



General Assembly

February Session, 2020

Governor's Bill No. 5012

LCO No. 595



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

**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:

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 Section 32-39e of the general statutes is repealed and the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

3 (a) If, in the exercise of its powers under section 32-39, Connecticut
4 Innovations, Incorporated (1) finds that the use of a certain technology,
5 product or process (A) would promote public health and safety,
6 environmental protection or economic development, or (B) with regard
7 to state services, would promote efficiency, reduce administrative
8 burdens or otherwise improve such services, and (2) determines such
9 technology, product or process was developed by a business (A)
10 domiciled in this state to which the corporation has provided financial
11 assistance or in which the corporation has invested, or (B) which has

12 been certified as a small contractor or a minority business enterprise by
13 the Commissioner of Administrative Services under section 4a-60g, as
14 amended by this act, the corporation, upon application of such business,
15 may recommend to the Secretary of the Office of Policy and
16 Management that an agency of the state, including, but not limited to,
17 any constituent unit of the state system of higher education, be
18 [directed] authorized to test such technology, product or process by
19 employing it in the operations of such agency on a trial basis. The
20 purpose of such test program shall be to validate the commercial
21 viability of such technology, product or process, provided no business
22 in which Connecticut Innovations, Incorporated has invested shall be
23 required to participate in such program.

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

39 [(b)] (c) If the Secretary of the Office of Policy and Management finds
40 that employing such technology, product or process would be feasible
41 in the operations of a state agency and would not have any detrimental
42 effect on such operations, said secretary, notwithstanding the
43 requirement of chapter 58, may direct an agency of the state to accept
44 delivery of such technology, product or process and to undertake such
45 a test program. [Any] The Secretary of the Office of Policy and

46 Management, in consultation with the Commissioner of Administrative
47 Services, the chief executive officer of Connecticut Innovations,
48 Incorporated and the department head of the testing agency, shall
49 determine, on a case-by-case basis, whether the costs associated with the
50 acquisition and use of such technology, product or process by the testing
51 agency shall be borne by Connecticut Innovations, Incorporated, the
52 business or by any investor or participant in such business. The
53 acquisition of any technology, product or process for purposes of the
54 test program established pursuant to this section shall not be deemed to
55 be a purchase under the provisions of the state procurement policy. The
56 testing agency, on behalf of Connecticut Innovations, Incorporated shall
57 maintain records related to such test program, as requested by
58 Connecticut Innovations, Incorporated and shall make such records and
59 any other information derived from such test program available to
60 Connecticut Innovations, Incorporated and the business. Any
61 proprietary information derived from such test program shall be
62 exempt from the provisions of subsection (a) of section 1-210.

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

73 ~~[(c)]~~ (e) The Secretary of the Office of Policy and Management,
74 Commissioner of Administrative Services and Connecticut Innovations,
75 Incorporated may develop a program to recognize state agencies that
76 help to promote public health and safety, environmental protection, ~~[or]~~
77 economic development or efficiency; reduce administrative burdens or
78 improve state services by participating in a testing program under this
79 section. Such program may include the creation of a fund established

80 with savings accrued by the testing agency during its participation in
81 the testing program established under this section. Such fund shall only
82 be used to implement the program of recognition established by the
83 Secretary of the Office of Policy and Management, Commissioner of
84 Administrative Services and Connecticut Innovations, Incorporated,
85 under the provisions of this subsection.

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

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

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

106 (d) Notwithstanding any provision of the general statutes or special
107 act, but subject to the provisions of chapter 15 of the general statutes,
108 any requirement that an agency or quasi-public agency insert an
109 advertisement of a legal notice in a newspaper shall include posting
110 such notice on the agency's or quasi-public agency's Internet web site or
111 other electronic portal of the agency which is available to the general

112 public. Any statutory or regulatory requirement to advertise public
113 notices in a newspaper shall be deemed to be satisfied by such electronic
114 posting.

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

117 (a) In a contested case, all parties shall be afforded an opportunity for
118 hearing after reasonable notice. Such notice shall be in writing and may
119 be sent to the parties electronically, subject to the provisions of chapter
120 15, upon the consent of all parties to the contested case.

