AN ACT CONCERNING THE OPTIMIZATION OF STATE AGENCY OPERATIONS AND SERVICES.

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

Section 1. Section 32-39e of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) If, in the exercise of its powers under section 32-39, Connecticut Innovations, Incorporated (1) finds that the use of a certain technology, product or process (A) would promote public health and safety, environmental protection or economic development, or (B) with regard to state services, would promote efficiency, reduce administrative burdens or otherwise improve such services, and (2) determines such technology, product or process was developed by a business (A) domiciled in this state to which the corporation has provided financial assistance or in which the corporation has invested, or (B) which has
been certified as a small contractor or a minority business enterprise by
the Commissioner of Administrative Services under section 4a-60g, as
amended by this act, the corporation, upon application of such business,
may recommend to the Secretary of the Office of Policy and
Management that an agency of the state, including, but not limited to,
any constituent unit of the state system of higher education, be
[directed] authorized to test such technology, product or process by
employing it in the operations of such agency on a trial basis. The
purpose of such test program shall be to validate the commercial
viability of such technology, product or process, provided no business
in which Connecticut Innovations, Incorporated has invested shall be
required to participate in such program.

(b) No such recommendation may be made by Connecticut
Innovations, Incorporated unless such business has submitted a viable
business plan to Connecticut Innovations, Incorporated for
manufacturing and marketing such technology, product or process and
such business demonstrates that (1) [will manufacture or produce such
technology, product or process in this state, (2) demonstrates that] the
usage of such technology, product or process by the state agency will
not adversely affect safety, [(3) demonstrates that] (2) sufficient research
and development has occurred to warrant participation in the test
program, [and (4) demonstrates that] (3) the technology, product or
process has potential for commercialization not later than two years
following the completion of any test program involving a state agency
under this section, and (4) such technology, product or process will have
a positive economic impact in the state, including the prospective
addition of jobs and economic activity upon such commercialization.

[(b)] (c) If the Secretary of the Office of Policy and Management finds
that employing such technology, product or process would be feasible
in the operations of a state agency and would not have any detrimental
effect on such operations, said secretary, notwithstanding the
requirement of chapter 58, may direct an agency of the state to accept
delivery of such technology, product or process and to undertake such
a test program. [Any] The Secretary of the Office of Policy and
Management, in consultation with the Commissioner of Administrative Services, the chief executive officer of Connecticut Innovations, Incorporated and the department head of the testing agency, shall determine, on a case-by-case basis, whether the costs associated with the acquisition and use of such technology, product or process by the testing agency shall be borne by Connecticut Innovations, Incorporated, the business or by any investor or participant in such business. The acquisition of any technology, product or process for purposes of the test program established pursuant to this section shall not be deemed to be a purchase under the provisions of the state procurement policy. The testing agency, on behalf of Connecticut Innovations, Incorporated shall maintain records related to such test program, as requested by Connecticut Innovations, Incorporated and shall make such records and any other information derived from such test program available to Connecticut Innovations, Incorporated and the business. Any proprietary information derived from such test program shall be exempt from the provisions of subsection (a) of section 1-210.

(d) If the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Administrative Services, the chief executive officer of Connecticut Innovations, Incorporated and the department head of the testing agency, determines that the test program sufficiently demonstrates that the technology, product or process promotes public health and safety, environmental protection, economic development or efficiency; reduces administrative burdens or otherwise improves state services, the Commissioner of Administrative Services may procure such technology, product or process for use by any or all state agencies pursuant to subsection (b) of section 4a-58.

[(c)] (e) The Secretary of the Office of Policy and Management, Commissioner of Administrative Services and Connecticut Innovations, Incorporated may develop a program to recognize state agencies that help to promote public health and safety, environmental protection, [or] economic development or efficiency; reduce administrative burdens or improve state services by participating in a testing program under this section. Such program may include the creation of a fund established
with savings accrued by the testing agency during its participation in
the testing program established under this section. Such fund shall only
be used to implement the program of recognition established by the
Secretary of the Office of Policy and Management, Commissioner of
Administrative Services and Connecticut Innovations, Incorporated,
under the provisions of this subsection.

