



General Assembly

February Session, 2024

**Raised Bill No. 391**

LCO No. 2619



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE  
CONTRACTING STANDARDS BOARD.***

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

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

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

12 Sec. 2. Section 4e-1 of the 2024 supplement to the general statutes is  
13 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
14 *2024*):

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

17 (1) "Best value selection" means a contract selection process in which  
18 the award of a contract is based on a combination of quality, timeliness  
19 and cost factors;

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

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

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

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

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

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

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

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

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

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

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

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

63 (F) A lease; or

64 (G) A licensing agreement;

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

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

72 [(10)] (9) "Contract risk assessment" means (A) the identification and

73 evaluation of loss exposures and risks, including, but not limited to,  
74 business and legal risks associated with the contracting process and the  
75 contracted goods and services, and (B) the identification, evaluation and  
76 implementation of measures available to minimize potential loss  
77 exposures and risks;

78 [(11)] (10) "Contractor" means any business that is awarded, or is a  
79 subcontractor under, a contract or an amendment to a contract with a  
80 state contracting agency under statutes and regulations concerning  
81 procurement, including, but not limited to, a small contractor, minority  
82 business enterprise, an individual with a disability, as defined in section  
83 4a-60, or an organization providing products and services by persons  
84 with disabilities;

85 [(12)] (11) "Contractual services" means the furnishing of labor by a  
86 contractor, not involving the delivery of a specific end product other  
87 than reports, which are merely incidental to the required performance  
88 and includes any and all laundry and cleaning service, pest control  
89 service, janitorial service, security service, the rental and repair, or  
90 maintenance, of equipment, machinery and other [state-owned]  
91 personal property owned by a state contracting agency, advertising and  
92 photostating, mimeographing, human services and other service  
93 arrangements where the services are provided by persons other than  
94 state employees or quasi-public agency employees. "Contractual  
95 services" includes the design, development and implementation of  
96 technology, communications or telecommunications systems or the  
97 infrastructure pertaining thereto, including hardware and software and  
98 services for which a contractor is conferred a benefit by the state,  
99 whether or not compensated by the state. "Contractual services" does  
100 not include employment agreements or collective bargaining  
101 agreements;

102 [(13)] (12) "Data" means recorded information, regardless of form or  
103 characteristic;

104 [(14)] (13) "Vote of two-thirds of the members of the board present

105 and voting" means a vote by the State Contracting Standards Board that  
106 is agreed upon by two-thirds of the members of the State Contracting  
107 Standards Board present and voting for a particular purpose and that  
108 includes the vote of one member of the board appointed by a legislative  
109 leader;

110 [(15)] (14) "Electronic" means electrical, digital, magnetic, optical,  
111 electromagnetic, or any other similar technology;

112 [(16)] (15) "Emergency procurement" means procurement by a state  
113 contracting agency, [quasi-public agency, as defined in section 1-120,]  
114 judicial department or constituent unit of higher education that is made  
115 necessary by a sudden, unexpected occurrence that poses a clear and  
116 imminent danger to public safety or requires immediate action to  
117 prevent or mitigate the loss or impairment of life, health, property or  
118 essential public services or in response to a court order, settlement  
119 agreement or other similar legal judgment;

120 [(17)] (16) "Equipment" means personal property of a durable nature  
121 that retains its identity throughout its useful life;

122 [(18)] (17) "Materials" means items required to perform a function or  
123 used in a manufacturing process, particularly those incorporated into  
124 an end product or consumed in its manufacture;

125 [(19)] (18) "Nonprofit agency" means any organization that is not a  
126 for-profit business under Section 501(c)(3) of the Internal Revenue Code  
127 of 1986, or any subsequent corresponding internal revenue code of the  
128 United States, as amended from time to time, [amended,] makes no  
129 distribution to its members, directors or officers and provides services  
130 contracted for by (A) the state or a quasi-public agency, or (B) a nonstate  
131 entity;

132 [(20)] (19) "Professional services" means any type of service to the  
133 public that requires that members of a profession rendering such service  
134 obtain a license or other legal authorization as a condition precedent to  
135 the rendition thereof, including, but not limited to, the professional

136 services of architects, professional engineers, or jointly by architects and  
137 professional engineers, landscape architects, certified public  
138 accountants and public accountants, land surveyors, attorneys-at-law,  
139 psychologists, licensed marital and family therapists, licensed  
140 professional counselors and licensed clinical social workers as well as  
141 such other professional services described in section 33-182a;

142 [(21)] (20) "Privatization contract" means an agreement or series of  
143 agreements between a state contracting agency and a person or entity in  
144 which such person or entity agrees to provide services that are  
145 substantially similar to and in lieu of services provided, in whole or in  
146 part, by state employees or quasi-public agency employees, other than  
147 contracts with a nonprofit agency, which are in effect as of January 1,  
148 2009, and which through a renewal, modification, extension or  
149 rebidding of contracts continue to be provided by a nonprofit agency;

150 [(22)] (21) "Procurement" means contracting for, buying, purchasing,  
151 renting, leasing or otherwise acquiring or disposing of, any supplies,  
152 services, including but not limited to, contracts for purchase of services  
153 and personal service agreements, interest in real property, or  
154 construction, and includes all government functions that relate to such  
155 activities, including best value selection and qualification based  
156 selection;

157 [(23)] (22) "Proposer" means a business submitting a proposal to a  
158 state contracting agency in response to a request for proposals or other  
159 competitive sealed proposal;

160 [(24)] (23) "Public record" means a public record, as defined in section  
161 1-200;

162 [(25)] (24) "Qualification based selection" means a contract selection  
163 process in which the award of a contract is primarily based on an  
164 assessment of contractor qualifications and on the negotiation of a fair  
165 and reasonable price;

166 [(26)] (25) "Regulation" means regulation, as defined in section 4-166;

167 [(27)] (26) "Request for proposals" means all documents, whether  
168 attached or incorporated by reference, utilized for soliciting proposals;

169 [(28)] (27) "State contracting agency" means any executive branch  
170 agency, board, commission, department, office, institution or council or  
171 any quasi-public agency. "State contracting agency" does not include the  
172 judicial branch, the legislative branch, the offices of the Secretary of the  
173 State, the State Comptroller, the Attorney General, the State Treasurer,  
174 with respect to their constitutional functions [,] or any state agency with  
175 respect to contracts specific to the constitutional and statutory functions  
176 of the office of the State Treasurer. For [the purposes of every provision  
177 of this chapter other than section 4e-16, "state contracting agency"  
178 includes the Connecticut Port Authority, for] the purposes of section 4e-  
179 16, as amended by this act, "state contracting agency" includes any  
180 constituent unit of the state system of higher education; [and for the  
181 purposes of section 4e-19, "state contracting agency" includes the State  
182 Education Resource Center, established under section 10-4q;]

