



General Assembly

February Session, 2020

Raised Bill No. 5400

LCO No. 2239



Referred to Committee on VETERANS' AFFAIRS

Introduced by:
(VA)

AN ACT CONCERNING VETERAN-OWNED MICRO BUSINESSES.

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

1 Section 1. Subsection (c) of section 4a-59 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2020*):

4 (c) All open market orders or contracts shall be awarded to (1) the
5 lowest responsible qualified bidder, the qualities of the articles to be
6 supplied, their conformity with the specifications, their suitability to the
7 requirements of the state government and the delivery terms being
8 taken into consideration and, at the discretion of the Commissioner of
9 Administrative Services, life-cycle costs and trade-in or resale value of
10 the articles may be considered where it appears to be in the best interest
11 of the state, (2) the highest scoring bidder in a multiple criteria bid, in
12 accordance with the criteria set forth in the bid solicitation for the
13 contract, or (3) the proposer whose proposal is deemed by the awarding
14 authority to be the most advantageous to the state, in accordance with
15 the criteria set forth in the request for proposals, including price and
16 evaluation factors. Notwithstanding any provision of the general

17 statutes to the contrary, each state agency awarding a contract through
18 competitive negotiation shall include price as an explicit factor in the
19 criteria in the request for proposals and for the contract award. In
20 considering past performance of a bidder for the purpose of
21 determining the "lowest responsible qualified bidder" or the "highest
22 scoring bidder in a multiple criteria bid", the commissioner shall
23 evaluate the skill, ability and integrity of the bidder in terms of the
24 bidder's fulfillment of past contract obligations and the bidder's
25 experience or lack of experience in delivering supplies, materials,
26 equipment or contractual services of the size or amount for which bids
27 have been solicited. In determining the lowest responsible qualified
28 bidder for the purposes of this section, the commissioner may give a
29 price preference of up to ten per cent for (A) the purchase of goods made
30 with recycled materials or the purchase of recyclable or remanufactured
31 products if the commissioner determines that such preference would
32 promote recycling or remanufacturing. As used in this subsection,
33 "recyclable" means able to be collected, separated or otherwise
34 recovered from the solid waste stream for reuse, or for use in the
35 manufacture or assembly of another package or product, by means of a
36 recycling program which is reasonably available to at least seventy-five
37 per cent of the state's population, "remanufactured" means restored to
38 its original function and thereby diverted from the solid waste stream
39 by retaining the bulk of components that have been used at least once
40 and by replacing consumable components and "remanufacturing"
41 means any process by which a product is remanufactured; (B) the
42 purchase of motor vehicles powered by a clean alternative fuel; (C) the
43 purchase of motor vehicles powered by fuel other than a clean
44 alternative fuel and conversion equipment to convert such motor
45 vehicles allowing the vehicles to be powered by either the exclusive use
46 of clean alternative fuel or dual use of a clean alternative fuel and a fuel
47 other than a clean alternative fuel. As used in this subsection, "clean
48 alternative fuel" means natural gas, electricity, hydrogen or propane
49 when used as a motor vehicle fuel; or (D) the purchase of goods or
50 services from a micro business, except that, in the case of a veteran-
51 owned micro business, the commissioner may give a price preference of

52 [up to fifteen] ten per cent. As used in this subsection, "micro business"
53 means a business with gross revenues not exceeding three million
54 dollars in the most recently completed fiscal year, "veteran-owned micro
55 business" means a micro business of which at least fifty-one per cent of
56 the ownership is held by one or more veterans and "veteran" means any
57 person (i) honorably discharged from, or released under honorable
58 conditions from active service in, the armed forces, as defined in section
59 27-103, or (ii) with a qualifying condition, as defined in said section, who
60 has received a discharge other than bad conduct or dishonorable from
61 active service in the armed forces. All other factors being equal,
62 preference shall be given to supplies, materials and equipment
63 produced, assembled or manufactured in the state and services
64 originating and provided in the state. Except with regard to contracts
65 that may be paid for with United States Department of Transportation
66 funds, if any such bidder refuses to accept, within ten days, a contract
67 awarded to such bidder, such contract may be awarded to the next
68 lowest responsible qualified bidder or the next highest scoring bidder in
69 a multiple criteria bid, whichever is applicable, and so on until such
70 contract is awarded and accepted. Except with regard to contracts that
71 may be paid for with United States Department of Transportation funds,
72 if any such proposer refuses to accept, within ten days, a contract
73 awarded to such proposer, such contract shall be awarded to the next
74 most advantageous proposer, and so on until the contract is awarded
75 and accepted. There shall be a written evaluation made of each bid. This
76 evaluation shall identify the vendors and their respective costs and
77 prices, document the reason why any vendor is deemed to be
78 nonresponsive and recommend a vendor for award. A contract valued
79 at one million dollars or more shall be awarded to a bidder other than
80 the lowest responsible qualified bidder or the highest scoring bidder in
81 a multiple criteria bid, whichever is applicable, only with written
82 approval signed by the Commissioner of Administrative Services and
83 by the Comptroller. The commissioner shall post on the department's
84 Internet web site all awards made pursuant to the provisions of this
85 section.

