" means a  
1027 business that is not a resident of the state that submits a bid in response  
1028 to an invitation to bid by a state contracting agency, "resident bidder"  
1029 means a business that submits a bid in response to an invitation to bid  
1030 by a state contracting agency and that has paid unemployment taxes or  
1031 income taxes in this state during the twelve calendar months  
1032 immediately preceding submission of such bid, has a business address  
1033 in the state and has affirmatively claimed such status in the bid  
1034 submission, and "contract" [means "contract" as defined in section 4e-1  
1035 and "state contracting agency" means] and "state contracting agency" [,  
1036 as defined] have the same meanings as provided in section 4e-1, as  
1037 amended by this act.

1038 Sec. 32. Section 4e-72 of the general statutes is repealed and the  
1039 following is substituted in lieu thereof (*Effective July 1, 2023*):

1040 As used in this section, "contract", "state contracting agency", "data"  
1041 and "contractor" have the same meanings as provided in section 4e-1, as  
1042 amended by this act. Any contract between a state contracting agency  
1043 and a contractor that is entered into, renewed or amended on or after  
1044 October 1, 2021, or, in the case of a state contracting agency that is a  
1045 quasi-public agency, entered into, renewed or amended on or after July  
1046 1, 2023, shall contain a provision authorizing the state contracting

1047 agency to access any data concerning such contract that is in the  
1048 possession or control of the contractor upon demand in a format  
1049 prescribed by the state contracting agency at no additional cost to such  
1050 agency.

1051 Sec. 33. Section 10a-255 of the general statutes is repealed and the  
1052 following is substituted in lieu thereof (*Effective July 1, 2023*):

1053 (a) To accomplish the purposes of sections 10a-250 to 10a-263,  
1054 inclusive, the corporation may enter into joint ventures or shared service  
1055 agreements to procure hospital facilities and to contract for services  
1056 necessary or useful in connection with the procurement of hospital  
1057 facilities. The corporation shall establish and adopt specific policies,  
1058 rules and procedures on purchasing and contracting. Such policies,  
1059 rules and procedures shall be approved by a two-thirds vote of its full  
1060 board of directors. The corporation shall conduct its contracting and  
1061 purchasing operations in accordance with such policies, rules and  
1062 procedures. Notwithstanding any other provision of law to the contrary,  
1063 the corporation may enter into joint ventures or shared service  
1064 agreements and may procure hospital facilities and contract for any  
1065 services necessary or useful in connection with such procurement either  
1066 (1) pursuant to a process of open or competitive bidding, provided that  
1067 (A) the corporation may determine the format, contents and scope of  
1068 any joint venture or shared service agreement or any procurement of  
1069 hospital facilities, and services in connection with such procurement,  
1070 the conditions under which bidding shall take place and the schedule  
1071 and stipulations for contract award, and (B) the corporation may select  
1072 the contractor deemed to have submitted the most favorable bid, price  
1073 and other factors considered, when, in the judgment of the corporation,  
1074 such award is in the best interests of the hospital, or (2) if the  
1075 corporation, in its discretion, determines that, due to the nature of the  
1076 joint venture or shared service agreement or hospital facilities to be  
1077 contracted for or procured, open or public bidding is either  
1078 impracticable or not in the best interests of the hospital, through  
1079 negotiation with such person or persons as the corporation may

1080 determine. The terms and conditions of joint ventures or shared service  
1081 agreements or contracts for hospital facilities shall be determined by the  
1082 corporation, as shall the fees or other compensation to be paid to such  
1083 persons under such joint venture, shared service agreement or contract,  
1084 provided any contract for construction by the corporation or a  
1085 subsidiary of a hospital facility shall be subject to the provisions of  
1086 section 31-53 and any joint venture agreement or shared service  
1087 agreement of the corporation shall contain a neutrality clause signed by  
1088 all parties to such joint venture agreement or shared service agreement  
1089 prohibiting employer interference by such parties in union organizing  
1090 and education campaigns, prohibiting discrimination in hiring based on  
1091 past union activity and prohibiting harassment of employees engaged  
1092 in labor organizing, all in compliance with section 31-104 and section 31-  
1093 105. The joint venture, shared service agreement or contracts entered  
1094 into by the corporation shall not be subject to the approval of any state  
1095 department, office or agency other than as provided in this section.  
1096 Copies of all contracts of the corporation shall be maintained by the  
1097 corporation at its offices as public records, subject to the exemption  
1098 provided in subsection (i) of section 10a-253. Nothing in this subsection  
1099 shall be deemed to restrict the discretion of the corporation to utilize its  
1100 own staff and workforce for the performance of any of its assigned  
1101 responsibilities and functions whenever, in the discretion of the  
1102 corporation, it becomes necessary, convenient or desirable to do so.