183 [(29)] (28) "Subcontractor" means a subcontractor of a contractor for  
184 work under a contract or an amendment to a contract;

185 [(30)] (29) "Supplies" means any and all articles of personal property,  
186 including, but not limited to, equipment, materials, printing, insurance  
187 and leases of real property, excluding land or a permanent interest in  
188 land furnished to or used by any state contracting agency;

189 [(31)] (30) "Infrastructure facility" means a building, structure or  
190 network of buildings, structures, pipes, controls and equipment that  
191 provide transportation, utilities, public education or public safety  
192 services. [Infrastructure facility] "Infrastructure facility" includes  
193 government office buildings, public schools, jails, water treatment  
194 plants, distribution systems and pumping stations, wastewater  
195 treatment plants, collections systems and pumping stations, solid waste  
196 disposal plants, incinerators, landfills, and related facilities, public roads  
197 and streets, highways, public parking facilities, public transportation  
198 systems, terminals and rolling stock, rail, air and water port structures,

199 terminals and equipment; [and]

200 [(32)] (31) "State employee" [means state employee, as defined] has  
201 the same meaning as provided in section 5-154 and, for purposes of  
202 section 4e-16, as amended by this act, [state employee] includes an  
203 employee of any state contracting agency that is not a quasi-public  
204 agency; and

205 (32) "Quasi-public agency" has the same meaning as provided in  
206 section 1-120.

207 Sec. 3. Subsection (g) of section 4e-2 of the 2024 supplement to the  
208 general statutes is repealed and the following is substituted in lieu  
209 thereof (*Effective July 1, 2024*):

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

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

229 (2) In addition to the duties set forth by the board, the Chief



230 Procurement Officer shall (A) oversee state contracting agency  
231 compliance with the provisions of statutes and regulations concerning  
232 procurement; (B) monitor and assess the performance of the  
233 procurement duties of each agency procurement officer; (C) administer  
234 the certification system and monitor the level of agency compliance with  
235 the requirements of statutes and regulations concerning procurement,  
236 including, but not limited to, the education and training, performance  
237 and qualifications of agency procurement officers; (D) review and  
238 monitor the procurement processes of each state contracting agency [,  
239 quasi-public agencies] and institutions of higher education; and (E)  
240 serve as chairperson of the Contracting Standards Advisory Council.

241 Sec. 4. Subdivision (2) of subsection (a) of section 4e-3 of the general  
242 statutes is repealed and the following is substituted in lieu thereof  
243 (*Effective July 1, 2024*):

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

249 Sec. 5. Section 4e-4 of the general statutes is repealed and the  
250 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

254 [(a) Recommend] (1) To recommend the repeal of repetitive,  
255 conflicting or obsolete statutes concerning [state] procurement;

256 [(b) Review] (2) To review and make recommendations concerning  
257 proposed legislation and regulations concerning procurement,  
258 management, control, and disposal of any and all supplies, services, and  
259 construction to be procured by [the] state contracting agencies,  
260 including, but not limited to:

261 [(1)] (A) Conditions and procedures for delegation of procurement  
262 authority;

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

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

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

268 [(5)] (E) Conditions and procedures for the use of source selection  
269 methods authorized by statutes and regulations concerning  
270 procurement;

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

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

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

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

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

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

283 [(12)] (L) Definitions and classes of contractual services and  
284 procedures for acquiring such services;

285 [(13)] (M) Regulations providing for conducting cost and price  
286 analysis;

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

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

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

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

295        [(d) Make] (4) To make recommendations with regard to information  
296 systems for state contracting agency procurement including, but not  
297 limited to, data element and design and the State Contracting Portal;

298        [(e) Develop] (5) To develop a guide [to] of state statutes and  
299 regulations concerning procurement, for use by all state contracting  
300 agencies;

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

308        [(g) Train] (7) To train and oversee the agency procurement officer of  
309 each state contracting agency and any contracting officers thereunder;

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

313        [(1)] (A) Establishing procurement and project management  
314 education and training criteria and certification procedures for agency  
315 procurement officers and contracting officers. All agency procurement

316 officers and contracting officers designated under this provision shall be  
317 required to maintain the certification in good standing at all times while  
318 performing procurement functions;

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

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

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

344 [(k) Provide] (11) To provide the Governor and the joint standing  
345 committee of the General Assembly having cognizance of matters  
346 relating to government administration with recommendations  
347 concerning the statutes and regulations concerning procurement.

348 Sec. 6. Subsections (a) to (c), inclusive, of section 4e-5 of the general  
349 statutes are repealed and the following is substituted in lieu thereof  
350 (*Effective July 1, 2024*):

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

360 (2) The agency procurement officer shall be responsible for [assuring]  
361 (A) ensuring that any invitation to bid, request for proposals or any  
362 other solicitation for goods and services issued on or after July 1, 2024,  
363 contains a notice of the rights of prospective bidders, proposers or  
364 prospective contractors under section 4e-36, (B) ensuring that  
365 contractors are properly screened prior to the award of a contract, (C)  
366 ensuring that contractors are advised of their rights under section 4e-36,  
367 prior to entering into a contract on or after July 1, 2024, (D) ensuring  
368 that, upon the award of such a contract, unsuccessful bidders, proposers  
369 or respondents are advised of their rights under section 4e-36, (E)  
370 evaluating contractor performance during and at the conclusion of a  
371 contract, (F) submitting written evaluations to a central data repository  
372 to be designated by the board, and (G) creating a project management  
373 plan for the agency with annual reports to the board pertaining to  
374 procurement projects within the agency.

375 (b) The State Contracting Standards Board, with the advice and  
376 assistance of the Commissioner of Administrative Services, shall  
377 develop a standardized state procurement and project management  
378 education and training program. Such education and training program  
379 shall develop education, training and professional development  
380 opportunities for employees of state contracting agencies charged with

381 procurement responsibilities. The education and training program shall  
382 educate such employees in general business acumen and on proper  
383 purchasing procedures as established in statutes and regulations  
384 concerning procurement with an emphasis on ethics, fairness,  
385 consistency and project management. Participation in the education and  
386 training program shall be required of any supervisory and  
387 nonsupervisory [state] employees in state contracting agencies with  
388 responsibility for buying, purchasing, renting, leasing or otherwise  
389 acquiring any supplies, service or construction, including the  
390 preparation of the description of requirements, selection and solicitation  
391 of sources, preparation and award of contracts and all phases of contract  
392 administration.