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

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

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

140 (e) Any recording or stenographic record of the proceedings shall be
141 transcribed on request of any party. The requesting party shall pay the
142 cost of such transcript. Nothing in this section shall relieve an agency of

143 its responsibility under section 4-183 to transcribe the record for an
144 appeal.

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

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

170 (b) Except as provided in section 10a-151h, prior to entering into a
171 contract with any subcontractors or consultants, each large state
172 construction or procurement contractor shall [(1)] provide the summary
173 of state ethics laws described in subsection (a) of this section to all
174 subcontractors and consultants. [, and (2) obtain an affirmation from
175 each subcontractor and consultant that such subcontractor and

176 consultant has received such summary and key employees of such
177 subcontractor and consultant have read and understand the summary
178 and agree to comply with its provisions. The contractor shall provide
179 such affirmations to the state agency, institution or quasi-public agency
180 not later than fifteen days after the request of such agency, institution or
181 quasi-public agency for such affirmation.] Each contract entered into
182 with a subcontractor or consultant on or after July 1, 2020, shall include
183 a representation that each subcontractor or consultant and the key
184 employees of such subcontractor or consultant have read and
185 understood the summary and agree to comply with the provisions of
186 state ethics law. Failure to [submit such affirmations in a timely manner]
187 include such representations in such contracts with subcontractors or
188 consultants shall be cause for termination of the large state construction
189 or procurement contract.

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

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

195 (a) Except as provided in section 10a-151f, on and after July 1, [2006]
196 2020, no state agency or quasi-public agency shall execute a large state
197 contract unless [the state agency or quasi-public agency obtains the
198 written or electronic certification] such contract contains the
199 representations described in this section. [Each such certification shall
200 be sworn as true to the best knowledge and belief of the person signing
201 the certification, subject to the penalties of false statement. If there is any
202 change in the information contained in the most recently filed
203 certification, such person shall submit an updated certification either (1)
204 not later than thirty days after the effective date of any such change, or
205 (2) upon the submittal of any new bid or proposal for a large state
206 contract, whichever is earlier. Such person shall also submit to the state
207 agency or quasi-public agency an accurate, updated certification not
208 later than fourteen days after the twelve-month anniversary of the most

209 recently filed certification or updated certification.]

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

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

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

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

239 (3) That the person, firm or corporation is submitting bids or
240 proposals without fraud or collusion with any person.

241 (d) Any bidder or proposer that does not [make the certification]
242 agree to the representations required under this section shall be
243 [disqualified] rejected and the state agency or quasi-public agency shall
244 award the contract to the next highest ranked proposer or the next
245 lowest responsible qualified bidder or seek new bids or proposals.

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

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

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

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

273 statement.]

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

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

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

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

299 (a) Except as provided in section 10a-151f, no state agency or quasi-
300 public agency shall execute a contract for the purchase of goods or
301 services, which contract has a total value to the state of fifty thousand
302 dollars or more in any calendar or fiscal year, unless [the state agency or
303 quasi-public agency obtains the affidavit] such contract contains the
304 representations described in subsection (b) of this section.

305 (b) (1) [Any principal or key personnel of a person, firm or
306 corporation who submit bids or proposals for a] Each contract described
307 in subsection (a) of this section shall [attest in an affidavit as to] include
308 a representation whether any consulting agreement has been entered
309 into in connection with any such contract. Such [affidavit]
310 representation shall be required if any duties of the consultant included
311 communications concerning business of a state or quasi-public agency,
312 whether or not direct contact with a state agency, state or public official
313 or state employee was expected or made. As used in this section,
314 "consulting agreement" means any written or oral agreement to retain
315 the services, for a fee, of a consultant for the purposes of (A) providing
316 counsel to a contractor, vendor, consultant or other entity seeking to
317 conduct, or conducting, business with the state, (B) contacting, whether
318 in writing or orally, any executive, judicial, or administrative office of
319 the state, including any department, institution, bureau, board,
320 commission, authority, official or employee for the purpose of
321 solicitation, dispute resolution, introduction, requests for information,
322 or (C) any other similar activity related to such contracts. "Consulting
323 agreement" does not include any agreements entered into with a
324 consultant who is registered under the provisions of chapter 10 as of the
325 date such [affidavit is submitted] contract is executed in accordance
326 with the provisions of this section.