Sec. 2. (NEW) (Effective July 1, 2020) (a) Notwithstanding any
provision of the general statutes or special act, but subject to the
provisions of chapter 15 of the general statutes, any payment of fees due
to an agency or quasi-public agency may be made by any means of
electronic funds transfer adopted by such agency or quasi-public
agency.

(b) Notwithstanding any provision of the general statutes or special
act, but subject to the provisions of chapter 15 of the general statutes,
any correspondence or communication required to be delivered to an
agency or quasi-public agency by registered or certified mail, return
receipt requested, may be delivered by electronic means with proof of a
delivery receipt, in accordance with the provisions of chapter 15 of the
general statutes.

(c) Notwithstanding any provision of the general statutes or special
act, but subject to the provisions of chapter 15 of the general statutes,
any correspondence or communication required to be delivered to an
agency or quasi-public agency by United States mail or facsimile may
be delivered by electronic means, provided such agency or quasi-public
agency has determined such electronic delivery is appropriate for such
correspondence or communication.

(d) Notwithstanding any provision of the general statutes or special
act, but subject to the provisions of chapter 15 of the general statutes,
any requirement that an agency or quasi-public agency insert an
advertisement of a legal notice in a newspaper shall include posting
such notice on the agency’s or quasi-public agency’s Internet web site or
other electronic portal of the agency which is available to the general
public. Any statutory or regulatory requirement to advertise public
notices in a newspaper shall be deemed to be satisfied by such electronic
posting.

Sec. 3. Section 4-177 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

(a) In a contested case, all parties shall be afforded an opportunity for
hearing after reasonable notice. Such notice shall be in writing and may
be sent to the parties electronically, subject to the provisions of chapter
15, upon the consent of all parties to the contested case.

(b) The notice [shall be in writing and] shall include: (1) A statement
of the time, place, and nature of the hearing; (2) a statement of the legal
authority and jurisdiction under which the hearing is to be held; (3) a
reference to the particular sections of the statutes and regulations
involved; and (4) a short and plain statement of the matters asserted. If
the agency or party is unable to state the matters in detail at the time the
notice is served, the initial notice may be limited to a statement of the
issues involved. Thereafter, upon application, a more definite and
detailed statement shall be furnished.

(c) Unless precluded by law, a contested case may be resolved by
stipulation, agreed settlement, or consent order or by the default of a
party.

(d) The record in a contested case shall include: (1) Written notices
related to the case; (2) all petitions, pleadings, motions and intermediate
rulings; (3) evidence received or considered; (4) questions and offers of
proof, objections and rulings thereon; (5) the official transcript, if any, of
proceedings relating to the case, or, if not transcribed, any recording or
stenographic record of the proceedings; (6) proposed final decisions and
exceptions thereto; and (7) the final decision.

(e) Any recording or stenographic record of the proceedings shall be
transcribed on request of any party. The requesting party shall pay the
cost of such transcript. Nothing in this section shall relieve an agency of
its responsibility under section 4-183 to transcribe the record for an appeal.

Sec. 4. Section 1-101qq of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) Except as provided in section 10a-151h, a state agency or institution or quasi-public agency that is seeking a contractor for a large state construction or procurement contract shall provide the summary of state ethics laws developed by the Office of State Ethics pursuant to section 1-81b to any person seeking a large state construction or procurement contract. [Such person shall affirm to the agency or institution, in writing or electronically, (1) receipt of such summary, and (2) that key employees of such person have read and understand the summary and agree to comply with the provisions of state ethics law. After the initial submission of such affirmation, such person shall not be required to resubmit such affirmation unless there is a change in the information contained in the affirmation. If there is any change in the information contained in the most recently filed affirmation, such person shall submit an updated affirmation either (A) not later than thirty days after the effective date of any such change, or (B) upon the submittal of any new bid or proposal, whichever is earlier.] No state agency or institution or quasi-public agency shall [accept a bid or proposal for] enter into a large state construction or procurement contract [without such affirmation] unless such contract contains a representation that the chief executive officer or authorized signatory of the contract and all key employees of such officer or signatory have read and understood the summary and agree to comply with the provisions of state ethics law.