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

412 Sec. 7. Subsection (a) of section 4e-7 of the general statutes is repealed  
413 and the following is substituted in lieu thereof (*Effective July 1, 2024*):

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

441 Sec. 8. Section 4e-8 of the general statutes is repealed and the  
442 following is substituted in lieu thereof (*Effective July 1, 2024*):

443 There is established a Contracting Standards Advisory Council,  
444 which shall consist of representatives from the Office of Policy and  
445 Management, Departments of Administrative Services and  
446 Transportation, [and] representatives of at least three additional state  
447 contracting agencies that are not quasi-public agencies, including at

448 least one human services related state agency, to be designated by the  
449 Governor, and at least four additional state contracting agencies that are  
450 quasi-public agencies, two to be appointed by the speaker of the House  
451 of Representatives and two to be appointed by the president pro  
452 tempore of the Senate. The Chief Procurement Officer shall be a member  
453 of the council and serve as chairperson. The advisory council shall meet  
454 at least four times per year to discuss [state] procurement issues and to  
455 make recommendations for improvement of the procurement processes  
456 to the State Contracting Standards Board. The advisory council may  
457 conduct studies, research and analyses and make reports and  
458 recommendations with respect to subjects or matters within the  
459 jurisdiction of the State Contracting Standards Board.

460       Sec. 9. Subsection (a) of section 4e-10 of the general statutes is  
461 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
462 *2024*):

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

469       Sec. 10. Section 4e-14 of the general statutes is repealed and the  
470 following is substituted in lieu thereof (*Effective July 1, 2024*):

471       On and after June 1, 2010, all [state] contracts of each state contracting  
472 agency that is not a quasi-public agency that take effect on or after June  
473 1, 2010, shall contain provisions to ensure accountability, transparency  
474 and [results based] results-based outcomes, as prescribed by the State  
475 Contracting Standards Board. On and after June 1, 2010, all state  
476 contracts of the legislative branch and the judicial branch that take effect  
477 on or after June 1, 2010, shall contain provisions to ensure  
478 accountability, transparency and [results based] results-based  
479 outcomes. On and after July 1, 2024, all contracts of each state



480 contracting agency that is a quasi-public agency that take effect on or  
481 after July 1, 2024, shall contain provisions to ensure accountability,  
482 transparency and results-based outcomes.

483 Sec. 11. Subsections (c) and (d) of section 4e-16 of the general statutes  
484 are repealed and the following is substituted in lieu thereof (*Effective July*  
485 *1, 2024*):

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

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

503 (3) If any such proposed privatization contract would result in the  
504 layoff, transfer or reassignment of [one hundred] twenty-five or more  
505 state contracting agency employees, after consulting with the  
506 potentially affected bargaining units, if any, the state contracting agency  
507 shall notify the state employees or quasi-public agency employees of  
508 such bargaining unit, as applicable, after such cost-benefit analysis is  
509 completed. Such state contracting agency shall provide an opportunity  
510 for [said] such employees to reduce the costs of conducting the  
511 operations to be privatized and provide reasonable resources for the

512 purpose of encouraging and assisting such [state] employees to organize  
513 and submit a bid to provide the services that are the subject of the  
514 potential privatization contract. The state contracting agency shall retain  
515 sole discretion in determining whether to proceed with the privatization  
516 contract, provided the business case for such contract is approved by the  
517 board.

518 (d) Any business case developed by a state contracting agency for the  
519 purpose of complying with subsection (c) of this section shall include:  
520 (1) The cost-benefit analysis as described in subsection (b) of this section,  
521 (2) a detailed description of the service or activity that is the subject of  
522 such business case, (3) a description and analysis of the state contracting  
523 agency's current performance of such service or activity, (4) the goals to  
524 be achieved through the proposed privatization contract and the  
525 rationale for such goals, (5) a description of available options for  
526 achieving such goals, (6) an analysis of the advantages and  
527 disadvantages of each option, including, at a minimum, potential  
528 performance improvements and risks attendant to termination of the  
529 contract or rescission of such contract, (7) an analysis of the potential  
530 impact of the proposed privatization contract on workers of color and  
531 workers who are women, including whether such privatization contract  
532 will lessen or increase historical patterns that produce inequities  
533 between such workers and other workers, (8) an analysis of the  
534 qualitative impact of the proposed privatization contract on the existing  
535 state workforce, (9) a description of the current market for the services  
536 or activities that are the subject of such business case, [(8)] (10) an  
537 analysis of the quality of services as gauged by standardized measures  
538 and key performance requirements including compensation, turnover,  
539 and staffing ratios, [(9)] (11) a description of the specific results-based  
540 performance standards that shall, at a minimum be met, to ensure  
541 adequate performance by any party performing such service or activity,  
542 [(10)] (12) the projected time frame for key events from the beginning of  
543 the procurement process through the expiration of a contract, if  
544 applicable, [(11)] (13) a specific and feasible contingency plan that  
545 addresses contractor nonperformance and a description of the tasks

546 involved in and costs required for implementation of such plan, and  
547 ~~[(12)]~~ (14) a transition plan, if appropriate, for addressing changes in the  
548 number of agency personnel, affected business processes, employee  
549 transition issues, and communications with affected stakeholders, such  
550 as agency clients and members of the public, if applicable. Such  
551 transition plan shall contain a reemployment and retraining assistance  
552 plan for employees who are not retained by the state or quasi-public  
553 agency or employed by the contractor. If the primary purpose of the  
554 proposed privatization contract is to provide a core governmental  
555 function, such business case shall also include information sufficient to  
556 rebut the presumption that such core governmental function should not  
557 be privatized. Such presumption shall not be construed to prohibit a  
558 state contracting agency from contracting for specialized technical  
559 expertise not available within such agency, provided such agency shall  
560 retain responsibility for such core governmental function. For the  
561 purposes of this section, "core governmental function" means a function  
562 for which the primary purpose is (A) the inspection for adherence to  
563 health and safety standards because public health or safety may be  
564 jeopardized if such inspection is not done or is not done in a timely or  
565 proper manner, (B) the establishment of statutory, regulatory or  
566 contractual standards to which a regulated person, entity or state  
567 contractor shall be held, (C) the enforcement of statutory, regulatory or  
568 contractual requirements governing public health or safety, [or] (D)  
569 criminal or civil law enforcement, or (E) the provision of essential  
570 human services to residents of the state who would otherwise lack the  
571 support necessary to assure basic human needs. If any part of such  
572 business case is based upon evidence that the state contracting agency  
573 is not sufficiently staffed to provide the core governmental function  
574 required by the privatization contract, the state contracting agency shall  
575 also include within such business case a plan for remediation of the  
576 understaffing to allow such services to be provided directly by the state  
577 contracting agency in the future.