86 Sec. 2. Section 4a-60g of the 2020 supplement to the general statutes
87 is repealed and the following is substituted in lieu thereof (*Effective*
88 *October 1, 2020*):

89 (a) As used in this section and sections 4a-60h to 4a-60j, inclusive, as
90 amended by this act, the following terms have the following meanings:

91 (1) "Small contractor" means any contractor, subcontractor,
92 manufacturer, service company or nonprofit corporation (A) that
93 maintains its principal place of business in the state, (B) that had gross
94 revenues not exceeding twenty million dollars in the most recently
95 completed fiscal year prior to such application, and (C) that is
96 independent. "Small contractor" does not include any person who is
97 affiliated with another person if both persons considered together have
98 a gross revenue exceeding twenty million dollars.

99 (2) "Independent" means the viability of the enterprise of the small
100 contractor does not depend upon another person, as determined by an
101 analysis of the small contractor's relationship with any other person in
102 regards to the provision of personnel, facilities, equipment, other
103 resources and financial support, including bonding.

104 (3) "State agency" means each state board, commission, department,
105 office, institution, council or other agency with the power to contract for
106 goods or services itself or through its head.

107 (4) "Minority business enterprise" means any small contractor, (A)
108 fifty-one per cent or more of the capital stock, if any, or assets of which
109 are owned by a person or persons who (i) exercise operational authority
110 over the daily affairs of the enterprise, (ii) have the power to direct the
111 management and policies and receive the beneficial interest of the
112 enterprise, (iii) possess managerial and technical competence and
113 experience directly related to the principal business activities of the
114 enterprise, and (iv) are members of a minority, as such term is defined
115 in subsection (a) of section 32-9n, or are individuals with a disability, or
116 (B) which is a nonprofit corporation in which fifty-one per cent or more
117 of the persons who (i) exercise operational authority over the enterprise,

118 (ii) possess managerial and technical competence and experience
119 directly related to the principal business activities of the enterprise, (iii)
120 have the power to direct the management and policies of the enterprise,
121 and (iv) are members of a minority, as defined in this subsection, or are
122 individuals with a disability.

123 (5) "Affiliated" means the relationship in which a person directly, or
124 indirectly through one or more intermediaries, controls, is controlled by
125 or is under common control with another person.

126 (6) "Control" means the power to direct or cause the direction of the
127 management and policies of any person, whether through the
128 ownership of voting securities, by contract or through any other direct
129 or indirect means. Control shall be presumed to exist if any person,
130 directly or indirectly, owns, controls, holds with the power to vote, or
131 holds proxies representing, twenty per cent or more of any voting
132 securities of another person.

133 (7) "Person" means any individual, corporation, limited liability
134 company, partnership, association, joint stock company, business trust,
135 unincorporated organization or other entity.

136 (8) "Individual with a disability" means an individual (A) having a
137 physical or mental impairment that substantially limits one or more of
138 the major life activities of the individual, which mental impairment may
139 include, but is not limited to, having one or more mental disorders, as
140 defined in the most recent edition of the American Psychiatric
141 Association's "Diagnostic and Statistical Manual of Mental Disorders",
142 or (B) having a record of such an impairment.

143 (9) "Nonprofit corporation" means a nonprofit corporation
144 incorporated pursuant to chapter 602 or any predecessor statutes
145 thereto.

146 (10) "Municipality" means any town, city, borough, consolidated
147 town and city or consolidated town and borough.

148 (11) "Quasi-public agency" has the same meaning as provided in
149 section 1-120.