1103 (b) Subject to the restrictions of subdivision (15) of section 10a-254 the  
1104 corporation may contract with the hospital to provide services for the  
1105 hospital through joint ventures or shared service agreements or to  
1106 provide hospital facilities for the hospital, to provide insurance for the  
1107 hospital as provided in section 10a-256 and to contract for claims  
1108 management services, or to otherwise make hospital facilities or services  
1109 provided by joint ventures or shared service agreements available for  
1110 the hospital. For the hospital to enter into any contract for such services  
1111 or hospital facilities or insurance or claims management services with  
1112 the corporation, to pay any reasonable fees and charges established by  
1113 the corporation for such services or hospital facilities or to pledge

1114 payment from any moneys made available by the state to the hospital  
1115 including, but not limited to, resources of the hospital fund established  
1116 and administered pursuant to sections 10a-127 and 10a-128, other funds  
1117 of the state and proceeds of financings by the state for the payment of  
1118 such fees and charges, it shall have the authorization of the Board of  
1119 Trustees of The University of Connecticut. Such authorization shall be  
1120 given by adoption of a resolution at a regularly or specially noticed  
1121 meeting of said board of trustees. Any fees and charges so established  
1122 shall be deemed to be direct expenses of the hospital for which the  
1123 resources of the hospital fund may be used pursuant to section 10a-127  
1124 and the State Treasurer is authorized to make payments of such fees and  
1125 charges upon warrants issued by the State Comptroller, upon the order  
1126 of authorized officers of The University of Connecticut, pursuant to such  
1127 a resolution. The provisions of section 4a-57 and any provision of law  
1128 relating to contract approval other than sections 10a-250 to 10a-263,  
1129 inclusive, shall not apply to such contracts between the hospital and the  
1130 corporation. Any such contract or contracts shall be upon such terms  
1131 and conditions as the corporation and the hospital shall determine to be  
1132 reasonable including, but not limited to, the reimbursement of all costs  
1133 of planning, financing, acquisition, construction, operation and  
1134 maintenance, and any claims arising therefrom. All payments of fees  
1135 and charges required under any contract or agreement entered into  
1136 pursuant to the provisions of this section are considered expenditures  
1137 for public purposes by the state. Any contract between the hospital and  
1138 the corporation that provides for the procurement by the corporation of  
1139 hospital facilities or services as authorized by sections 10a-250 to 10a-  
1140 263, inclusive, shall provide that the hospital shall be required to pay,  
1141 through service, lease, rental or installment sale payments for such  
1142 hospital facilities or services, all project costs of such hospital facilities  
1143 or services at such times and in such amounts as determined by the  
1144 corporation and the hospital. Any such contract between the hospital  
1145 and the corporation may contain provisions as to: (1) Pledging or  
1146 assigning any part of moneys and revenues, including reimbursement  
1147 allowances, derived by the hospital or the corporation, to secure  
1148 payments required by such contract; (2) setting aside reserves and

1149 creating special funds and the disposition thereof; (3) defining the acts  
1150 or omissions to act which shall constitute a default in the obligations and  
1151 duties of the hospital or the corporation and providing for the rights and  
1152 remedies of the hospital and the corporation in the event of such default;  
1153 (4) any other matters which may be deemed necessary or desirable by  
1154 the corporation to properly carry out its corporate purposes.

1155 (c) Any joint venture, shared service agreement or contract entered  
1156 into by the corporation, or any of its subsidiaries under this section, shall  
1157 comply with the applicable provisions of section 4e-16, as amended by  
1158 this act, and shall be subject to the jurisdiction of the State Contracting  
1159 Standards Board to the same extent as a constituent unit of higher  
1160 education.