578 Sec. 12. Subdivisions (2) to (4), inclusive, of subsection (l) of section  
579 4e-16 of the general statutes are repealed and the following is

580 substituted in lieu thereof (*Effective July 1, 2024*):

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

597 (3) If such cost-benefit analysis identifies a cost savings to the state  
598 contracting agency of less than ten per cent, such state contracting  
599 agency shall prepare a plan to have such service provided by state  
600 employees, [and] or, in the case of a state contracting agency that is a  
601 quasi-public agency, by the employees of the quasi-public agency, and  
602 shall begin to implement such plan, provided: (A) While such plan is  
603 prepared, but prior to implementation of such plan, such state  
604 contracting agency may develop a business case for such privatization  
605 contract, in accordance with the provisions of subsection (d) of this  
606 section, that achieves a cost savings to the state of ten per cent or more.  
607 Any such business case shall be reviewed by the board in accordance  
608 with the provisions of subsections (f) to (h), inclusive, of this section, and  
609 may be approved by the applicable vote of the board; (B) such  
610 privatization contract shall not be renewed with the vendor currently  
611 providing such service unless: (i) There exists a significant public  
612 interest in renewing such contract, and (ii) such renewal is approved by  
613 a two-thirds vote of the board; (C) the state contracting agency may

614 enter into a contract with a term of one year or less for the provision of  
615 such service until such state contracting agency implements such plan;  
616 and (D) the procedure for the transfer of funds from the General Fund,  
617 as described in section 4-94, may be utilized to allocate necessary  
618 resources for the implementation of the provisions of this subdivision.

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

625 Sec. 13. Subsection (n) of section 4e-16 of the general statutes is  
626 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
627 *2024*):

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

638 Sec. 14. Subsection (p) of section 4e-16 of the general statutes is  
639 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
640 *2024*):

641 (p) Prior to entering into or renewing any privatization contract that  
642 is not subject to the provisions of subsection (a) of this section, the state  
643 contracting agency shall evaluate such contract to determine if entering  
644 into or renewing such contract is the most cost-effective method of  
645 delivering the service, by determining the costs, as defined in subsection

646 (b) of this section, of such service. The state contracting agency shall  
647 perform such evaluation in accordance with a template prescribed by  
648 the Secretary of the Office of Policy and Management, in consultation  
649 with the board, pursuant to subsection (m) of this section, and such  
650 evaluation shall be [subject to verification by the secretary] submitted to  
651 the board. The secretary may, in consultation with the Chief  
652 Procurement Officer of the board, waive the requirement for an  
653 evaluation of cost-effectiveness under this subsection upon a finding by  
654 the secretary that exigent or emergent circumstances necessitate such  
655 waiver.

656 Sec. 15. Section 4e-17 of the general statutes is repealed and the  
657 following is substituted in lieu thereof (*Effective July 1, 2024*):

658 (a) Except as otherwise provided, the provisions of sections 4e-16 to  
659 4e-47, inclusive, as amended by this act, shall apply to all contracts  
660 solicited or entered into by [state contracting agencies] a state  
661 contracting agency that is a state agency after June 1, 2010, and all  
662 contracts solicited or entered into by a state contracting agency that is a  
663 quasi-public agency on or after July 1, 2024.

664 (b) Except as otherwise provided, the provisions of sections 4e-16 to  
665 4e-47, inclusive, as amended by this act, shall apply to every  
666 expenditure of public funds by any state contracting agency,  
667 irrespective of their source, involving any state contracting agency  
668 contracting and procurement processes, including, but not limited to,  
669 leasing and property transfers, purchasing or leasing of supplies,  
670 materials or equipment, consultant or consultant services, personal  
671 service agreements, purchase of service agreements or privatization  
672 contracts, as defined in section 4e-1, as amended by this act, and,  
673 relating to contracts for the construction, reconstruction, alteration,  
674 remodeling, repair or demolition of any public building, bridge or road.

675 (c) Nothing in sections 4e-16 to 4e-47, inclusive, as amended by this  
676 act, shall be construed to require the application of procurement statutes  
677 or regulations to a procurement that involves the expenditure of federal

678 assistance or federal contract funds if federal law provides procurement  
679 procedures applicable to the expenditure of such funds, to the extent  
680 such federal procedures are inconsistent with state procurement  
681 statutes or regulations.

682 Sec. 16. Section 4e-18 of the general statutes is repealed and the  
683 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

690 Sec. 17. Subsection (c) of section 4e-21 of the general statutes is  
691 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
692 *2024*):

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

702 Sec. 18. Section 4e-24 of the general statutes is repealed and the  
703 following is substituted in lieu thereof (*Effective July 1, 2024*):

704 [Not later than June 1, 2010, the State Contracting Standards Board,  
705 in consultation with the Commissioner of Administrative Services and  
706 any other appropriate award authority, shall adopt regulations, in  
707 accordance with the provisions of chapter 54, permitting] (a) If an  
708 emergency [procurements when there exists] procurement is deemed

709 necessary by a state contracting agency due to a threat to public health,  
710 welfare or safety, the state contracting agency shall give notice to the  
711 board of the need for such emergency procurement. Such emergency  
712 [procurements] procurement shall be made with competition, as is  
713 practicable under the circumstances. [Said regulations shall require that]  
714 The state contracting agency shall (1) include a written determination of  
715 the basis for the emergency and for the selection of the particular  
716 contractor [be included] in the contract file and [transmitted] transmit  
717 such determination to the Governor, the president pro tempore of the  
718 Senate, the majority and minority leaders of the Senate, the speaker of  
719 the House of Representatives and the majority and minority leaders of  
720 the House of Representatives, and (2) post such determination on the  
721 Internet web site of the state contracting agency.

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

725 Sec. 19. Section 4e-27 of the general statutes is repealed and the  
726 following is substituted in lieu thereof (*Effective July 1, 2024*):

727 Not later than June 1, 2010, the State Contracting Standards Board, in  
728 consultation with the Attorney General, shall adopt regulations, in  
729 accordance with the provisions of chapter 54, specifying the types of  
730 contracts that may be used by state contracting agencies. Such  
731 regulations shall specify that a cost-reimbursement contract may be  
732 used only when a determination is made in writing by the agency  
733 procurement officer that such contract is likely to be less costly to the  
734 state contracting agency than any other type or that it is impracticable  
735 to obtain the supplies, services or construction required except under  
736 such a contract.

737 Sec. 20. Section 4e-31 of the general statutes is repealed and the  
738 following is substituted in lieu thereof (*Effective July 1, 2024*):

739 When, for any reason, collusion or other anticompetitive practices are  
740 suspected among any bidders or proposers for [a state] the contract of a



741 state contracting agency, a notice of the relevant facts shall be  
742 transmitted to the Attorney General by any affected party, including,  
743 but not limited to, the state contracting agency, a bidder or a proposer.

