

Sec. 4e-4. Authority and responsibilities of the board with respect to procurements by state contracting agencies. Except as otherwise provided in the general statutes, the board shall have the following authority and responsibilities with respect to procurements by state contracting agencies:

Specific authority and responsibilities relating to recommendations re existing statutes; proposed legislation; regulations; guides; assistance and advice; training; certification; reporting requirements.

Unable to do (a) Recommend the repeal of repetitive, conflicting or obsolete statutes concerning state procurement;

Unable to do (b) Review and make recommendations concerning proposed legislation and regulations concerning procurement, management, control, and disposal of any and all supplies, services, and construction to be procured by the state, including, but not limited to:

- (1) Conditions and procedures for delegation of procurement authority;
- (2) Prequalification, suspension, debarment and reinstatement of prospective bidders and contractors;
- (3) Small purchase procedures;
- (4) Conditions and procedures for the procurement of perishables and items for resale;
- (5) Conditions and procedures for the use of source selection methods authorized by statutes and regulations concerning procurement;
- (6) Conditions and procedures for the use of emergency procurements;
- (7) Conditions and procedures for the selection of contractors by processes or methods that restrict full and open competition;
- (8) The opening or rejection of bids and offers, and waiver of errors in bids and offers;
- (9) Confidentiality of technical data and trade secrets submitted by actual or prospective bidders;
- (10) Partial, progressive and multiple awards;
- (11) Supervision of storerooms and inventories, including determination of appropriate stock levels and the management, transfer, sale or other disposal of publicly-owned supplies;
- (12) Definitions and classes of contractual services and procedures for acquiring such services;
- (13) Regulations providing for conducting cost and price analysis;
- (14) Use of payment and performance bonds;
- (15) Guidelines for use of cost principles in negotiations, adjustments and settlements; and
- (16) Identification of procurement best practices;

Unable to do (c) Adopt regulations, pursuant to chapter 54, to carry out the provisions of statutes concerning procurement, in order to facilitate consistent application of the law and require the implementation of procurement best practices;

Unable to do (d) Make recommendations with regard to information systems for state procurement including, but not limited to, data element and design and the State Contracting Portal;

Unable to do (e) Develop a guide to state statutes and regulations concerning procurement, for use by all state contracting agencies;

Doing but barely (f) Assist state contracting agencies in complying with the statutes and regulations concerning procurement by providing guidance, models, advice and practical assistance to state contracting agency staff relating to: (1) Buying the best service at the best price, (2) properly selecting contractors, and (3) drafting contracts that achieve state goals of accountability, transparency and results based outcomes and to protect taxpayers' interest;

Was doing well until Chief Procurement Officer left in 2017 (g) Train and oversee the agency procurement officer of each state contracting agency and any contracting officers thereunder;

Unable to do (h) Review and certify, on or after January 1, 2009, that a state contracting agency's procurement processes are in compliance with statutes and regulations concerning procurement by:

(1) Establishing procurement and project management education and training criteria and certification procedures for agency procurement officers and contracting officers. All agency procurement officers and contracting officers designated under this provision shall be required to maintain the certification in good standing at all times while performing procurement functions;

(2) Approving an ethics training course, in consultation with the Office of State Ethics, including, but not limited to, state employees involved in procurement and for state contractors and substantial subcontractors who are prequalified pursuant to chapter 58a. Such ethics training course may be developed and provided by the Office of State Ethics or by any person, firm or corporation provided such course is approved by the State Contracting Standards Board;

Unable to do (i) Recertify each state contracting agency's procurement processes, triennially, and provide agencies with notice of any certification deficiency and exercise those powers authorized by section 4e-34, 4e-39 or 4e-40, as applicable, if a determination of noncompliance is made;

Unable to do (j) Define the contract data reporting requirements to the board for state agencies concerning information on: (1) The number and type of state contracts of each state contracting agency currently in effect state-wide; (2) the term and dollar value of such contracts; (3) a list of client agencies; (4) a description of services purchased under such contracts; (5) contractor names; (6) an evaluation of contractor performance, including, but not limited to records pertaining to the suspension or disqualification of contractors, and assuring such information is available on the State Contracting Portal; and (7) a list of contracts and contractors awarded without full and open competition stating the reasons for and identifying the approving authority; and

Doing but barely (k) Provide the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to government administration with recommendations concerning the statutes and regulations concerning procurement.