1161 Sec. 34. Subdivision (15) of subsection (a) of section 15-31b of the  
1162 general statutes is repealed and the following is substituted in lieu  
1163 thereof (*Effective July 1, 2023*):

1164 (15) Invest in, acquire, lease, purchase, own, manage, hold and  
1165 dispose of real property and lease, convey or deal in or enter into  
1166 agreements with respect to such property on any terms necessary or  
1167 incidental to carrying out the purposes of sections 15-31a to 15-31i,  
1168 inclusive, provided such transactions shall not be subject to approval,  
1169 review or regulation by any state agency pursuant to title 4b or any other  
1170 provision of the general statutes, except (A) the authority shall not  
1171 convey fee simple ownership in any property associated with the ports  
1172 or harbors under its jurisdiction and control without the approval of the  
1173 State Properties Review Board and the Attorney General, and (B) as  
1174 provided in [subsection (c) of this section] chapter 62; and

1175 Sec. 35. Subsections (b) and (c) of section 15-31b of the general statutes  
1176 are repealed and the following is substituted in lieu thereof (*Effective July*  
1177 *1, 2023*):

1178 (b) The authority shall continue as long as it has bonds or other  
1179 obligations outstanding and until its existence is terminated by law,

1180 provided no such termination shall affect any outstanding contractual  
1181 obligation of the authority and the state shall succeed to the obligations  
1182 of the authority under any contract. Upon the termination of the  
1183 existence of the authority, all its rights and properties shall pass to and  
1184 be vested in the state of Connecticut.

1185 [(c) On and after June 23, 2021, until July 1, 2026, the authority shall  
1186 be a state contracting agency for the purposes of chapter 62, except for  
1187 the provisions of section 4e-16, and shall be subject to the authority of  
1188 the State Contracting Standards Board established under section 4e-2.]

1189 Sec. 36. Subsection (c) of section 10-357b of the general statutes is  
1190 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1191 *2023*):

1192 (c) The State Education Resource Center shall be subject to (1) rules,  
1193 regulations and restrictions on purchasing, procurement, personal  
1194 service agreements and the disposition of assets generally applicable to  
1195 Connecticut state agencies, including those contained in titles 4, 4a and  
1196 4b and [section 4e-19] chapter 62, and (2) audit by the Auditors of Public  
1197 Accounts under chapter 12 and section 2-90.

1198 Sec. 37. Section 10a-196 of the general statutes is repealed and the  
1199 following is substituted in lieu thereof (*Effective July 1, 2023*):

1200 Sections 10a-176 to 10a-195, inclusive, shall be deemed to provide a  
1201 complete, additional and alternative method for the doing of the things  
1202 authorized thereby, and shall be regarded as supplemental and  
1203 additional to powers conferred by other laws; provided the issuance of  
1204 bonds and refunding bonds under the provisions of this chapter need  
1205 not comply with the requirements of any other law applicable to the  
1206 issuance of bonds including, particularly, title 42a; and provided in the  
1207 construction and acquisition of a project pursuant hereto the authority  
1208 need not comply with the requirements of chapter 50. Except as  
1209 otherwise expressly provided in this chapter and the provisions of  
1210 chapter 62 concerning state contracting agencies, none of the powers

1211 granted to the authority under the provisions of this chapter shall be  
1212 subject to the supervision or regulation or require the approval or  
1213 consent of any municipality or political subdivision or any commission,  
1214 board, body, bureau, official or agency thereof or of the state.

1215 Sec. 38. Subsection (s) of section 10a-204b of the general statutes is  
1216 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1217 *2023*):

1218 (s) The provisions of this section shall be deemed to provide a  
1219 complete, additional and alternative method for the actions and the  
1220 things authorized thereby and shall be regarded as supplemental and  
1221 additional to powers granted by other laws; the issuance of bonds, notes  
1222 or other obligations under the provisions of this section need not comply  
1223 with the requirements of any law applicable to the issuance of bonds,  
1224 notes or other obligations. This section, being necessary for the welfare  
1225 of the state and its inhabitants, shall be liberally construed to affect its  
1226 purpose. None of the powers granted to the corporation or to any  
1227 subsidiary created pursuant to subdivision (5) of section 10a-204 under  
1228 the provisions of this section shall be subject to the supervision or  
1229 regulation or require the approval or consent of any municipality or  
1230 political subdivision or any department, division, commission, board,  
1231 body, bureau, official or agency thereof or of the state, and the exercise  
1232 thereof shall not cause the corporation or any such subsidiary to be  
1233 construed to be an agency within the scope of chapter 54 or a  
1234 department, institution or agency of the state, except that the  
1235 corporation or any such subsidiary shall comply with the provisions of  
1236 chapter 62 concerning state contracting agencies.