744 Sec. 21. Section 4e-34 of the general statutes is repealed and the  
745 following is substituted in lieu thereof (*Effective July 1, 2024*):

746 (a) After reasonable notice and hearing and consultation with the  
747 relevant state contracting agency and the Attorney General, the State  
748 Contracting Standards Board, acting through a subcommittee of three  
749 members, appointed by the chairperson, which subcommittee shall  
750 include not less than one legislative appointee, may disqualify any  
751 contractor, bidder or proposer, for a period of not more than five years,  
752 from bidding on, applying for or participating as a contractor or  
753 subcontractor under, contracts with [the] state or quasi-public agencies.  
754 Such disqualification shall be upon the vote of two-thirds of the  
755 members of the subcommittee present and voting for that purpose. Such  
756 hearing shall be conducted in accordance with the provisions of chapter  
757 54. The subcommittee shall issue a written recommendation not later  
758 than sixty days after the conclusion of such hearing, and shall state the  
759 reason for the recommended action and, if the disqualification is  
760 recommended, the period of time the contractor, bidder or proposer  
761 shall be disqualified. In determining whether to disqualify a contractor,  
762 bidder or proposer, the subcommittee shall consider the seriousness of  
763 the acts or omissions of the contractor, bidder or proposer and any  
764 mitigating factors. Such recommendation shall be submitted to the  
765 board for action and sent to the contractor by certified mail, return  
766 receipt requested. If disqualification is recommended, the contractor  
767 shall have thirty days to submit comments to the board. Upon receipt of  
768 the proposed recommendation by the subcommittee, the board shall  
769 issue a written decision either adopting, rejecting or modifying the  
770 subcommittee's recommendation. Such decision shall be issued not later  
771 than thirty days after receipt by the board of the contractor's comments,  
772 if any. The board shall send the decision to the contractor by certified  
773 mail, return receipt requested. The written decision shall be a final  
774 decision for purposes of sections 4-180 and 4-183.

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

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

780 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
781 admission to, the violation of any state or federal law for embezzlement,  
782 theft, forgery, bribery, falsification or destruction of records, receiving  
783 stolen property or any other offense indicating a lack of business  
784 integrity or business honesty which affects responsibility as a [state]  
785 contractor;

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

790 (4) Accumulation of two or more suspensions pursuant to section 4e-  
791 35, as amended by this act, within a twenty-four-month period;

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

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

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

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

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

807 (A) Disqualification by another state for cause;

808 (B) The fraudulent or criminal conduct of any officer, director,  
809 shareholder, partner, employee or other individual associated with a  
810 contractor, bidder or proposer of such contractor, bidder or proposer; [,  
811 provided such conduct occurred in connection with the individual's  
812 performance of duties for or on behalf of such contractor, bidder or  
813 proposer and such contractor, bidder or proposer knew or had reason  
814 to know of such conduct;]

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

818 (c) Upon written request by the affected [state] contractor, bidder or  
819 proposer, the State Contracting Standards Board may reduce the period  
820 or extent of disqualification for a contractor, bidder or proposer if  
821 documentation supporting any of the following reasons for  
822 modification is provided to the board by the contractor, bidder or  
823 proposer:

824 (1) Newly discovered material evidence;

825 (2) Reversal of the conviction upon which the disqualification was  
826 based;

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

828 (4) Elimination of other causes for which the disqualification was  
829 imposed.

830 Sec. 22. Section 4e-35 of the general statutes is repealed and the  
831 following is substituted in lieu thereof (*Effective July 1, 2024*):

832 (a) For purposes of this section and sections 4e-37, as amended by this  
833 act, and 4e-38, as amended by this act, "contracting agency of the state"  
834 does not include a quasi-public agency. After reasonable notice and a  
835 hearing, conducted in accordance with the provisions of chapter 54, the  
836 department head of any [state] contracting agency of the state may  
837 suspend any contractor, bidder or proposer for a period of not more  
838 than six months from bidding on, applying for or performing work as a  
839 contractor or subcontractor under, contracts with the state. The  
840 department head shall issue a written decision not later than ninety days  
841 after the conclusion of such hearing and state in the decision the reasons  
842 for the action taken and, if the contractor, bidder or proposer is being  
843 suspended, the period of such suspension. In determining whether to  
844 suspend a contractor, bidder or proposer, the department head shall  
845 consider the seriousness of the acts or omissions of the contractor,  
846 bidder or proposer and any mitigating factors. The department head  
847 shall send such decision to the contractor and the State Contracting  
848 Standards Board by certified mail, return receipt requested. Such  
849 decision shall be a final decision for purposes of sections 4-180 and 4-  
850 183.

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

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

854 (2) A record of failure to perform or of unsatisfactory performance in  
855 accordance with the terms of one or more contracts, provided failure to  
856 perform or unsatisfactory performance caused by acts beyond the  
857 control of the contractor shall not be considered to be a basis for  
858 suspension;

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

863 (4) A violation of the ethical standards set forth in section 1-84, 1-86e

864 or 1-101nn, as determined by the Citizen's Ethics Advisory Board.

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

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

874 Sec. 23. Subsections (g) to (i), inclusive, of section 4e-37 of the general  
875 statutes are repealed and the following is substituted in lieu thereof  
876 (*Effective July 1, 2024*):

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

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

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

890 Sec. 24. Section 4e-38 of the general statutes is repealed and the  
891 following is substituted in lieu thereof (*Effective July 1, 2024*):

892 The State Contracting Standards Board shall issue a decision in  
893 writing or take other appropriate action on each appeal submitted

894 pursuant to section 4e-37, as amended by this act. A copy of any decision  
895 shall be provided to all parties, the department head of the [state]  
896 contracting agency of the state and the Chief Procurement Officer.

897 Sec. 25. Subdivision (2) of section 4e-40 of the general statutes is  
898 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
899 *2024*):

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

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

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

906 Sec. 26. Section 4e-45 of the general statutes is repealed and the  
907 following is substituted in lieu thereof (*Effective July 1, 2024*):

908 With respect to infrastructure facilities, not later than June 1, 2010, the  
909 State Contracting Standards Board, in consultation with the state  
910 contracting agencies and the Attorney General, shall adopt regulations,  
911 in accordance with the provisions of chapter 54, requiring the inclusion  
912 in [state] contracts with any state contracting agency of clauses  
913 providing for adjustments in prices, time of performance, remedies,  
914 termination or other contract provisions necessary to protect the  
915 interests of the state.

