



Substitute House Bill No. 5453

Public Act No. 22-65

AN ACT REQUIRING THE ONLINE POSTING OF CERTAIN STATE CONTRACTS.

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

Section 1. Section 4a-57 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) All purchases of, and contracts for, supplies, materials, equipment and contractual services, except purchases and contracts made pursuant to the provisions of subsection (b) or (d) of this section and public utility services as provided in subsection (e) of this section shall be based, when possible, on competitive bids or competitive negotiation. The commissioner shall solicit competitive bids or proposals by providing notice of the planned purchase in a form and manner that the commissioner determines will maximize public participation in the competitive bidding or competitive negotiation process, including participation by small contractors, as defined in section 4a-60g, and promote competition. In the case of an expenditure that is estimated to exceed fifty thousand dollars, such notice shall be posted, not less than five calendar days before the final date of submitting bids or proposals, on the State Contracting Portal. Each notice of a planned purchase under this subsection shall indicate the type of goods and services to be

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purchased and the estimated value of the contract award. The notice shall also contain a notice of state contract requirements concerning nondiscrimination and affirmative action pursuant to section 4a-60 and, when applicable, requirements concerning the awarding of contracts to small contractors, minority business enterprises, individuals with a disability and nonprofit corporations pursuant to section 4a-60g. Each bid and proposal shall be kept sealed or secured until opened publicly at the time stated in the notice soliciting such bid or proposal.

(b) The commissioner may, at the commissioner's discretion, 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.

(c) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing (1) standards and procedures for using competitive negotiation for purchases and contracts, including but not limited to, criteria which shall be considered in making purchases by competitive negotiation and the weight which shall be assigned to each such criterion, and (2) standards and procedures under which additional purchases may be made under existing contracts.

(d) The commissioner, in consultation with the Commissioner of Energy and Environmental Protection and with the approval of the Secretary of the Office of Policy and Management, may waive the requirement of competitive bidding or competitive negotiation in the case of a purchase of cars or light-duty trucks in order to comply with any provisions of the general statutes regarding the purchase of alternative fuel vehicles or any such requirement of federal law.

(e) (1) The purchase of or contract for the following public utility services shall not be subject to competitive bidding or competitive negotiation: (A) Electric distribution services; (B) water services; (C) gas distribution services; (D) electric generation services until the date such

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services are competitive pursuant to the schedule set forth in section 16-244b, provided electric generation services shall be exempt from competitive bidding and competitive negotiation after said date if such services are provided by an electric municipal utility other than by a participating electric municipal utility, as defined in section 16-1, in the service area of said electric municipal utility; and (E) gas supply services until the date such services are competitive pursuant to legislative act or order of the Public Utilities Regulatory Authority, provided gas supply services shall be exempt from competitive bidding and competitive negotiation after said date if such services are provided by a gas municipal utility in the service area of said gas municipal utility.

(2) Any purchase of or contract by the department for electric generation services that are subject to competitive bidding and competitive negotiations shall be conducted in cooperation with the Department of Energy and Environmental Protection pursuant to section 16a-14e.

(f) The commissioner shall post any contract entered into under this section that has not been subject to competitive bidding or competitive negotiation on the Internet web site of the Department of Administrative Services, provided nothing in this subsection shall be construed to require the disclosure of any information not required to be disclosed under subsection (b) of section 1-210.

[(f)] (g) Nothing in this section shall be construed to apply to the award of janitorial or service contracts pursuant to the provisions of subsections (b) to (d), inclusive, of section 4a-82.

Sec. 2. Subsection (b) of section 4a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) Whenever an emergency exists by reason of extraordinary

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conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions, the Commissioner of Administrative Services, or, in the case of purchases, leases and contracts for information systems, information technology personal property and telecommunication systems, the Chief Information Officer, may, if it is in the best interests of the state, waive the competitive bid or proposal requirements set forth in section 4a-57, as amended by this act. If any such procurement is estimated to cost fifty thousand dollars or more, such waiver shall be subject to the approval of the Standardization Committee. A statement of all purchases made under the provisions of this section and, in the case of a contract, the contract shall be posted on the Internet web site of the Department of Administrative Services, provided nothing in this subsection shall be construed to require the disclosure of any information not required to be disclosed under subsection (b) of section 1-210.

Sec. 3. Subsection (c) of section 4a-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(c) If any contract is extended pursuant to this section without complying with the competitive bidding requirements of subsection (a) of section 4a-57, as amended by this act, the Commissioner of Administrative Services shall post the contract and an explanation of the reasons for such noncompliance on the Department of Administrative Services' Internet web site, provided nothing in this subsection shall be construed to require the disclosure of any information not required to be disclosed under subsection (b) of section 1-210.

Sec. 4. Section 4e-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

Nothing in sections 4e-1 to 4e-14, inclusive, and 4e-16 shall be construed to affect the requirements of subsection [(f)] (g) of section 4a-

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57, as amended by this act, subsection (p) of section 4a-60g, sections 4a-82 and 17b-656 and subsection (c) of section 31-57g.