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

330 (3) Such [affidavit] representation shall include the following
331 information for each consulting agreement listed: The name of the
332 consultant, the consultant's firm, the basic terms of the consulting
333 agreement, a brief description of the services provided, and an
334 indication as to whether the consultant is a former state employee or
335 public official. If the consultant is a former state employee or public
336 official, such [affidavit] representation shall indicate his or her former
337 agency and the date such employment terminated.

338 [(4) After the initial submission of such affidavit, the principal or key
339 personnel of the person, firm or corporation shall not be required to
340 resubmit such affidavit unless there is a change in the information
341 contained in such affidavit. If there is any change in the information
342 contained in the most recently filed affidavit required under this section,
343 the principal or key personnel of a person, firm or corporation who
344 submit bids or proposals for a contract described in subsection (a) of this
345 section shall submit an updated affidavit either (A) not later than thirty
346 days after the effective date of any such change, or (B) upon the
347 submittal of any new bid or proposal, whichever is earlier.]

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

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

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

361 (2) (A) No state contractor, prospective state contractor, principal of
362 a state contractor or principal of a prospective state contractor, with
363 regard to a state contract or a state contract solicitation with or from a
364 state agency in the executive branch or a quasi-public agency or a
365 holder, or principal of a holder, of a valid prequalification certificate,
366 shall make a contribution to, or, on and after January 1, 2011, knowingly
367 solicit contributions from the state contractor's or prospective state
368 contractor's employees or from a subcontractor or principals of the
369 subcontractor on behalf of (i) an exploratory committee or candidate

370 committee established by a candidate for nomination or election to the
371 office of Governor, Lieutenant Governor, Attorney General, State
372 Comptroller, Secretary of the State or State Treasurer, (ii) a political
373 committee authorized to make contributions or expenditures to or for
374 the benefit of such candidates, or (iii) a party committee;

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

388 (C) If a state contractor or principal of a state contractor makes or
389 solicits a contribution as prohibited under subparagraph (A) or (B) of
390 this subdivision, as determined by the State Elections Enforcement
391 Commission, the contracting state agency or quasi-public agency may,
392 in the case of a state contract executed on or after February 8, 2007, void
393 the existing contract with such contractor, and no state agency or quasi-
394 public agency shall award the state contractor a state contract or an
395 extension or an amendment to a state contract for one year after the
396 election for which such contribution is made or solicited unless the
397 commission determines that mitigating circumstances exist concerning
398 such violation. No violation of the prohibitions contained in
399 subparagraph (A) or (B) of this subdivision shall be deemed to have
400 occurred if, and only if, the improper contribution is returned to the
401 principal by the later of thirty days after receipt of such contribution by
402 the recipient committee treasurer or the filing date that corresponds
403 with the reporting period in which such contribution was made;

404 (D) If a prospective state contractor or principal of a prospective state
405 contractor makes or solicits a contribution as prohibited under
406 subparagraph (A) or (B) of this subdivision, as determined by the State
407 Elections Enforcement Commission, no state agency or quasi-public
408 agency shall award the prospective state contractor the contract
409 described in the state contract solicitation or any other state contract for
410 one year after the election for which such contribution is made or
411 solicited unless the commission determines that mitigating
412 circumstances exist concerning such violation. The Commissioner of
413 Administrative Services shall notify applicants of the provisions of this
414 subparagraph and subparagraphs (A) and (B) of this subdivision during
415 the prequalification application process; [and]

416 (E) The State Elections Enforcement Commission shall make
417 available to each state agency and quasi-public agency a written notice
418 advising state contractors and prospective state contractors of the
419 contribution and solicitation prohibitions contained in subparagraphs
420 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state
421 contractor and prospective state contractor to inform each individual
422 described in subparagraph (F) of subdivision (1) of this subsection, with
423 regard to such state contractor or prospective state contractor, about the
424 provisions of subparagraph (A) or (B) of this subdivision, whichever is
425 applicable, and this subparagraph; (ii) inform each state contractor and
426 prospective state contractor of the civil and criminal penalties that could
427 be imposed for violations of such prohibitions if any such contribution
428 is made or solicited; (iii) inform each state contractor and prospective
429 state contractor that, in the case of a state contractor, if any such
430 contribution is made or solicited, the contract may be voided; (iv) inform
431 each state contractor and prospective state contractor that, in the case of
432 a prospective state contractor, if any such contribution is made or
433 solicited, the contract described in the state contract solicitation shall not
434 be awarded, unless the commission determines that mitigating
435 circumstances exist concerning such violation; and (v) inform each state
436 contractor and prospective state contractor that the state will not award
437 any other state contract to anyone found in violation of such