916 Sec. 27. Section 4e-46 of the general statutes is repealed and the  
917 following is substituted in lieu thereof (*Effective July 1, 2024*):

918 Not later than June 1, 2010, the State Contracting Standards Board  
919 shall adopt regulations, in accordance with the provisions of chapter 54,  
920 concerning the procedure and circumstances under which a state  
921 contracting agency may allow contract modification, change order, or  
922 contract price adjustment under a construction contract with the state  
923 contracting agency in excess of fifty thousand dollars. Such regulations

924 shall require that every contract modification, change order or contract  
925 price adjustment under a construction contract with the state  
926 contracting agency in excess of fifty thousand dollars shall be subject to  
927 prior written certification by the fiscal officer of the state contracting  
928 agency or other agency responsible for funding the project or the  
929 contract, or other official responsible for monitoring and reporting upon  
930 the status of the costs of the total project budget or contract budget, as  
931 to the effect of the contract modification, change order, or adjustment in  
932 contract price on the total project budget or the total contract budget.  
933 Such regulations shall further provide that in the event the certification  
934 of the fiscal officer or other responsible official discloses a resulting  
935 increase in the total project budget or the total contract budget, the  
936 agency procurement officer shall not execute or make such contract  
937 modification, change order, or adjustment in contract price unless  
938 sufficient funds are available or the scope of the project or contract is  
939 adjusted so as to permit the degree of completion that is feasible within  
940 the total project budget or total contract budget as it existed prior to the  
941 contract modification, change order, or adjustment in contract price  
942 under consideration provided, with respect to the validity, as to the  
943 contractor, of any executed contract modification, change order, or  
944 adjustment in contract price which the contractor has reasonably relied  
945 upon, it shall be presumed that there has been compliance with the  
946 provisions of this section.

947 Sec. 28. Subsection (a) of section 4e-48 of the general statutes is  
948 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
949 *2024*):

950 (a) For the purposes of this section, "nonresident bidder" means a  
951 business that is not a resident of the state that submits a bid in response  
952 to an invitation to bid by a state contracting agency, "resident bidder"  
953 means a business that submits a bid in response to an invitation to bid  
954 by a state contracting agency and that has paid unemployment taxes or  
955 income taxes in this state during the twelve calendar months  
956 immediately preceding submission of such bid, has a business address  
957 in the state and has affirmatively claimed such status in the bid

958 submission, and "contract" [means "contract" as defined in section 4e-1  
959 and "state contracting agency" means] and "state contracting agency" [,  
960 as defined] have the same meanings as provided in section 4e-1, as  
961 amended by this act.

962 Sec. 29. Section 4e-72 of the general statutes is repealed and the  
963 following is substituted in lieu thereof (*Effective July 1, 2024*):

964 As used in this section, "contract", "state contracting agency", "data"  
965 and "contractor" have the same meanings as provided in section 4e-1, as  
966 amended by this act. Any contract between a state contracting agency  
967 and a contractor that is entered into, renewed or amended on or after  
968 October 1, 2021, or, in the case of a state contracting agency that is a  
969 quasi-public agency, entered into, renewed or amended on or after July  
970 1, 2024, shall contain a provision authorizing the state contracting  
971 agency to access any data concerning such contract that is in the  
972 possession or control of the contractor upon demand in a format  
973 prescribed by the state contracting agency at no additional cost to such  
974 agency.

975 Sec. 30. Subdivision (15) of section 15-31b of the 2024 supplement to  
976 the general statutes is repealed and the following is substituted in lieu  
977 thereof (*Effective July 1, 2024*):

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

989 Sec. 31. Subsections (b) and (c) of section 15-31b of the 2024



990 supplement to the general statutes are repealed and the following is  
991 substituted in lieu thereof (*Effective July 1, 2024*):

992 (b) The authority shall continue as long as it has bonds or other  
993 obligations outstanding and until its existence is terminated by law,  
994 provided no such termination shall affect any outstanding contractual  
995 obligation of the authority and the state shall succeed to the obligations  
996 of the authority under any contract. Upon the termination of the  
997 existence of the authority, all its rights and properties shall pass to and  
998 be vested in the state of Connecticut.

999 [(c) On and after June 23, 2021, the authority shall be a state  
1000 contracting agency for the purposes of chapter 62, except for the  
1001 provisions of section 4e-16, and shall be subject to the authority of the  
1002 State Contracting Standards Board established under section 4e-2.]

1003 Sec. 32. Section 10a-196 of the general statutes is repealed and the  
1004 following is substituted in lieu thereof (*Effective July 1, 2024*):

1005 Sections 10a-176 to 10a-195, inclusive, shall be deemed to provide a  
1006 complete, additional and alternative method for the doing of the things  
1007 authorized thereby, and shall be regarded as supplemental and  
1008 additional to powers conferred by other laws; provided the issuance of  
1009 bonds and refunding bonds under the provisions of this chapter need  
1010 not comply with the requirements of any other law applicable to the  
1011 issuance of bonds including, particularly, title 42a; and provided in the  
1012 construction and acquisition of a project pursuant hereto the authority  
1013 need not comply with the requirements of chapter 50. Except as  
1014 otherwise expressly provided in this chapter and the provisions of  
1015 chapter 62 concerning state contracting agencies, none of the powers  
1016 granted to the authority under the provisions of this chapter shall be  
1017 subject to the supervision or regulation or require the approval or  
1018 consent of any municipality or political subdivision or any commission,  
1019 board, body, bureau, official or agency thereof or of the state.

1020 Sec. 33. Subsection (s) of section 10a-204b of the general statutes is  
1021 repealed and the following is substituted in lieu thereof (*Effective July 1,*

1022 2024):

1023 (s) The provisions of this section shall be deemed to provide a  
1024 complete, additional and alternative method for the actions and the  
1025 things authorized thereby and shall be regarded as supplemental and  
1026 additional to powers granted by other laws; the issuance of bonds, notes  
1027 or other obligations under the provisions of this section need not comply  
1028 with the requirements of any law applicable to the issuance of bonds,  
1029 notes or other obligations. This section, being necessary for the welfare  
1030 of the state and its inhabitants, shall be liberally construed to affect its  
1031 purpose. None of the powers granted to the corporation or to any  
1032 subsidiary created pursuant to subdivision (5) of section 10a-204 under  
1033 the provisions of this section shall be subject to the supervision or  
1034 regulation or require the approval or consent of any municipality or  
1035 political subdivision or any department, division, commission, board,  
1036 body, bureau, official or agency thereof or of the state, and the exercise  
1037 thereof shall not cause the corporation or any such subsidiary to be  
1038 construed to be an agency within the scope of chapter 54 or a  
1039 department, institution or agency of the state, except that the  
1040 corporation or any such subsidiary shall comply with the provisions of  
1041 chapter 62 concerning state contracting agencies.

1042 Sec. 34. Section 10a-243 of the general statutes is repealed and the  
1043 following is substituted in lieu thereof (*Effective July 1, 2024*):

1044 The provisions of this chapter shall be deemed to provide a complete,  
1045 additional and alternative method for the actions of the things  
1046 authorized thereby and shall be regarded as supplemental and  
1047 additional to powers granted by other laws; the issuance of revenue  
1048 bonds or notes and revenue refunding bonds or notes under the  
1049 provisions of this chapter need not comply with the requirements of any  
1050 other law applicable to the issuance of bonds or notes. This chapter,  
1051 being necessary for the welfare of the state and its inhabitants, shall be  
1052 liberally construed to effect its purpose. Except as otherwise expressly  
1053 provided in this chapter and the provisions of chapter 62 concerning  
1054 state contracting agencies, none of the powers granted to the authority

1055 under the provisions of this chapter shall be subject to the supervision  
1056 or regulation or require the approval or consent of any municipality or  
1057 political subdivision or any department, division, commission, board,  
1058 body, bureau, official or agency thereof or of the state. The authority  
1059 shall not be construed to be an agency within the scope of chapter 54 or  
1060 a department, institution or agency of the state.