(b) Except as provided in section 10a-151h, prior to entering into a contract with any subcontractors or consultants, each large state construction or procurement contractor shall [(1)] provide the summary of state ethics laws described in subsection (a) of this section to all subcontractors and consultants, [and (2) obtain an affirmation from each subcontractor and consultant that such subcontractor and
consultant has received such summary and key employees of such subcontractor and consultant have read and understand the summary and agree to comply with its provisions. The contractor shall provide such affirmations to the state agency, institution or quasi-public agency not later than fifteen days after the request of such agency, institution or quasi-public agency for such affirmation.] Each contract entered into with a subcontractor or consultant on or after July 1, 2020, shall include a representation that each subcontractor or consultant and the key employees of such subcontractor or consultant have read and understood the summary and agree to comply with the provisions of state ethics law. Failure to [submit such affirmations in a timely manner] include such representations in such contracts with subcontractors or consultants shall be cause for termination of the large state construction or procurement contract.

(c) Each contract with a contractor, subcontractor or consultant described in subsection (a) or (b) of this section shall incorporate such summary by reference as a part of the contract terms.

Sec. 5. Section 4-252 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) Except as provided in section 10a-151f, on and after July 1, [2006] 2020, no state agency or quasi-public agency shall execute a large state contract unless [the state agency or quasi-public agency obtains the written or electronic certification] such contract contains the representations described in this section. [Each such certification shall be sworn as true to the best knowledge and belief of the person signing the certification, subject to the penalties of false statement. If there is any change in the information contained in the most recently filed certification, such person shall submit an updated certification either (1) not later than thirty days after the effective date of any such change, or (2) upon the submittal of any new bid or proposal for a large state contract, whichever is earlier. Such person shall also submit to the state agency or quasi-public agency an accurate, updated certification not later than fourteen days after the twelve-month anniversary of the most
recently filed certification or updated certification.]

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall [certify] represent that the selection of the most qualified or highest ranked person, firm or corporation was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

(c) Any principal or key personnel of the person, firm or corporation submitting a bid or proposal for a large state contract shall [certify] represent:

(1) That no gifts were made by (A) such person, firm, corporation, (B) any principals and key personnel of the person, firm or corporation, who participate substantially in preparing bids, proposals or negotiating state contracts, or (C) any agent of such person, firm, corporation or principals and key personnel, who participates substantially in preparing bids, proposals or negotiating state contracts, to (i) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for state contracts, who participates substantially in the preparation of bid solicitations or requests for proposals for state contracts or the negotiation or award of state contracts, or (ii) any public official or state employee of any other state agency, who has supervisory or appointing authority over such state agency or quasi-public agency;

(2) That no such principals and key personnel of the person, firm or corporation, or agent of such person, firm or corporation or principals and key personnel, knows of any action by the person, firm or corporation to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the person, firm or corporation to provide a gift to any such public official or state employee; and

(3) That the person, firm or corporation is submitting bids or proposals without fraud or collusion with any person.
(d) Any bidder or proposer that does not agree to the representations required under this section shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(e) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the representation requirements of this section.

Sec. 6. Section 4-252a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) For purposes of this section, "state agency" and "quasi-public agency" have the same meanings as provided in section 1-79, "large state contract" has the same meaning as provided in section 4-250 and "entity" means any corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business organization whose principal place of business is located outside of the United States, but excludes any United States subsidiary of a foreign corporation.

(b) No state agency or quasi-public agency shall enter into any large state contract, or amend or renew any such contract with any entity [who (1) has failed to submit a written certification indicating whether or not such entity has] unless such contract contains a representation that such entity has not made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010, [or has] and has not increased or renewed such investment on or after said date, [ ], or (2) has submitted a written certification indicating that such entity has made such an investment on or after October 1, 2013, or has increased or renewed such an investment on or after said date. Each such certification shall be sworn as true to the best knowledge and belief of the entity signing the certification, subject to the penalties of false
statement.]

(c) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the [certification] representation requirements of this section. [Prior to submitting a bid or proposal for a large state contract, each bidder or proposer who is an entity shall submit a certification that such bidder or proposer has or has not made an investment as described in subsection (b) of this section.]

(d) Any entity [who] that makes a good faith effort to determine whether such entity has made an investment described in subsection (b) of this section shall not be subject to the penalties of false statement pursuant to this section. A "good faith effort" for purposes of this subsection includes a determination that such entity is not on the list of persons who engage in certain investment activities in Iran created by the Department of General Services of the state of California pursuant to Division 2, Chapter 2.7 of the California Public Contract Code. Nothing in this subsection shall be construed to impair the ability of the state agency or quasi-public agency to pursue a breach of contract action for any violation of the provisions of the contract.