438 prohibitions for a period of one year after the election for which such
439 contribution is made or solicited, unless the commission determines that
440 mitigating circumstances exist concerning such violation. Each state
441 agency and quasi-public agency shall [distribute such notice to the chief
442 executive officer of its contractors and prospective state contractors, or
443 an authorized signatory to a state contract, and shall obtain a written
444 acknowledgment of the receipt of such notice.] include in the bid
445 specifications or request for proposals for a state contract, a copy of or
446 Internet link to such notice. No state agency or quasi-public agency shall
447 execute a state contract unless such contract contains a representation
448 that the chief executive officer or authorized signatory of the contract
449 has received such notice; and

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

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

472 or quasi-public agency obtains the written certification described in this
473 subparagraph.

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

483 Sec. 9. Subsection (c) of section 4a-60 of the general statutes is
484 repealed and the following is substituted in lieu thereof (*Effective July 1,*
485 *2020*):

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

487 (1) Any [contractor who has one or more contracts] contract with an
488 awarding agency, [or who is a party to a] municipal public works
489 contract or a contract for a quasi-public agency project [, where any such
490 contract is valued at less than fifty thousand dollars for each year of the
491 contract, shall provide the awarding agency, or in the case of a
492 municipal public works or quasi-public agency project contract, the
493 Commission on Human Rights and Opportunities, with a written or
494 electronic representation that complies with the nondiscrimination
495 agreement and warranty under subdivision (1) of subsection (a) of this
496 section, provided if there is any change in such representation, the
497 contractor shall provide the updated representation to the awarding
498 agency or commission not later than thirty days after such change] shall
499 include a nondiscrimination affirmation provision certifying that the
500 contractor understands the obligations of this section and will maintain
501 a policy for the duration of the contract to assure that the contract will
502 be performed in compliance with the nondiscrimination requirements
503 of subsection (a) of this section. The authorized signatory of the contract

504 shall demonstrate his or her understanding of this obligation by either
505 (A) initialing the nondiscrimination affirmation provision in the body of
506 the contract, or (B) providing an affirmative response in the required
507 online bid or response to a proposal question which asks if the
508 contractor understands its obligations.

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

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

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

532 (C) Documentation in the form of an affidavit signed under penalty
533 of false statement by a chief executive officer, president, chairperson or
534 other corporate officer duly authorized to adopt company or corporate
535 policy that certifies that the company or corporate policy of the

536 contractor complies with the nondiscrimination agreement and
537 warranty under subdivision (1) of subsection (a) of this section and is in
538 effect on the date the affidavit is signed.]

539 [(3)] (2) No awarding agency, or in the case of a municipal public
540 works contract, no municipality, or in the case of a quasi-public agency
541 project contract, no entity, shall award a contract to a contractor [who]
542 that has not [provided the representation or documentation]
543 demonstrated its understanding of the nondiscrimination affirmation
544 provision included in the contract as required under [subdivisions]
545 subdivision (1) [and (2)] of this subsection. [, as applicable. After the
546 initial submission of such representation or documentation, the
547 contractor shall not be required to resubmit such representation or
548 documentation unless there is a change in the information contained in
549 such representation or documentation. If there is any change in the
550 information contained in the most recently filed representation or
551 updated documentation, the contractor shall submit an updated
552 representation or documentation, as applicable, either (A) not later than
553 thirty days after the effective date of such change, or (B) upon the
554 execution of a new contract with the awarding agency, municipality or
555 entity, as applicable, whichever is earlier. Such contractor shall also
556 certify, in accordance with subparagraph (B) or (C) of subdivision (2) of
557 this subsection, to the awarding agency or commission, as applicable,
558 not later than fourteen days after the twelve-month anniversary of the
559 most recently filed representation, documentation or updated
560 representation or documentation, that the representation on file with the
561 awarding agency or commission, as applicable, is current and accurate.]

