

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-131—HB 5247

Energy and Technology Committee

AN ACT CONCERNING A TEST BED TECHNOLOGIES PROGRAM

SUMMARY: This act creates a process for state agencies to administer pilot test programs to test the effectiveness of certain technologies, products, or processes (“projects”) at reducing operating costs. The act creates an application process for small contractor or minority business enterprise applicants to submit projects for consideration, and allows an agency to temporarily use any project that the Department of Administrative Services (DAS) commissioner evaluates and recommends, subject to certain criteria. Under the act, if an agency implements a pilot test program, the project applicant must pay any costs associated with the agency acquiring and using the project.

The act also establishes a (1) process for procuring projects that a pilot test program has shown to promote operational cost reduction, including a waiver of competitive bidding or proposal requirements, and (2) way for agencies to ask the DAS commissioner to evaluate and recommend projects that have been tested by a municipality and shown to promote operational cost reduction.

EFFECTIVE DATE: October 1, 2026

APPLICATIONS

Until January 1, 2027, the act allows the governor to direct the DAS commissioner, within available appropriations and in consultation with Connecticut Innovations, Inc. (CI), to create and administer an online portal to facilitate programs to pilot test projects in any state agency to determine whether they may reduce the agency’s operational costs. The portal must be available on the DAS website.

Under the act, anyone who wants to participate in a pilot test program must apply to the DAS commissioner through the online portal, and the commissioner must set the application process. The application must include an assessment of the test project’s viability for a pilot program, which must be done by an independent consulting firm or a market research firm that (1) specializes in technologies, products, or processes similar to those described in the application and (2) is classified as a research and development services provider under DAS industry code 6000 or a marketing research and public opinion polling provider under the North American Industry Classification System code 541910.

Under the act, any applicant selected to participate in a pilot test program can only participate in one program for one state agency.

DAS EVALUATIONS AND RECOMMENDATIONS

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Within 90 days after receiving the application, the DAS commissioner, in consultation with CI, must evaluate the project and recommend it for an agency pilot program if it meets the criteria described below and the commissioner finds the recommendation is warranted.

Under the act, the commissioner, in consultation with CI, must recommend that an agency have a pilot test to temporarily use a project if she finds that the project would (1) promote operational cost reduction, (2) be feasible in the state agency's operations, and (3) not have any detrimental effect on the operations. The pilot test's purpose is to validate the project's effectiveness in reducing operational costs.

However, the act expressly prohibits the commissioner from recommending a project unless the business that manufactures or markets it shows that:

1. using it will not adversely affect safety;
2. it is presently available for commercial sale and distribution or has potential for commercialization within two years after the pilot test program concludes;
3. it was not developed by a business that is eligible to participate in an existing state statutory program administered by CI for testing new or experimental technologies, products, or processes;
4. if the test project or any related intellectual property is patented, the business maintains the associated documentation on it; and
5. the business is a DAS-certified small contractor or minority business enterprise (see BACKGROUND).

DAS Report

The act requires the DAS commissioner to evaluate the effectiveness of any pilot test held under the act and submit a report on its findings to the Energy and Technology Committee by October 1, 2030.

TEST PROGRAM IMPLEMENTATION

The act allows the commissioner of each state agency to administer a program for pilot testing projects that promote operational cost reduction.

Under the act, if the DAS commissioner recommends that a state agency start a pilot test program for a project, the agency may temporarily use it in the agency's operations. The agency's commissioner determines the project's length, which must be between 30 and 60 days. The agency may accept delivery of the test project and begin the program, regardless of the laws on state purchases.

The act requires the applicant to pay any costs associated with the agency acquiring and using the project. Under the act, acquiring the project for the program is not a purchase under the state procurement laws. The applicant must maintain records related to the test program as the DAS commissioner requires. Proprietary information derived from the test program is exempt from the state's Freedom of Information Act.

POST-TESTING PROCUREMENT

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Under the act, if the agency's commissioner determines that the pilot test program sufficiently shows that the project promotes operational cost reduction, he or she may ask the DAS commissioner to (1) procure the test project for any agency to use and (2) make the procurement under a law that generally allows the DAS commissioner to waive competitive bidding or proposal requirements. If the DAS commissioner grants a request to procure a project for an agency, she must make information about the procurement available to all state agencies on the DAS website.

MUNICIPAL TEST PROJECTS

The act also allows a state agency commissioner to identify a project that (1) meets the criteria the DAS commissioner must use to review other applications and (2) has been tested by a municipality and shown to promote operational cost reduction. The agency commissioner may file a request to test the project with the DAS commissioner through the online portal. Within 30 days after receiving the request, the DAS commissioner, in consultation with CI, must evaluate the project and make a recommendation using the same criteria described above. If the DAS commissioner recommends the project, the agency must begin a pilot test program under the same implementation and procurement provisions described above.

BACKGROUND

Small Contractors and Minority Business Enterprises

By law, a "small contractor" is generally a:

1. contractor or subcontractor that (a) maintains its principal place of business in the state and (b) is registered as a small business in the federal database maintained by the U.S. General Services Administration, as required to do business with the federal government, or
2. nonprofit entity that (a) maintains its principal place of business in the state, (b) had gross revenues of \$20 million or less during its most recent fiscal year, and (c) is independent (generally not reliant on another entity to operate).

"Minority Business Enterprises" are generally small contractors with majority ownership by women, minorities, or people with disabilities. The owner must have (1) managerial and technical competence, (2) experience directly related to his or her principal business activities, and (3) the power to direct the enterprise's management or policies (CGS § 4a-60g(a)).