1061 Sec. 35. Subdivision (16) of subsection (b) of section 12-806 of the 2024  
1062 supplement to the general statutes is repealed and the following is  
1063 substituted in lieu thereof (*Effective July 1, 2024*):

1064 (16) To invest in, acquire, lease, purchase, own, manage, hold and  
1065 dispose of real property and lease, convey or deal in or enter into  
1066 agreements with respect to such property on any terms necessary or  
1067 incidental to carrying out the purposes of sections 12-563a, 12-800 to 12-  
1068 818, inclusive, and sections 12-853 and 12-854, provided such  
1069 transactions shall not be subject to approval, review or regulation  
1070 pursuant to title 4b or any other statute by any state agency, except that  
1071 real property transactions shall be subject to review by the State  
1072 Properties Review Board and contracts shall be subject to the provisions  
1073 of chapter 62 concerning state contracting agencies;

1074 Sec. 36. Section 12-815 of the general statutes is repealed and the  
1075 following is substituted in lieu thereof (*Effective July 1, 2024*):

1076 (a) The corporation shall establish and adopt specific policies, rules  
1077 and procedures on purchasing and contracting. Such policies, rules and  
1078 procedures or amendments thereto shall be approved by a two-thirds  
1079 vote of the entire board. Notwithstanding any other provision of law to  
1080 the contrary, the corporation may enter into management, consulting  
1081 and other agreements for the provision of goods, services and  
1082 professional advisors necessary or useful in connection with the  
1083 operation and management of the lottery (1) pursuant to a process of  
1084 open or competitive bidding, provided (A) the corporation shall first  
1085 determine the format, content and scope of any agreement for any  
1086 procurement of goods or services, the conditions under which bidding

1087 will take place and the schedule and stipulations for contract award, and  
1088 (B) the corporation may select the contractor deemed to have submitted  
1089 the most favorable bid, considering price and other factors, when, in the  
1090 judgment of the corporation, such award is in the best interests of the  
1091 corporation, or (2) if the corporation, in its discretion, determines that,  
1092 due to the nature of the agreement to be contracted for or procured,  
1093 open or public bidding is either impracticable or not in the best interests  
1094 of the corporation, by negotiation with such prospective providers as  
1095 the corporation may determine. The terms and conditions of agreements  
1096 and the fees or other compensation to be paid to such persons shall be  
1097 determined by the corporation. The agreements entered into by the  
1098 corporation in accordance with the provisions of this section shall not  
1099 be subject to the approval of any state department, office or agency,  
1100 except as provided in chapter 62 in the provisions concerning state  
1101 contracting agencies or regulations adopted by the Department of  
1102 Consumer Protection. Nothing in this section shall be deemed to restrict  
1103 the discretion of the corporation to utilize its own staff and workforce  
1104 for the performance of any of its assigned responsibilities and functions  
1105 whenever, in the discretion of the corporation, it becomes necessary,  
1106 convenient or desirable to do so. Copies of all agreements of the  
1107 corporation shall be maintained by the corporation at its offices as public  
1108 records, subject to said exemption.

1109 (b) [~~The~~] Except as provided in chapter 62, the corporation shall not  
1110 be subject to rules, regulations or restrictions on purchasing or  
1111 procurement or the disposition of assets generally applicable to  
1112 Connecticut state agencies, including those contained in titles 4a and 4b  
1113 and the corresponding rules and regulations. The board shall adopt  
1114 rules and procedures on purchasing, procurement and the disposition  
1115 of assets applicable to the corporation. The adoption of such rules or  
1116 procedures shall not be subject to chapter 54. Any such rules or  
1117 procedures shall be a public record as defined in section 1-200.

1118 Sec. 37. Section 22a-268 of the general statutes is repealed and the  
1119 following is substituted in lieu thereof (*Effective July 1, 2024*):

1120 The authority shall utilize private industry, by contract, to carry out  
1121 the business, design, operating, management, marketing, planning and  
1122 research and development functions of the authority, unless the  
1123 authority determines that it is in the public interest to adopt another  
1124 course of action. The authority is hereby empowered to enter into long-  
1125 term contracts with private persons for the performance of any such  
1126 functions of the authority which, in the opinion of the authority, can  
1127 desirably and conveniently be carried out by a private person under  
1128 contract provided any such contract shall contain such terms and  
1129 conditions as will enable the authority to retain overall supervision and  
1130 control of the business, design, operating, management, transportation,  
1131 marketing, planning and research and development functions to be  
1132 carried out or to be performed by such private persons pursuant to such  
1133 contract. Such contracts shall be entered into either on a competitive  
1134 negotiation or competitive bidding basis, and the authority in its  
1135 discretion may select the type of contract it deems most prudent to  
1136 utilize, pursuant to the contracting procedures adopted under section  
1137 22a-268a and considering the scope of work, the management  
1138 complexities associated therewith, the extent of current and future  
1139 technological development requirements and the best interests of the  
1140 state. Whenever a long-term contract is entered into on other than a  
1141 competitive bidding basis, the criteria and procedures therefor shall  
1142 conform to applicable provisions of subdivision (16) of subsection (a)  
1143 and subsections (b) and (c) of section 22a-266, provided however, that  
1144 any contract for a period of over five years in duration, or any contract  
1145 for which the annual consideration is greater than fifty thousand dollars  
1146 shall be approved by a two-thirds vote of the authority's full board of  
1147 directors. The terms and conditions of such contracts shall be  
1148 determined by the authority, as shall the fees or other similar  
1149 compensation to be paid to such persons for such contracts. The  
1150 contracts entered into by the authority shall not be subject to the  
1151 approval of any other state department, office or agency, except as  
1152 provided in chapter 62, in the provisions concerning state contracting  
1153 agencies. However, copies of all contracts of the authority shall be  
1154 maintained by the authority as public records, subject to the proprietary

1155 rights of any party to the contract. Nothing of the aforesaid shall be  
1156 deemed to restrict the discretion of the authority to utilize its own staff  
1157 and work force for the performance of any of its assigned  
1158 responsibilities and functions whenever, in the discretion of the  
1159 authority, it becomes necessary, convenient or desirable to do so. Any  
1160 litigation with respect to any terms, conditions or provisions of any  
1161 contract of the authority, or the performance or nonperformance of same  
1162 by either party, shall be tried before a judge of the Superior Court of  
1163 Connecticut.