150 (12) "Awarding agency" means a state agency or political subdivision
151 of the state other than a municipality.

152 (13) "Public works contract" has the same meaning as provided in
153 section 46a-68b.

154 (14) "Municipal public works contract" means that portion of an
155 agreement entered into on or after October 1, 2015, between any
156 individual, firm or corporation and a municipality for the construction,
157 rehabilitation, conversion, extension, demolition or repair of a public
158 building, highway or other changes or improvements in real property,
159 which is financed in whole or in part by the state, including, but not
160 limited to, matching expenditures, grants, loans, insurance or
161 guarantees but excluding any project of an alliance district, as defined
162 in section 10-262u, financed by state funding in an amount equal to fifty
163 thousand dollars or less.

164 (15) "Quasi-public agency project" means the construction,
165 rehabilitation, conversion, extension, demolition or repair of a building
166 or other changes or improvements in real property pursuant to a
167 contract entered into on or after October 1, 2015, which is financed in
168 whole or in part by a quasi-public agency using state funds, including,
169 but not limited to, matching expenditures, grants, loans, insurance or
170 guarantees.

171 (16) "Veteran-owned micro business" has the same meaning as
172 provided in section 4a-59, as amended by this act.

173 (b) (1) It is found and determined that there is a serious need to help
174 small contractors, minority business enterprises, veteran-owned micro
175 businesses, nonprofit organizations and individuals with disabilities to
176 be considered for and awarded state contracts for the purchase of goods
177 and services, public works contracts, municipal public works contracts
178 and contracts for quasi-public agency projects. Accordingly, the

179 necessity of awarding such contracts in compliance with the provisions
180 of this section, sections 4a-60h to 4a-60j, inclusive, as amended by this
181 act, and sections 32-9i to 32-9p, inclusive, for advancement of the public
182 benefit and good, is declared as a matter of legislative determination.

183 (2) Notwithstanding any provisions of the general statutes, and
184 except as set forth in this section, the head of each awarding agency shall
185 set aside in each fiscal year, for award to small contractors, on the basis
186 of competitive bidding procedures, contracts or portions of contracts for
187 the construction, reconstruction or rehabilitation of public buildings, the
188 construction and maintenance of highways and the purchase of goods
189 and services. The total value of such contracts or portions thereof to be
190 set aside by each such agency shall be at least twenty-five per cent of the
191 total value of all contracts let by the head of such agency in each fiscal
192 year, provided a contract for any goods or services which have been
193 determined by the Commissioner of Administrative Services to be not
194 customarily available from or supplied by small contractors shall not be
195 included. Contracts or portions thereof having a value of not less than
196 twenty-five per cent of the total value of all contracts or portions thereof
197 to be set aside shall be reserved for awards to minority business
198 enterprises. Contracts or portions thereof having a value of not less than
199 five per cent of the total value of all contracts or portions thereof to be
200 set aside shall be reserved for awards to veteran-owned micro
201 businesses.

202 (3) Notwithstanding any provision of the general statutes, and except
203 as provided in this section, on and after October 1, 2015, each
204 municipality when awarding a municipal public works contract shall
205 state in its notice of solicitation for competitive bids or request for
206 proposals or qualifications for such contract that the general or trade
207 contractor shall be required to comply with the provisions of this section
208 and the requirements concerning nondiscrimination and affirmative
209 action under sections 4a-60 and 4a-60a. Any such contractor awarded a
210 municipal public works contract shall, on the basis of competitive
211 bidding procedures, (A) set aside at least twenty-five per cent of the total
212 value of the state's financial assistance for such contract for award to

213 subcontractors who are small contractors, and (B) of that portion to be
214 set aside in accordance with subparagraph (A) of this subdivision,
215 reserve a portion equivalent to (i) twenty-five per cent of the total value
216 of the contract or portion thereof to be set aside for awards to
217 subcontractors who are minority business enterprises, and (ii) five per
218 cent of the total value of the contract or portion thereof to be set aside
219 for awards to subcontractors who are veteran-owned micro businesses.
220 The provisions of this section shall not apply to any municipality that
221 has established a set-aside program pursuant to section 7-148u, as
222 amended by this act, where the percentage of contracts set aside for
223 minority business enterprises [is] and veteran-owned micro businesses
224 are equivalent to or exceeds the percentage set forth in this subsection.