Was doing well until Chief Procurement Officer left in 2017 Sec. 4e-5. Appointment of agency procurement officers. Responsibilities. State procurement and project management education and training program. Regulations

Agency procurement officers appointment and liaison with CPO; duties; Board with DAS develop standardized procurement and project management training; annual report; regulations.

Currently doing scaled back program Sec. 4e-6. Triennial audits of state contracting agencies. Compliance report.

Board to conduct triennial audits of state agencies; reports.

We've done this very well the one time we have (Pita matter) Sec. 4e-7. Review, termination or recommendation to terminate contract or procurement agreement by the board. Requirements. Restriction or termination of state contracting agency authority to enter contracts or procurement agreements.

Board may review, terminate or recommend termination of contracts; notice to agency and contractor, consultation with AG; consultation/ determinations with agency; opportunity for hearing under UAPA; 2/3 vote; "for cause" standard: (1) violation of CGS 1-84 or 1-86e as determined by CEAB; (2) wanton/reckless disregard of state contracting and procurement process; (3) AG notification pursuant to CGS 4-61dd re fraud, collusion or criminal violation.

Board may restrict or terminate authority of agency or order agency to restrict or terminate authority of employee or agent, to contract, after consultation and notice and opportunity for hearing; 2/3 vote; standard of failure to comply with contracting requirements and reckless disregard; scope and duration of restrictions.

Unable to do Sec. 4e-8. Contracting Standards Advisory Council. Duties.

Contracting standards advisory council; members; meet 4 times a year to discuss issues and make recommendations.

Unable to do Sec. 4e-9. Vendor and Citizen Advisory Panel. Established. Duties.

Vendor and citizen advisory panel; members; CPO chair; recommendations

Unable to do Sec. 4e-10. Submission of legislation by board to the Governor and General Assembly.

Submission of legislation to Governor and General Assembly; re agencies by 1/1/10; re higher education and quasi-public by 1/1/11; re municipal by 1/1/12.

Unable to do Sec. 4e-11. Adoption of procurement codes by constitutional officers. Deadline

Adoption of procurement codes by constitutional officers by 6/1/11.

Unable to do Sec. 4e-12. Procurement codes for legislative and judicial branches. Requirements

Adoption of procurement codes by legislative and judicial branches by 2/1/11.

Much work still to do Sec. 4e-13. State Contracting Portal. Requirements. Posting of bids, requests for proposals and resulting contracts on portal.

DAS to establish state contracting portal.

Unable to do Sec. 4e-14. Requirements for contracts taking effect on or after June 1, 2010.

All state contracts to include provisions ensuring accountability, transparency, and result-based outcomes, as prescribed by Board after 6/1/10; same for legislature and judicial.

Unable to do Sec. 4e-15. Requirements of janitorial work pilot program for persons with disability and persons with a disadvantage unaffected by certain state contracting provisions.

Statutes not applicable to janitorial program under 4a-57(f), 4a-60g(p), 4a-82, 17b-656, 31-57g(c).

Doing well and getting better all the time Sec. 4e-16. Privatization contracts. Cost-benefit analysis. Business case. Privatization contract committee. Certain privatization contracts to be approved by the General Assembly. Motion for order to show cause. Review by board. Exceptions. Evaluation of cost-effectiveness

4e-16(a) 1/1/10 Prior to entering privatization contract for service not currently privatized, state contracting agency must develop cost-benefit analysis; affected parties may petition for review.

4e-16(b) 1/1/10; 10/1/14 Cost-benefit analysis requirements; costs, normal cost of fringe benefits, savings defined.

4e-16(c), (d), (e) 1/1/10 Business case >10% savings; business case for <10% savings and significant policy reason; notice to union re layoff, transfer, reassignment of >100 employees; 12 items included in business case; "core governmental function" analysis; submission to Board.