(e) The provisions of this section shall not apply to any contract of the Treasurer as trustee of the Connecticut retirement plans and trust funds, as defined in section 3-13c, provided nothing in this subsection shall be construed to prevent the Treasurer from performing his or her fiduciary duties under section 3-13g.

Sec. 7. Section 4a-81 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) Except as provided in section 10a-151f, no state agency or quasi-public agency shall execute a contract for the purchase of goods or services, which contract has a total value to the state of fifty thousand dollars or more in any calendar or fiscal year, unless [the state agency or quasi-public agency obtains the affidavit] such contract contains the representations described in subsection (b) of this section.
(b) (1) [Any principal or key personnel of a person, firm or corporation who submit bids or proposals for a] Each contract described in subsection (a) of this section shall [attest in an affidavit as to] include a representation whether any consulting agreement has been entered into in connection with any such contract. Such [affidavit] representation shall be required if any duties of the consultant included communications concerning business of a state or quasi-public agency, whether or not direct contact with a state agency, state or public official or state employee was expected or made. As used in this section, "consulting agreement" means any written or oral agreement to retain the services, for a fee, of a consultant for the purposes of (A) providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the state, (B) contacting, whether in writing or orally, any executive, judicial, or administrative office of the state, including any department, institution, bureau, board, commission, authority, official or employee for the purpose of solicitation, dispute resolution, introduction, requests for information, or (C) any other similar activity related to such contracts. "Consulting agreement" does not include any agreements entered into with a consultant who is registered under the provisions of chapter 10 as of the date such [affidavit is submitted] contract is executed in accordance with the provisions of this section.

(2) Such [affidavit] representation shall be sworn as true to the best knowledge and belief of the person signing the [certification on the affidavit] contract and shall be subject to the penalties of false statement.

(3) Such [affidavit] representation shall include the following information for each consulting agreement listed: The name of the consultant, the consultant’s firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such [affidavit] representation shall indicate his or her former agency and the date such employment terminated.
[(4) After the initial submission of such affidavit, the principal or key personnel of the person, firm or corporation shall not be required to resubmit such affidavit unless there is a change in the information contained in such affidavit. If there is any change in the information contained in the most recently filed affidavit required under this section, the principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall submit an updated affidavit either (A) not later than thirty days after the effective date of any such change, or (B) upon the submittal of any new bid or proposal, whichever is earlier.]

(c) Each state agency and quasi-public agency shall include a notice of the [affidavit] representation requirements of this section in the bid specifications or request for proposals for any contract that is described in subsection (a) of this section.

(d) If a bidder or vendor refuses to [submit the affidavit] agree to the representations required under [subsection] subsections (a) and (b) of this section, such bidder or vendor shall be [disqualified] rejected and the state agency or quasi-public agency shall award the contract to the next highest ranked vendor or the next lowest responsible qualified bidder or seek new bids or proposals.

Sec. 8. Subdivision (2) of subsection (f) of section 9-612 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(2) (A) No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate
committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(B) No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from the General Assembly or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of state senator or state representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(C) If a state contractor or principal of a state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, the contracting state agency or quasi-public agency may, in the case of a state contract executed on or after February 8, 2007, void the existing contract with such contractor, and no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made or solicited unless the commission determines that mitigating circumstances exist concerning such violation. No violation of the prohibitions contained in subparagraph (A) or (B) of this subdivision shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made;
(D) If a prospective state contractor or principal of a prospective state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, no state agency or quasi-public agency shall award the prospective state contractor the contract described in the state contract solicitation or any other state contract for one year after the election for which such contribution is made or solicited unless the commission determines that mitigating circumstances exist concerning such violation. The Commissioner of Administrative Services shall notify applicants of the provisions of this subparagraph and subparagraphs (A) and (B) of this subdivision during the prequalification application process; [and]