1237 Sec. 39. Section 10a-243 of the general statutes is repealed and the  
1238 following is substituted in lieu thereof (*Effective July 1, 2023*):

1239 The provisions of this chapter shall be deemed to provide a complete,  
1240 additional and alternative method for the actions of the things  
1241 authorized thereby and shall be regarded as supplemental and  
1242 additional to powers granted by other laws; the issuance of revenue



1243 bonds or notes and revenue refunding bonds or notes under the  
1244 provisions of this chapter need not comply with the requirements of any  
1245 other law applicable to the issuance of bonds or notes. This chapter,  
1246 being necessary for the welfare of the state and its inhabitants, shall be  
1247 liberally construed to effect its purpose. Except as otherwise expressly  
1248 provided in this chapter or the provisions of chapter 62 concerning state  
1249 contracting agencies, none of the powers granted to the authority under  
1250 the provisions of this chapter shall be subject to the supervision or  
1251 regulation or require the approval or consent of any municipality or  
1252 political subdivision or any department, division, commission, board,  
1253 body, bureau, official or agency thereof or of the state. The authority  
1254 shall not be construed to be an agency within the scope of chapter 54 or  
1255 a department, institution or agency of the state.

1256 Sec. 40. Subdivision (16) of subsection (b) of section 12-806 of the  
1257 general statutes is repealed and the following is substituted in lieu  
1258 thereof (*Effective July 1, 2023*):

1259 (16) To invest in, acquire, lease, purchase, own, manage, hold and  
1260 dispose of real property and lease, convey or deal in or enter into  
1261 agreements with respect to such property on any terms necessary or  
1262 incidental to carrying out the purposes of sections 12-563a, 12-800 to 12-  
1263 818, inclusive, and sections 12-853 and 12-854, provided such  
1264 transactions shall not be subject to approval, review or regulation  
1265 pursuant to title 4b or any other statute by any state agency, except that  
1266 real property transactions shall be subject to review by the State  
1267 Properties Review Board and contracts shall be subject to the provisions  
1268 of chapter 62 concerning state contracting agencies;

1269 Sec. 41. Section 12-815 of the general statutes is repealed and the  
1270 following is substituted in lieu thereof (*Effective July 1, 2023*):

1271 (a) The corporation shall establish and adopt specific policies, rules  
1272 and procedures on purchasing and contracting. Such policies, rules and  
1273 procedures or amendments thereto shall be approved by a two-thirds  
1274 vote of the entire board. Notwithstanding any other provision of law to

1275 the contrary, the corporation may enter into management, consulting  
1276 and other agreements for the provision of goods, services and  
1277 professional advisors necessary or useful in connection with the  
1278 operation and management of the lottery (1) pursuant to a process of  
1279 open or competitive bidding, provided (A) the corporation shall first  
1280 determine the format, content and scope of any agreement for any  
1281 procurement of goods or services, the conditions under which bidding  
1282 will take place and the schedule and stipulations for contract award, and  
1283 (B) the corporation may select the contractor deemed to have submitted  
1284 the most favorable bid, considering price and other factors, when, in the  
1285 judgment of the corporation, such award is in the best interests of the  
1286 corporation, or (2) if the corporation, in its discretion, determines that,  
1287 due to the nature of the agreement to be contracted for or procured,  
1288 open or public bidding is either impracticable or not in the best interests  
1289 of the corporation, by negotiation with such prospective providers as  
1290 the corporation may determine. The terms and conditions of agreements  
1291 and the fees or other compensation to be paid to such persons shall be  
1292 determined by the corporation. The agreements entered into by the  
1293 corporation in accordance with the provisions of this section shall not  
1294 be subject to the approval of any state department, office or agency,  
1295 except as provided in chapter 62 in the provisions concerning state  
1296 contracting agencies or regulations adopted by the Department of  
1297 Consumer Protection. Nothing in this section shall be deemed to restrict  
1298 the discretion of the corporation to utilize its own staff and workforce  
1299 for the performance of any of its assigned responsibilities and functions  
1300 whenever, in the discretion of the corporation, it becomes necessary,  
1301 convenient or desirable to do so. Copies of all agreements of the  
1302 corporation shall be maintained by the corporation at its offices as public  
1303 records, subject to said exemption.

