"AN ACT CONCERNING THE STATE CONTRACTING STANDARDS BOARD."

1 Strike everything after the enacting clause and substitute the following in lieu thereof:

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

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

Sec. 2. Subsections (a) to (c), inclusive, of section 4e-5 of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

(2) The agency procurement officer shall be responsible for (A) ensuring that any invitation to bid, request for proposals or any other solicitation for goods and service issued on or after July 1, 2022, contains a notice of the rights of prospective bidders, proposers or prospective contractors under sections 4e-36, 4e-39 and 4e-40, (B) assuring that contractors are properly screened prior to the award of a contract, (C) ensuring contractors are advised of their rights under sections 4e-36, 4e-39 and 4e-40, prior to entering into a contract on or after July 1, 2022, (D) ensuring that upon the award of such a contract that unsuccessful bidders, proposers or respondents are advised of their rights under sections 4e-36, 4e-39 and 4e-40, (E) evaluating contractor performance during and at the conclusion of a contract, (F) submitting written evaluations to a central data repository to be designated by the board, and (G) creating a project management plan for the agency with annual reports to the board pertaining to procurement projects within the agency.

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

(c) The state procurement and project management education and training program shall include, but shall not be limited to (1) training and education concerning federal, state and municipal procurement processes, including the statutes and regulations concerning procurement; (2) training and education courses developed in cooperation with the Office of State Ethics, the Freedom of Information Commission, the State Elections Enforcement Commission, the Commission on Human Rights and Opportunities, the office of the Attorney General and any other state agency the board determines is necessary in carrying out statutes and regulations concerning procurement; (3) providing technical assistance to state contracting agencies and municipalities for implementing statutes and regulations concerning procurement, regulations, policies and standards developed by the board; (4) training to current and prospective contractors and vendors and others seeking to do business with the state; and (5) training and education of state employees in the area of best procurement practices in state purchasing with the goal of achieving the level of acumen necessary to achieve the objectives of statutes and regulations concerning procurement.

Sec. 3. Subsection (a) of section 4e-10 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

Sec. 4. Subsection (d) of section 4e-16 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(d) Any business case developed by a state contracting agency for the purpose of complying with subsection (c) of this section shall include:
(1) The cost-benefit analysis as described in subsection (b) of this section, (2) a detailed description of the service or activity that is the subject of such business case, (3) a description and analysis of the state contracting agency’s current performance of such service or activity, (4) the goals to be achieved through the proposed privatization contract and the rationale for such goals, (5) a description of available options for achieving such goals, (6) an analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks attendant to termination of the contract or rescission of such contract, (7) an analysis of the potential impact of the proposed privatization contract on workers of color and workers who are women, including whether such privatization contract will lessen or increase historical patterns that produce inequities between such workers and other workers, (8) a description of the current market for the services or activities that are the subject of such business case, [(8)] (9) an analysis of the quality of services as gauged by standardized measures and key performance requirements including compensation, turnover, and staffing ratios, [(9)] (10) a description of the specific results-based performance standards that shall, at a minimum be met, to ensure adequate performance by any party
performing such service or activity, [(10)] (11) the projected time frame for key events from the beginning of the procurement process through the expiration of a contract, if applicable, [(11)] (12) a specific and feasible contingency plan that addresses contractor nonperformance and a description of the tasks involved in and costs required for implementation of such plan, and [(12)] (13) a transition plan, if appropriate, for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communications with affected stakeholders, such as agency clients and members of the public, if applicable. Such transition plan shall contain a reemployment and retraining assistance plan for employees who are not retained by the state or employed by the contractor. If the primary purpose of the proposed privatization contract is to provide a core governmental function, such business case shall also include information sufficient to rebut the presumption that such core governmental function should not be privatized. Such presumption shall not be construed to prohibit a state contracting agency from contracting for specialized technical expertise not available within such agency, provided such agency shall retain responsibility for such core governmental function. For the purposes of this section, "core governmental function" means a function for which the primary purpose is (A) the inspection for adherence to health and safety standards because public health or safety may be jeopardized if such inspection is not done or is not done in a timely or proper manner, (B) the establishment of statutory, regulatory or contractual standards to which a regulated person, entity or state contractor shall be held, (C) the enforcement of statutory, regulatory or contractual requirements governing public health or safety, [or] (D) criminal or civil law enforcement, or (E) the provision of essential human services to residents of the state who would otherwise lack the support necessary to assure basic human needs. If any part of such business case is based upon evidence that the state contracting agency is not sufficiently staffed to provide the core governmental function required by the privatization contract, the state contracting agency shall also include within such business case a plan for remediation of the understaffing to
allow such services to be provided directly by the state contracting agency in the future.

Sec. 5. Subsection (c) of section 4e-21 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

Sec. 6. Section 4e-24 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

[Not later than June 1, 2010, the State Contracting Standards Board, in consultation with the Commissioner of Administrative Services and any other appropriate award authority, shall adopt regulations, in accordance with the provisions of chapter 54, permitting] (a) If an emergency [procurements when there exists] procurement is deemed necessary by a state contracting agency due to a threat to public health, welfare or safety, the state contracting agency shall give notice to the board of the need for such emergency procurement. Such emergency procurements shall be made with competition, as is practicable under the circumstances. [Said regulations shall require that] The state contracting agency shall (1) include a written determination of the basis for the emergency and for the selection of the particular contractor [be included] in the contract file, [and transmitted] (2) transmit such determination to the Governor, the president pro tempore of the Senate, the majority and minority leaders of the Senate, the speaker of the House of Representatives and the majority and minority leaders of the House
of Representatives, and (3) post such determination on the Internet web
site of the state contracting agency.

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

Sec. 7. Subsection (d) of section 4b-51 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July 1,
2022):

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

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

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

Sec. 8. Subsection (a) of section 4b-57 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) Whenever consultant services are required by the commissioner in fulfilling the responsibilities under section 4b-1, and in the case of each project, the commissioner shall invite responses from such firms by posting notice on the State Contracting Portal, except that in the case of an emergency procurement, the commissioner may receive consultant services under a contract entered into pursuant to subsection (d) of section 4b-51, as amended by this act. The commissioner shall prescribe, by regulations adopted in accordance with chapter 54, the advance notice required for, the manner of submission, and conditions and requirements of, such responses.

Sec. 9. Subsection (g) of section 4b-91 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

This act shall take effect as follows and shall amend the following sections:

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