(E) The State Elections Enforcement Commission shall make available to each state agency and quasi-public agency a written notice advising state contractors and prospective state contractors of the contribution and solicitation prohibitions contained in subparagraphs (A) and (B) of this subdivision. Such notice shall: (i) Direct each state contractor and prospective state contractor to inform each individual described in subparagraph (F) of subdivision (1) of this subsection, with regard to such state contractor or prospective state contractor, about the provisions of subparagraph (A) or (B) of this subdivision, whichever is applicable, and this subparagraph; (ii) inform each state contractor and prospective state contractor of the civil and criminal penalties that could be imposed for violations of such prohibitions if any such contribution is made or solicited; (iii) inform each state contractor and prospective state contractor that, in the case of a state contractor, if any such contribution is made or solicited, the contract may be voided; (iv) inform each state contractor and prospective state contractor that, in the case of a prospective state contractor, if any such contribution is made or solicited, the contract described in the state contract solicitation shall not be awarded, unless the commission determines that mitigating circumstances exist concerning such violation; and (v) inform each state contractor and prospective state contractor that the state will not award any other state contract to anyone found in violation of such
prohibitions for a period of one year after the election for which such
contribution is made or solicited, unless the commission determines that
mitigating circumstances exist concerning such violation. Each state
agency and quasi-public agency shall [distribute such notice to the chief
executive officer of its contractors and prospective state contractors, or
an authorized signatory to a state contract, and shall obtain a written
acknowledgment of the receipt of such notice.] include in the bid
specifications or request for proposals for a state contract, a copy of or
Internet link to such notice. No state agency or quasi-public agency shall
execute a state contract unless such contract contains a representation
that the chief executive officer or authorized signatory of the contract
has received such notice; and

(F) (i) Any principal of the state contractor or prospective state
contractor submitting a bid or proposal for a state contract shall certify
that neither the contractor or prospective state contractor, nor any of its
principals, have made any contributions to, or solicited any
contributions on behalf of, any party committee, exploratory committee,
candidate for state-wide office or for the General Assembly, or political
committee authorized to make contributions to or expenditures to or for,
the benefit of such candidates, in the previous four years, that were
determined by the State Elections Enforcement Commission to be in
violation of subparagraph (A) or (B) of this subdivision, without
mitigating circumstances having been found to exist concerning such
violation. Each such certification shall be sworn as true to the best
knowledge and belief of the person signing the certification, subject to
the penalties of false statement. If there is any change in the information
contained in the most recently filed certification, such person shall
submit an updated certification not later than thirty days after the
effective date of any such change or upon the submittal of any new bid
or proposal for a state contract, whichever is earlier.

(ii) Each state agency and quasi-public agency shall include in the bid
specifications or request for proposals for a state contract a notice of the
certification requirements of this subparagraph. No state agency or
quasi-public agency shall execute a state contract unless the state agency
or quasi-public agency obtains the written certification described in this subparagraph.

(iii) Any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract shall disclose on the certification all contributions made by any of its principals to any party committee, exploratory committee, candidate for state-wide office or for the General Assembly, or political committee authorized to make contributions to or expenditures to or for the benefit of such candidates for a period of four years prior to the signing of the contract or date of the response to the bid, whichever is longer, and certify that all such contributions have been disclosed.

Sec. 9. Subsection (c) of section 4a-60 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(c) Except as provided in section 10a-151i:

(1) Any [contractor who has one or more contracts] contractor with an awarding agency, [or who is a party to a] municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written or electronic representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section, provided if there is any change in such representation, the contractor shall provide the updated representation to the awarding agency or commission not later than thirty days after such change shall include a nondiscrimination affirmation provision certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in compliance with the nondiscrimination requirements of subsection (a) of this section. The authorized signatory of the contract...
shall demonstrate his or her understanding of this obligation by either
(A) initialing the nondiscrimination affirmation provision in the body of
the contract, or (B) providing an affirmative response in the required
online bid or response to a proposal question which asks if the
contractor understands its obligations.