562 Sec. 10. Subsection (b) of section 4a-60a of the general statutes is
563 repealed and the following is substituted in lieu thereof (*Effective July 1,*
564 *2020*):

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

566 (1) Any [contractor who has one or more contracts] contract with an
567 awarding agency, [or who is a party to a] municipal public works

568 contract or a contract for a quasi-public agency project [, where any such
569 contract is valued at less than fifty thousand dollars for each year of the
570 contract, shall provide the awarding agency, or in the case of a
571 municipal public works or quasi-public agency project contract, the
572 Commission on Human Rights and Opportunities, with a written
573 representation that complies with the nondiscrimination agreement and
574 warranty under subdivision (1) of subsection (a) of this section] shall
575 include a nondiscrimination affirmation provision in the contract
576 certifying that the contractor understands the obligations of this section
577 and will maintain a policy for the duration of the contract to assure that
578 the contract will be performed in conformance with the
579 nondiscrimination requirements of this section. The authorized
580 signatory of the contract shall demonstrate his or her understanding of
581 this obligation by either (A) initialing the nondiscrimination affirmation
582 provision in the body of the contract, or (B) providing an affirmative
583 response in the required online bid or response to a proposal question
584 which asks if the contractor understands its obligations.

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

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

597 (B) Documentation in the form of a company or corporate policy
598 adopted by a prior resolution of the board of directors, shareholders,
599 managers, members or other governing body of such contractor if (i) the
600 prior resolution is certified by a duly authorized corporate officer of

601 such contractor to be in effect on the date the documentation is
602 submitted, and (ii) the head of the awarding agency, or a designee, or in
603 the case of a municipal public works or quasi-public agency project
604 contract, the executive director of the Commission on Human Rights
605 and Opportunities or a designee, certifies that the prior resolution
606 complies with the nondiscrimination agreement and warranty under
607 subdivision (1) of subsection (a) of this section; or

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

615 [(3)] (2) No awarding agency, or in the case of a municipal public
616 works contract, no municipality, or in the case of a quasi-public agency
617 project contract, no entity, shall award a contract to a contractor who has
618 not [provided the representation or documentation] demonstrated its
619 understanding of the nondiscrimination affirmation provision included
620 in the contract as required under [subdivisions] subdivision (1) [and (2)]
621 of this subsection.], as applicable. After the initial submission of such
622 representation or documentation, the contractor shall not be required to
623 resubmit such representation or documentation unless there is a change
624 in the information contained in such representation or documentation.
625 If there is any change in the information contained in the most recently
626 filed representation or updated documentation, the contractor shall
627 submit an updated representation or documentation, as applicable,
628 either (A) not later than thirty days after the effective date of such
629 change, or (B) upon the execution of a new contract with the awarding
630 agency, municipality, or entity, as applicable, whichever is earlier. Such
631 contractor shall also certify, in accordance with subparagraph (B) or (C)
632 of subdivision (2) of this subsection, to the awarding agency or
633 commission, as applicable, not later than fourteen days after the twelve-
634 month anniversary of the most recently filed representation,

635 documentation or updated representation or documentation, that the
636 representation on file with the awarding agency or commission, as
637 applicable, is current and accurate.]

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

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

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

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

658 [(3)] (2) "State agency" means each state board, commission,
659 department, office, institution, council or other agency with the power
660 to contract for goods or services itself or through its head.

661 [(4)] (3) "Minority business enterprise" means any small contractor
662 (A) fifty-one per cent or more of the capital stock, if any, or assets of
663 which are owned by a person or persons who (i) exercise operational
664 authority over the daily affairs of the enterprise, (ii) have the power to
665 direct the management and policies and receive the beneficial interest of

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

677 [(5)] (4) "Affiliated" means the relationship in which a person directly,
678 or indirectly through one or more intermediaries, controls, is controlled
679 by or is under common control with another person.

680 [(6)] (5) "Control" means the power to direct or cause the direction of
681 the management and policies of any person, whether through the
682 ownership of voting securities, by contract or through any other direct
683 or indirect means. Control shall be presumed to exist if any person,
684 directly or indirectly, owns, controls, holds with the power to vote, or
685 holds proxies representing, twenty per cent or more of any voting
686 securities of another person.