1304 (b) [The] Except as provided in chapter 62, the corporation shall not  
1305 be subject to rules, regulations or restrictions on purchasing or  
1306 procurement or the disposition of assets generally applicable to  
1307 Connecticut state agencies, including those contained in titles 4a and 4b  
1308 and the corresponding rules and regulations. The board shall adopt

1309 rules and procedures on purchasing, procurement and the disposition  
1310 of assets applicable to the corporation. The adoption of such rules or  
1311 procedures shall not be subject to chapter 54. Any such rules or  
1312 procedures shall be a public record, as defined in section 1-200.

1313       Sec. 42. Section 22a-268 of the general statutes is repealed and the  
1314 following is substituted in lieu thereof (*Effective July 1, 2023*):

1315       The authority shall utilize private industry, by contract, to carry out  
1316 the business, design, operating, management, marketing, planning and  
1317 research and development functions of the authority, unless the  
1318 authority determines that it is in the public interest to adopt another  
1319 course of action. The authority is hereby empowered to enter into long-  
1320 term contracts with private persons for the performance of any such  
1321 functions of the authority which, in the opinion of the authority, can  
1322 desirably and conveniently be carried out by a private person under  
1323 contract provided any such contract shall contain such terms and  
1324 conditions as will enable the authority to retain overall supervision and  
1325 control of the business, design, operating, management, transportation,  
1326 marketing, planning and research and development functions to be  
1327 carried out or to be performed by such private persons pursuant to such  
1328 contract. Such contracts shall be entered into either on a competitive  
1329 negotiation or competitive bidding basis, and the authority in its  
1330 discretion may select the type of contract it deems most prudent to  
1331 utilize, pursuant to the contracting procedures adopted under section  
1332 22a-268a and considering the scope of work, the management  
1333 complexities associated therewith, the extent of current and future  
1334 technological development requirements and the best interests of the  
1335 state. Whenever a long-term contract is entered into on other than a  
1336 competitive bidding basis, the criteria and procedures therefor shall  
1337 conform to applicable provisions of subdivision (16) of subsection (a)  
1338 and subsections (b) and (c) of section 22a-266, provided however, that  
1339 any contract for a period of over five years in duration, or any contract  
1340 for which the annual consideration is greater than fifty thousand dollars  
1341 shall be approved by a two-thirds vote of the authority's full board of

1342 directors. The terms and conditions of such contracts shall be  
1343 determined by the authority, as shall the fees or other similar  
1344 compensation to be paid to such persons for such contracts. The  
1345 contracts entered into by the authority shall not be subject to the  
1346 approval of any other state department, office or agency, except as  
1347 provided in chapter 62, in the provisions concerning state contracting  
1348 agencies. However, copies of all contracts of the authority shall be  
1349 maintained by the authority as public records, subject to the proprietary  
1350 rights of any party to the contract. Nothing of the aforesaid shall be  
1351 deemed to restrict the discretion of the authority to utilize its own staff  
1352 and work force for the performance of any of its assigned  
1353 responsibilities and functions whenever, in the discretion of the  
1354 authority, it becomes necessary, convenient or desirable to do so. Any  
1355 litigation with respect to any terms, conditions or provisions of any  
1356 contract of the authority, or the performance or nonperformance of same  
1357 by either party, shall be tried before a judge of the Superior Court of  
1358 Connecticut.

1359 Sec. 43. Subdivision (14) of section 31-49h of the general statutes is  
1360 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1361 *2023*):

1362 (14) Make and enter into any contract or agreement necessary or  
1363 incidental to the performance of its duties and execution of its powers.  
1364 [The] Except as provided in chapter 62, the contracts and agreements  
1365 entered into by the authority shall not be subject to the approval of any  
1366 other state department, office or agency, provided copies of all such  
1367 contracts shall be maintained by the authority as public records, subject  
1368 to the proprietary rights of any party to such contracts. No contract shall  
1369 contain any provision in which any contractor derives any direct or  
1370 indirect economic benefit from denying or otherwise influencing the  
1371 outcome of any claim for benefits. The standard criteria for the  
1372 evaluation of proposals relating to claims processing, web site  
1373 development, database development, marketing and advertising, in the  
1374 event the authority seeks the services of an outside contractor for such