(2) Any contractor who has one or more contracts with an awarding
agency or who is a party to a municipal public works contract or a
contract for a quasi-public agency project, where any such contract is
valued at fifty thousand dollars or more for any year of the contract,
shall provide the awarding agency, or in the case of a municipal public
works or quasi-public agency project contract, the Commission on
Human Rights and Opportunities, with any one of the following:

(A) Documentation in the form of a company or corporate policy
adopted by resolution of the board of directors, shareholders, managers,
members or other governing body of such contractor that complies with
the nondiscrimination agreement and warranty under subdivision (1) of
subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy
adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the
prior resolution is certified by a duly authorized corporate officer of
such contractor to be in effect on the date the documentation is
submitted, and (ii) the head of the awarding agency, or a designee, or in
the case of a municipal public works or quasi-public agency project
contract, the executive director of the Commission on Human Rights
and Opportunities or a designee, certifies that the prior resolution
complies with the nondiscrimination agreement and warranty under
subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty
of false statement by a chief executive officer, president, chairperson or
other corporate officer duly authorized to adopt company or corporate
policy that certifies that the company or corporate policy of the
contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.]

[Sec. 10. Subsection (b) of section 4a-60a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(b) Except as provided in section 10a-151i:

(1) Any [contractor who has one or more contracts] contract with an awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor [who] that has not [provided the representation or documentation] demonstrated its understanding of the nondiscrimination affirmation provision included in the contract as required under [subdivisions] subdivision (1) [and (2)] of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.]
contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section] shall include a nondiscrimination affirmation provision in the contract certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in conformance with the nondiscrimination requirements of this section. The authorized signatory of the contract shall demonstrate his or her understanding of this obligation by either (A) initialing the nondiscrimination affirmation provision in the body of the contract, or (B) providing an affirmative response in the required online bid or response to a proposal question which asks if the contractor understands its obligations.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide such awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of
such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.]

[(3)] (2) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not [provided the representation or documentation] demonstrated its understanding of the nondiscrimination affirmation provision included in the contract as required under [subdivisions] subdivision (1) [and (2)] of this subsection, [, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality, or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation,
documentation or updated representation or documentation, that the
representation on file with the awarding agency or commission, as
applicable, is current and accurate.]

Sec. 11. Subsection (a) of section 4a-60g of the 2020 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2020, and applicable to certifications issued or
renewed on or after said date):

(a) As used in this section and sections 4a-60h to 4a-60j, inclusive, the
following terms have the following meanings:

(1) "Small contractor" means any contractor, subcontractor,
manufacturer, service company or nonprofit corporation that (A) [that]
maintains its principal place of business in the state, [(B) that had gross
revenues not exceeding twenty million dollars in the most recently
completed fiscal year prior to such application, and (C) that is
independent. "Small contractor" does not include any person who is
affiliated with another person if both persons considered together have
a gross revenue exceeding twenty million dollars] and (B) is certified as
a small business with the United States Small Business Administration.

[(2) "Independent" means the viability of the enterprise of the small
contractor does not depend upon another person, as determined by an
analysis of the small contractor's relationship with any other person in
regards to the provision of personnel, facilities, equipment, other
resources and financial support, including bonding.]

[(3) "State agency" means each state board, commission,
deptartment, office, institution, council or other agency with the power
to contract for goods or services itself or through its head.

[(4) "Minority business enterprise" means any small contractor
(A) fifty-one per cent or more of the capital stock, if any, or assets of
which are owned by a person or persons who (i) exercise operational
authority over the daily affairs of the enterprise, (ii) have the power to
direct the management and policies and receive the beneficial interest of

the enterprise, (iii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, and (iv) are members of a minority, as such term is defined in subsection (a) of section 32-9n, or are individuals with a disability, or (B) which is a nonprofit corporation in which fifty-one per cent or more of the persons who (i) exercise operational authority over the enterprise, (ii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, (iii) have the power to direct the management and policies of the enterprise, and (iv) are members of a minority, as defined in this [subsection] subdivision, or are individuals with a disability.

[(5)] (4) "Affiliated" means the relationship in which a person directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another person.

[(6)] (5) "Control" means the power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract or through any other direct or indirect means. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, twenty per cent or more of any voting securities of another person.

[(7)] (6) "Person" means any individual, corporation, limited liability company, partnership, association, joint stock company, business trust, unincorporated organization or other entity.

[(8)] (7) "Individual with a disability" means an individual (A) having a physical or mental impairment that substantially limits one or more of the major life activities of the individual, which mental impairment may include, but is not limited to, having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or (B) having a record of such an impairment.

[(9)] (8) "Nonprofit corporation" means a nonprofit corporation
incorporated pursuant to chapter 602 or any predecessor statutes thereto.