225 (4) Notwithstanding any provision of the general statutes, and except
226 as provided in this section, on and after October 1, 2015, any individual,
227 firm or corporation that enters into a contract for a quasi-public agency
228 project shall, prior to awarding such contract, notify the contractor to be
229 awarded such project of the requirements of this section and the
230 requirements concerning nondiscrimination and affirmative action
231 under sections 4a-60 and 4a-60a. Any such contractor awarded a
232 contract for a quasi-public agency project shall, on the basis of
233 competitive bidding procedures, (A) set aside at least twenty-five per
234 cent of the total value of the state's financial assistance for such contract
235 for award to subcontractors who are small contractors, and (B) of that
236 portion to be set aside in accordance with subparagraph (A) of this
237 subdivision, reserve a portion equivalent to (i) twenty-five per cent of
238 the total value of the contract or portions thereof to be set aside for
239 awards to subcontractors who are minority business enterprises, and (ii)
240 five per cent of the total value of the contract or portions thereof to be
241 set aside for awards to subcontractors who are veteran-owned micro
242 businesses.

243 (5) Eligibility of nonprofit corporations under the provisions of this
244 section shall be limited to predevelopment contracts awarded by the
245 Commissioner of Housing for housing projects.

246 (6) In calculating the percentage of contracts to be set aside under
247 subdivisions (2) to (4), inclusive, of this subsection, the awarding agency
248 or contractor shall exclude any contract that may not be set aside due to
249 a conflict with a federal law or regulation.

250 (c) The head of any awarding agency may, in lieu of setting aside any
251 contract or portions thereof, require any general or trade contractor or
252 any other entity authorized by such agency to award contracts, to set
253 aside a portion of any contract for subcontractors who are eligible for
254 set-aside contracts under this section. Nothing in this subsection shall
255 be construed to diminish the total value of contracts which are required
256 to be set aside by any awarding agency pursuant to this section.

257 (d) The head of each awarding agency shall notify the Commissioner
258 of Administrative Services of all contracts to be set aside pursuant to
259 subdivision (2) of subsection (b) or subsection (c) of this section at the
260 time that bid documents for such contracts are made available to
261 potential contractors.

262 (e) The awarding authority shall require that a contractor or
263 subcontractor awarded a contract or a portion of a contract under this
264 section perform not less than thirty per cent of the work with the
265 workforces of such contractor or subcontractor and shall require that not
266 less than fifty per cent of the work be performed by contractors or
267 subcontractors eligible for awards under this section. A contractor
268 awarded a contract or a portion of a contract under this section shall not
269 subcontract with any person with whom the contractor is affiliated. No
270 person who is affiliated with another person shall be eligible for awards
271 under this section if both affiliated persons considered together would
272 not qualify as a small contractor, [or] a minority business enterprise or
273 a veteran-owned micro business under subsection (a) of this section. The
274 awarding authority shall require that a contractor awarded a contract
275 pursuant to this section submit, in writing, an explanation of any
276 subcontract to such contract that is entered into with any person that is
277 not eligible for the award of a contract pursuant to this section, prior to
278 the performance of any work pursuant to such subcontract.

279 (f) The awarding authority may require that a contractor or
280 subcontractor awarded a contract or a portion of a contract under this
281 section furnish the following documentation: (1) A copy of the certificate
282 of incorporation, certificate of limited partnership, partnership
283 agreement or other organizational documents of the contractor or
284 subcontractor; (2) a copy of federal income tax returns filed by the
285 contractor or subcontractor for the previous year; and (3) evidence of
286 payment of fair market value for the purchase or lease by the contractor
287 or subcontractor of property or equipment from another contractor who
288 is not eligible for set-aside contracts under this section.

289 (g) The awarding authority or the Commissioner of Administrative
290 Services or the Commission on Human Rights and Opportunities may
291 conduct an audit of the financial, corporate and business records and
292 conduct an investigation of any small contractor, [or] minority business
293 enterprise [which] or veteran-owned micro business that applies for or
294 is awarded a set-aside contract for the purpose of determining eligibility
295 for awards or compliance with the requirements established under this
296 section.

297 (h) The provisions of this section shall not apply to (1) any awarding
298 agency for which the total value of all contracts or portions of contracts
299 of the types enumerated in subdivision (2) of subsection (b) of this
300 section is anticipated to be equal to ten thousand dollars or less, or (2)
301 any municipal public works contract or contract for a quasi-public
302 agency project for which the total value of the contract is anticipated to
303 be equal to fifty thousand dollars or less.