1164       Sec. 38. Subdivision (14) of section 31-49h of the general statutes is  
1165 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1166 *2024*):

1167       (14) Make and enter into any contract or agreement necessary or  
1168 incidental to the performance of its duties and execution of its powers.  
1169 [The] Except as provided in chapter 62, the contracts and agreements  
1170 entered into by the authority shall not be subject to the approval of any  
1171 other state department, office or agency, provided copies of all such  
1172 contracts shall be maintained by the authority as public records, subject  
1173 to the proprietary rights of any party to such contracts. No contract shall  
1174 contain any provision in which any contractor derives any direct or  
1175 indirect economic benefit from denying or otherwise influencing the  
1176 outcome of any claim for benefits. The standard criteria for the  
1177 evaluation of proposals relating to claims processing, web site  
1178 development, database development, marketing and advertising, in the  
1179 event the authority seeks the services of an outside contractor for such  
1180 tasks, and for the evaluation of proposals relating to all other contracts  
1181 in amounts equal to or exceeding two hundred fifty thousand dollars  
1182 shall include, but need not be limited to: (A) Transparency, (B) cost, (C)  
1183 efficiency of operations, (D) quality of work related to the contracts  
1184 issued, (E) user experience, (F) accountability, and (G) a cost-benefit  
1185 analysis documenting the direct and indirect costs of such contracts,  
1186 including qualitative and quantitative benefits that will result from the  
1187 implementation of such contracts. The establishment of additional  
1188 standard criteria shall be approved by a two-thirds vote of the board

1189 after such criteria have been posted on a public Internet web site  
1190 maintained by the authority for notice and comment for at least one  
1191 week prior to such vote.

1192 Sec. 39. Subdivision (13) of section 38a-1083 of the general statutes is  
1193 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1194 *2024*):

1195 (13) Make and enter into any contract or agreement necessary or  
1196 incidental to the performance of its duties and execution of its powers,  
1197 including, but not limited to, an agreement with the Office of Health  
1198 Strategy to use funds collected under this section for the operation of  
1199 the all-payer claims database established under section 19a-755a and to  
1200 receive data from such database. The contracts entered into by the  
1201 exchange shall not be subject to the approval of any other state  
1202 department, office or agency, provided copies of all contracts of the  
1203 exchange shall be maintained by the exchange as public records, subject  
1204 to the proprietary rights of any party to the contract, except (A) as  
1205 provided in chapter 62, and (B) any agreement with the Office of Health  
1206 Strategy shall be subject to approval by said office and the Office of  
1207 Policy and Management and no portion of such agreement shall be  
1208 considered proprietary;

1209 Sec. 40. Subsection (b) of section 46a-10b of the general statutes is  
1210 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1211 *2024*):

1212 (b) Notwithstanding the provisions of sections 4-212 to 4-219,  
1213 inclusive, subdivision ~~[(21)]~~ (20) of section 4e-1, as amended by this act,  
1214 and chapter 62a, not later than July 1, 2017, the Governor shall designate  
1215 a nonprofit entity to serve as the Connecticut protection and advocacy  
1216 system.

1217 Sec. 41. Subsection (a) of section 4e-30 of the general statutes is  
1218 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1219 *2024*):

1220 (a) A state contracting agency shall evaluate the financial condition  
 1221 of all bidders or proposers prior to selecting a bidder or proposer to  
 1222 perform a contract or subcontract. A state contracting agency may audit  
 1223 the books and records of a contractor or any subcontractor under any  
 1224 negotiated contract or subcontract to the extent that such books and  
 1225 records relate to the performance of such contract or subcontract. Such  
 1226 books and records shall be maintained by the contractor for a period of  
 1227 three years from the date of final payment under the prime contract and  
 1228 by the subcontractor for a period of three years from the expiration of  
 1229 the subcontract.

1230 Sec. 42. Section 4e-3 of the general statutes is amended by adding  
 1231 subsection (c) as follows (*Effective July 1, 2024*):

1232 (NEW) (c) Any provision of this title shall supersede any contrary  
 1233 provision concerning a state contracting agency or quasi-public agency  
 1234 in any provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2024</i>	4e-1
Sec. 3	<i>July 1, 2024</i>	4e-2(g)
Sec. 4	<i>July 1, 2024</i>	4e-3(a)(2)
Sec. 5	<i>July 1, 2024</i>	4e-4
Sec. 6	<i>July 1, 2024</i>	4e-5(a) to (c)
Sec. 7	<i>July 1, 2024</i>	4e-7(a)
Sec. 8	<i>July 1, 2024</i>	4e-8
Sec. 9	<i>July 1, 2024</i>	4e-10(a)
Sec. 10	<i>July 1, 2024</i>	4e-14
Sec. 11	<i>July 1, 2024</i>	4e-16(c) and (d)
Sec. 12	<i>July 1, 2024</i>	4e-16(l)(2) to (4)
Sec. 13	<i>July 1, 2024</i>	4e-16(n)
Sec. 14	<i>July 1, 2024</i>	4e-16(p)
Sec. 15	<i>July 1, 2024</i>	4e-17
Sec. 16	<i>July 1, 2024</i>	4e-18
Sec. 17	<i>July 1, 2024</i>	4e-21(c)
Sec. 18	<i>July 1, 2024</i>	4e-24



Sec. 19	July 1, 2024	4e-27
Sec. 20	July 1, 2024	4e-31
Sec. 21	July 1, 2024	4e-34
Sec. 22	July 1, 2024	4e-35
Sec. 23	July 1, 2024	4e-37(g) to (i)
Sec. 24	July 1, 2024	4e-38
Sec. 25	July 1, 2024	4e-40(2)
Sec. 26	July 1, 2024	4e-45
Sec. 27	July 1, 2024	4e-46
Sec. 28	July 1, 2024	4e-48(a)
Sec. 29	July 1, 2024	4e-72
Sec. 30	July 1, 2024	15-31b(15)
Sec. 31	July 1, 2024	15-31b(b) and (c)
Sec. 32	July 1, 2024	10a-196
Sec. 33	July 1, 2024	10a-204b(s)
Sec. 34	July 1, 2024	10a-243
Sec. 35	July 1, 2024	12-806(b)(16)
Sec. 36	July 1, 2024	12-815
Sec. 37	July 1, 2024	22a-268
Sec. 38	July 1, 2024	31-49h(14)
Sec. 39	July 1, 2024	38a-1083(13)
Sec. 40	July 1, 2024	46a-10b(b)
Sec. 41	July 1, 2024	4e-30(a)
Sec. 42	July 1, 2024	4e-3(c)

**Statement of Purpose:**

To make revisions to provisions concerning the State Contracting Standards Board recommended by the board, including by giving the board authority over quasi-public agency procurement, prohibiting the Governor from reducing allotments to the board, requiring the online posting of emergency procurements, revising requirements regarding proposed privatization contracts, and providing that provisions in title 4e supersede certain other provisions.

*[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.]*