687 [(7)] (6) "Person" means any individual, corporation, limited liability
688 company, partnership, association, joint stock company, business trust,
689 unincorporated organization or other entity.

690 [(8)] (7) "Individual with a disability" means an individual (A) having
691 a physical or mental impairment that substantially limits one or more of
692 the major life activities of the individual, which mental impairment may
693 include, but is not limited to, having one or more mental disorders, as
694 defined in the most recent edition of the American Psychiatric
695 Association's "Diagnostic and Statistical Manual of Mental Disorders",
696 or (B) having a record of such an impairment.

697 [(9)] (8) "Nonprofit corporation" means a nonprofit corporation

698 incorporated pursuant to chapter 602 or any predecessor statutes
699 thereto.

700 [(10)] (9) "Municipality" means any town, city, borough, consolidated
701 town and city or consolidated town and borough.

702 [(11)] (10) "Quasi-public agency" has the same meaning as provided
703 in section 1-120.

704 [(12)] (11) "Awarding agency" means a state agency or political
705 subdivision of the state other than a municipality.

706 [(13)] (12) "Public works contract" has the same meaning as provided
707 in section 46a-68b.

708 [(14)] (13) "Municipal public works contract" means that portion of an
709 agreement entered into on or after October 1, 2015, between any
710 individual, firm or corporation and a municipality for the construction,
711 rehabilitation, conversion, extension, demolition or repair of a public
712 building, highway or other changes or improvements in real property,
713 which is financed in whole or in part by the state, including, but not
714 limited to, matching expenditures, grants, loans, insurance or
715 guarantees but excluding any project of an alliance district, as defined
716 in section 10-262u, financed by state funding in an amount equal to fifty
717 thousand dollars or less.

718 [(15)] (14) "Quasi-public agency project" means the construction,
719 rehabilitation, conversion, extension, demolition or repair of a building
720 or other changes or improvements in real property pursuant to a
721 contract entered into on or after October 1, 2015, which is financed in
722 whole or in part by a quasi-public agency using state funds, including,
723 but not limited to, matching expenditures, grants, loans, insurance or
724 guarantees.

725 Sec. 12. Subsection (f) of section 4a-60g of the 2020 supplement to the
726 general statutes is repealed and the following is substituted in lieu
727 thereof (*Effective October 1, 2020, and applicable to certifications issued or*

728 *renewed on or after said date):*

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

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

749 (k) (1) On or before January 1, 2000, the Commissioner of
750 Administrative Services shall establish a process for certification of
751 small contractors and minority business enterprises as eligible for set-
752 aside contracts. On and after October 1, 2020, such process shall require
753 small contractors and minority business enterprises to provide evidence
754 of certification with the United States Small Business Administration as
755 a small business. Each certification shall be valid for a period not to
756 exceed two years, unless the Commissioner of Administrative Services
757 determines that an extension of such certification is warranted,
758 provided any such extension shall not exceed a period of six months
759 from such certification's original expiration date. [Any paper
760 application for certification shall be no longer than six pages.] Any

761 certification issued prior to October 1, 2020, shall remain valid for the
 762 term listed on such certification unless revoked pursuant to subdivision
 763 (2) of this subsection. The Department of Administrative Services shall
 764 maintain on its web site an updated directory of small contractors and
 765 minority business enterprises certified under this section.

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

768 (a) For the purposes of this section:

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

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

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

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

Sec. 7	<i>July 1, 2020</i>	4a-81
Sec. 8	<i>July 1, 2020</i>	9-612(f)(2)
Sec. 9	<i>July 1, 2020</i>	4a-60(c)
Sec. 10	<i>July 1, 2020</i>	4a-60a(b)
Sec. 11	<i>October 1, 2020, and applicable to certifications issued or renewed on or after said date</i>	4a-60g(a)
Sec. 12	<i>October 1, 2020, and applicable to certifications issued or renewed on or after said date</i>	4a-60g(f)
Sec. 13	<i>October 1, 2020, and applicable to certifications issued or renewed on or after said date</i>	4a-60g(k)(1)
Sec. 14	<i>July 1, 2020</i>	4a-60b

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.]