4e-16(f), (g) 1/1/10 Privatization contract committee; standards for review of business case; members; recommendation to Board; ex parte communications; majority vote for approval, 2/3 vote for core governmental function. Agency submits all information required by committee to complete review.

4e-16(h) 1/1/10 Not later than 60 days after receipt of business case, board transmits report; extension for additional 30 days. Report includes reasons for approval or disapproval and recommendations. Failure to act deemed approval. 2/3 vote for (c)(2) business case. Request for expedited review.

4e-16(i) 1/1/10 No solicitation of bids prior to Board approval; >\$150 M requires legislative approval.

4e-16(j) 1/1/10 Amendments to approved business case; 30 days for approval.

4e-16(k) 1/1/10 Within 30 days of approval, union may seek order to show cause in court for failure to comply with substantive or procedural requirements; court relief.

4e-16(l) 1/1/10 Board review of existing privatization contracts

4e-16(m), (n) 1/1/10 OPM in consultation with Board to develop policies and procedures, including templates; review budgetary impacts. Board in consultation with DAS to recommend and implement standards and procedures for business case and assisting employees affected by privatization.

4e-16(o) 1/10/14 Privatization required due to imminent peril to public health, safety or welfare.

4e-16(p) 10/1/14 Privatization contract not subject to (a); agency to evaluate if contract is most cost-effective; OPM template and evaluation; waiver for exigent or emergent circumstances.

Doing well and getting better all the time Sec. 4e-17. Application of privatization and contracting provisions, generally

Scope of 4e-16 to -47; applies to every expenditure of public funds involving contracting and procurement; not including federal assistance if inconsistent with federal law.

Unable to do Sec. 4e-18. Acquisition of supplies, materials, equipment or contractual services. Requisition system.

Establishes a price preference for resident bidders to the same extent, if any, that the state of nonresident bidders provides.

Unable to do Sec. 4e-19. Methods for the award of contracts for supplies, materials, equipment and contractual services by state contracting agencies. Regulations

List of all procurement methods: (1) Competitive sealed bidding; (2) Competitive sealed proposals; (3) Small purchase procedure; (4) Sole source procurement; (5) Emergency procurements; and (6) Waiver of bid or proposal requirement for extraordinary conditions. Board to adopt regulations no later than 6/1/10 to define and establish processes for the methods of procurement

Unable to do Sec. 4e-20. Regulations for issuing invitations for bids. Regulations for award of certain contracts and purchase orders by a method of source selection other than competitive sealed bidding.

Board to adopt regulations no later than 6/1/10 specifying the procedure for issuing invitations for bids. Board to consult DAS and adopt regulations no later than 6/1/10 specifying the circumstances in which contracts and purchase orders, in an amount in excess of \$50K, may be awarded by method other than competitive bidding.

Unable to do Sec. 4e-21. Regulations for small purchase procedures for procurements that do not exceed fifty thousand dollars. Artificial division of procurement requirements. Certain minor, nonrecurring or emergency purchases.

Board in consultation with DAS to adopt regulations no later than 6/1/10 to establish small purchase procedures for procurements that do not exceed \$50K; prohibition re artificial division; Board authority to prohibit. Waiver of competitive procurement for minor, nonrecurring or emergency purchases.

Unable to do Sec. 4e-22. Regulations for the award of a contract for a supply, service or construction item without competition

Board in consultation with DAS to adopt regulations no later than 6/1/10 re waiving competition for contract for supply, service or construction item.

Unable to do Sec. 4e-23. Regulations for the waiver of competitive bid or proposal requirements.

Board to adopt regulations no later than 6/1/10 establishing procedures for waiver of competitive bid or proposal requirements.

Unable to do Sec. 4e-24. Regulations for emergency procurements when a threat to public health, welfare or safety exists.

Board in consultation with DAS and other appropriate entities, to adopt regulations no later than 6/1/10 permitting emergency procurements when there is a threat to public health, welfare or safety.