[(10)] (9) "Municipality" means any town, city, borough, consolidated town and city or consolidated town and borough.

[(11)] (10) "Quasi-public agency" has the same meaning as provided in section 1-120.

[(12)] (11) "Awarding agency" means a state agency or political subdivision of the state other than a municipality.

[(13)] (12) "Public works contract" has the same meaning as provided in section 46a-68b.

[(14)] (13) "Municipal public works contract" means that portion of an agreement entered into on or after October 1, 2015, between any individual, firm or corporation and a municipality for the construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway or other changes or improvements in real property, which is financed in whole or in part by the state, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees but excluding any project of an alliance district, as defined in section 10-262u, financed by state funding in an amount equal to fifty thousand dollars or less.

[(15)] (14) "Quasi-public agency project" means the construction, rehabilitation, conversion, extension, demolition or repair of a building or other changes or improvements in real property pursuant to a contract entered into on or after October 1, 2015, which is financed in whole or in part by a quasi-public agency using state funds, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees.

Sec. 12. Subsection (f) of section 4a-60g of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020, and applicable to certifications issued or
renewed on or after said date):

(f) The awarding authority may require that a contractor or subcontractor awarded a contract or a portion of a contract under this section furnish the following documentation: (1) A copy of the certificate of incorporation, certificate of limited partnership, partnership agreement or other organizational documents of the contractor or subcontractor; (2) a copy of federal income tax returns filed by the contractor or subcontractor for the previous year; [and] (3) evidence of payment of fair market value for the purchase or lease by the contractor or subcontractor of property or equipment from another contractor who is not eligible for set-aside contracts under this section; (4) for any contractor or subcontractor certified under subsection (k) of this section on or after October 1, 2020, evidence that the principal place of business of the contractor or subcontractor is located in the state; and (5) for any contractor or subcontractor certified under subsection (k) of this section on or after October 1, 2020, evidence of certification with the United States Small Business Administration as a small business.

Sec. 13. Subdivision (1) of subsection (k) of section 4a-60g of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020, and applicable to certifications issued or renewed on or after said date):

(k) (1) On or before January 1, 2000, the Commissioner of Administrative Services shall establish a process for certification of small contractors and minority business enterprises as eligible for set-aside contracts. On and after October 1, 2020, such process shall require small contractors and minority business enterprises to provide evidence of certification with the United States Small Business Administration as a small business. Each certification shall be valid for a period not to exceed two years, unless the Commissioner of Administrative Services determines that an extension of such certification is warranted, provided any such extension shall not exceed a period of six months from such certification's original expiration date. [Any paper application for certification shall be no longer than six pages.] Any
certification issued prior to October 1, 2020, shall remain valid for the
term listed on such certification unless revoked pursuant to subdivision
(2) of this subsection. The Department of Administrative Services shall
maintain on its web site an updated directory of small contractors and
minority business enterprises certified under this section.

Sec. 14. Section 4a-60b of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

(a) For the purposes of this section:

(1) "Reverse auction" means an on-line bidding process in which
qualified bidders or qualified proposers, anonymous to each other,
submit bids or proposals to provide goods, supplies or services
pursuant to an invitation to bid or request for proposals; and

(2) "Contracting agency" means a state agency with statutory
authority to award contracts for goods, supplies or services, or a
political subdivision of the state or school district.

(b) Notwithstanding any provision of the general statutes, whenever
a contracting agency determines that the use of a reverse auction is
advantageous to the contracting agency and will ensure a competitive
contract award, the contracting agency may use a reverse auction to
award a contract for goods, supplies or services, in accordance with
any applicable requirement of the general statutes and policies of the
contracting agency. The contracting agency may contract with a third
party to prepare and manage any such reverse auction.

| This act shall take effect as follows and shall amend the following sections: |
|-----------------|-----------------|-----------------|
| Section 1       | July 1, 2020    | 32-39e          |
| Sec. 2          | July 1, 2020    | New section     |
| Sec. 3          | July 1, 2020    | 4-177           |
| Sec. 4          | July 1, 2020    | 1-101qq         |
| Sec. 5          | July 1, 2020    | 4-252           |
| Sec. 6          | July 1, 2020    | 4-252a          |

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**Statement of Purpose:**
To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]