1375 tasks, and for the evaluation of proposals relating to all other contracts  
1376 in amounts equal to or exceeding two hundred fifty thousand dollars  
1377 shall include, but need not be limited to: (A) Transparency, (B) cost, (C)  
1378 efficiency of operations, (D) quality of work related to the contracts  
1379 issued, (E) user experience, (F) accountability, and (G) a cost-benefit  
1380 analysis documenting the direct and indirect costs of such contracts,  
1381 including qualitative and quantitative benefits that will result from the  
1382 implementation of such contracts. The establishment of additional  
1383 standard criteria shall be approved by a two-thirds vote of the board  
1384 after such criteria have been posted on a public Internet web site  
1385 maintained by the authority for notice and comment for at least one  
1386 week prior to such vote.

1387 Sec. 44. Subdivision (13) of section 38a-1083 of the general statutes is  
1388 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1389 *2023*):

1390 (13) Make and enter into any contract or agreement necessary or  
1391 incidental to the performance of its duties and execution of its powers,  
1392 including, but not limited to, an agreement with the Office of Health  
1393 Strategy to use funds collected under this section for the operation of  
1394 the all-payer claims database established under section 19a-755a and to  
1395 receive data from such database. The contracts entered into by the  
1396 exchange shall not be subject to the approval of any other state  
1397 department, office or agency, provided copies of all contracts of the  
1398 exchange shall be maintained by the exchange as public records, subject  
1399 to the proprietary rights of any party to the contract, except (A) as  
1400 provided in chapter 62, and (B) any agreement with the Office of Health  
1401 Strategy shall be subject to approval by said office and the Office of  
1402 Policy and Management and no portion of such agreement shall be  
1403 considered proprietary;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Sec. 2	July 1, 2023	4e-1
Sec. 3	July 1, 2023	4e-2(g) and (h)
Sec. 4	July 1, 2023	4e-3(a)(2)
Sec. 5	July 1, 2023	4e-4
Sec. 6	July 1, 2023	4e-5(a) to (c)
Sec. 7	July 1, 2023	4e-7(a)
Sec. 8	July 1, 2023	4e-8
Sec. 9	July 1, 2023	4e-10(a)
Sec. 10	July 1, 2023	4e-14
Sec. 11	July 1, 2023	4e-16(c) and (d)
Sec. 12	July 1, 2023	4e-16(l)(2) to (4)
Sec. 13	July 1, 2023	4e-16(n)
Sec. 14	July 1, 2023	4e-16(p)
Sec. 15	July 1, 2023	4e-17
Sec. 16	July 1, 2023	4e-18
Sec. 17	July 1, 2023	4e-21(c)
Sec. 18	July 1, 2023	4e-24
Sec. 19	July 1, 2023	4b-51(d)
Sec. 20	July 1, 2023	4b-57(a)
Sec. 21	July 1, 2023	4b-91(g)
Sec. 22	July 1, 2023	4e-27
Sec. 23	July 1, 2023	4e-31
Sec. 24	July 1, 2023	4e-34
Sec. 25	July 1, 2023	4e-35
Sec. 26	July 1, 2023	4e-37(g) to (i)
Sec. 27	July 1, 2023	4e-38
Sec. 28	July 1, 2023	4e-40(2)
Sec. 29	July 1, 2023	4e-45
Sec. 30	July 1, 2023	4e-46
Sec. 31	July 1, 2023	4e-48(a)
Sec. 32	July 1, 2023	4e-72
Sec. 33	July 1, 2023	10a-255
Sec. 34	July 1, 2023	15-31b(a)(15)
Sec. 35	July 1, 2023	15-31b(b) and (c)
Sec. 36	July 1, 2023	10-357b(c)
Sec. 37	July 1, 2023	10a-196
Sec. 38	July 1, 2023	10a-204b(s)
Sec. 39	July 1, 2023	10a-243
Sec. 40	July 1, 2023	12-806(b)(16)
Sec. 41	July 1, 2023	12-815

Sec. 42	<i>July 1, 2023</i>	22a-268
Sec. 43	<i>July 1, 2023</i>	31-49h(14)
Sec. 44	<i>July 1, 2023</i>	38a-1083(13)

**Statement of Legislative Commissioners:**

In Section 10, "that take effect on or after July 1, 2023," was added for consistency.

**GAE**      *Joint Favorable Subst.*