Unable to do Sec. 4e-26. Regulations for the establishment of standards for the preparation, maintenance and content of specifications for supplies, services and construction

Board in consultation with DAS, to adopt regulations no later than 6/1/10 establishing standards for the preparation, maintenance, and content of specifications for supplies, services, and construction.

Unable to do Sec. 4e-27. Regulations for the use of cost-reimbursement contracts.

Board in consultation with AGO, to adopt regulations no later than 6/1/10 specifying the types of contracts that may be used by state contracting agencies.

Unable to do Sec. 4e-28. Regulations concerning the submission of accounting system documentation by contractors to state contracting agencies

Board in consultation with DAS to adopt regulations no later than 6/1/10 re submission of accounting system documentation by contractors to agencies.

No cases as of yet Sec. 4e-34. Disqualification of contractor, bidder or proposer by State Contracting Standards Board. Causes for disqualification.

Disqualification of contractors/bidders. Notice and hearing requirements. Subcommittee members. 2/3 vote; recommendation to Board; written decision by Board. Causes for disqualification. Grounds for reduction of period or extent of disqualification.

Doing very well Sec. 4e-36. Contest of the solicitation or award of a contract by bidder or proposer.

Bidders/proposers right to contest a solicitation and an award. Subcommittee may settle and resolve or issue findings. Written decision.

No cases as of yet Sec. 4e-38. Issuance of decision on appeal by board

Board to issue written decision on 4e-37 appeals.

No cases as of yet Sec. 4e-39. Determination by board of violation of law in solicitation or proposed award of a contract prior to award. Options.

If Board finds a violation of law prior to award, the solicitation or award shall be cancelled or revised.

Unable to do Sec. 4e-40. Determination of violation of law in solicitation or award of contract after award. Options.

If Board finds a violation of law after award, in case of good faith action, contract may be ratified if in best interests of state or terminated with compensation; in case of bad faith, contract voided or ratified if in best interests of state.

Unable to do Sec. 4e-41. Regulations concerning the procurement of architectural and engineering services.

Board to adopt regulations no later than 6/1/10 concerning the procurement of architectural and engineering services.

Unable to do Sec. 4e-42. Regulations concerning bid security for certain competitive sealed bidding.

Board to adopt regulations no later than 6/1/10 concerning bid security for competitive bidding for construction contracts in a "design-bid-build procurement" where price exceeds \$500,000.

Unable to do Sec. 4e-43. Regulations concerning errors and omissions insurance.

The State Insurance and Risk Management Board shall adopt regulations in consultation with the Board no later than 6/1/10 concerning errors and omissions coverage for architectural and engineering services for projects under 4e-41.

Unable to do Sec. 4e-44. Regulations concerning the procurement of consultant services.

Board to adopt regulations no later than 6/1/10 concerning procuring consultant services, and in consultation with the AGO, the type of contract.

Unable to do Sec. 4e-45. Regulations concerning infrastructure facilities.

Board to adopt regulations in consultation with agencies and the AGO no later than 6/1/10 concerning establishing contract provisions to protect the interests of the state, including price adjustments, time of performance, remedies and termination.

Unable to do Sec. 4e-46. Regulations for contract modifications, change orders and price adjustments for construction contracts in excess of fifty thousand dollars.

Board to adopt regulations no later than 6/1/10 concerning contract modifications, change orders, or price adjustments under construction contracts in excess of \$50,000; particular requirements.

Unable to do Sec. 4e-47. Regulations concerning application of certain contracting statutes to each constituent unit of the state system of higher education.

Board to adopt regulations on or after 6/1/11 concerning applicability of contracting statutes to constituent units of higher education.

Unable to do Sec. 4e-48. Reciprocal preference provision in award of state contracts. Definitions. Application of provision. List of states with in-state preference published by the State Contracting Standards Board.

Establishes a price preference for resident bidders to the same extent, if any, that the state of nonresident bidders provides.

Unable to do Sec. 4e-49. Regulations concerning contracting procedures for the Metropolitan District of Hartford County.

Board to adopt regulations on or after 6/1/10 concerning contracting procedures for the Metropolitan District of Hartford County.