304 (i) In lieu of a performance, bid, labor and materials or other required
305 bond, a contractor or subcontractor awarded a contract under this
306 section may provide to the awarding authority, and the awarding
307 authority shall accept a letter of credit. Any such letter of credit shall be
308 in an amount equal to ten per cent of the contract for any contract that
309 is less than one hundred thousand dollars and in an amount equal to
310 twenty-five per cent of the contract for any contract that exceeds one
311 hundred thousand dollars.

312 (j) (1) Whenever the awarding agency has reason to believe that any
313 contractor or subcontractor awarded a state set-aside contract has
314 wilfully violated any provision of this section, the awarding agency
315 shall send a notice to such contractor or subcontractor by certified mail,
316 return receipt requested. Such notice shall include: (A) A reference to
317 the provision alleged to be violated; (B) a short and plain statement of
318 the matter asserted; (C) the maximum civil penalty that may be imposed
319 for such violation; and (D) the time and place for the hearing. Such
320 hearing shall be fixed for a date not earlier than fourteen days after the
321 notice is mailed. The awarding agency shall send a copy of such notice
322 to the Commission on Human Rights and Opportunities.

323 (2) The awarding agency shall hold a hearing on the violation
324 asserted unless such contractor or subcontractor fails to appear. The
325 hearing shall be held in accordance with the provisions of chapter 54. If,
326 after the hearing, the awarding agency finds that the contractor or
327 subcontractor has wilfully violated any provision of this section, the
328 awarding agency shall suspend all set-aside contract payments to the
329 contractor or subcontractor and may, in its discretion, order that a civil
330 penalty not exceeding ten thousand dollars per violation be imposed on
331 the contractor or subcontractor. If such contractor or subcontractor fails
332 to appear for the hearing, the awarding agency may, as the facts require,
333 order that a civil penalty not exceeding ten thousand dollars per
334 violation be imposed on the contractor or subcontractor. The awarding
335 agency shall send a copy of any order issued pursuant to this subsection
336 by certified mail, return receipt requested, to the contractor or
337 subcontractor named in such order. The awarding agency may cause
338 proceedings to be instituted by the Attorney General for the
339 enforcement of any order imposing a civil penalty issued under this
340 subsection.

341 (k) (1) (A) On or before January 1, 2000, the Commissioner of
342 Administrative Services shall establish a process for certification of
343 small contractors and minority business enterprises as eligible for set-
344 aside contracts. (B) On or before January 1, 2021, the Commissioner of
345 Administrative Services shall establish a process for certification of

346 veteran-owned micro businesses as eligible for set-aside contracts. (C)
347 Each certification shall be valid for a period not to exceed two years,
348 unless the Commissioner of Administrative Services determines that an
349 extension of such certification is warranted, provided any such
350 extension shall not exceed a period of six months from such
351 certification's original expiration date. Any paper application for
352 certification shall be no longer than six pages. (D) The Department of
353 Administrative Services shall maintain on its web site an updated
354 directory of small contractors, [and] minority business enterprises and
355 veteran-owned micro businesses certified under this section.

356 (2) The Commissioner of Administrative Services may deny an
357 application for the initial issuance or renewal of such certification after
358 issuing a written decision to the applicant setting forth the basis for such
359 denial. The commissioner may revoke such certification for cause after
360 notice and an opportunity for a hearing in accordance with the
361 provisions of chapter 54. Any person aggrieved by the commissioner's
362 decision to deny the issuance or renewal of or to revoke such
363 certification may appeal such decision to the Superior Court, in
364 accordance with the provisions of section 4-183.

365 (3) Whenever the Commissioner of Administrative Services has
366 reason to believe that a small contractor, [or] minority business
367 enterprise [who] or veteran-owned micro business that has applied for
368 or received certification under this section has included a materially
369 false statement in [his or her] its application, the commissioner may
370 impose a penalty not exceeding ten thousand dollars after notice and a
371 hearing held in accordance with chapter 54. Such notice shall include
372 (A) a reference to the statement or statements contained in the
373 application alleged to be false, (B) the maximum civil penalty that may
374 be imposed for such misrepresentation, and (C) the time and place of
375 the hearing. Such hearing shall be fixed for a date not later than fourteen
376 days from the date such notice is sent. The commissioner shall send a
377 copy of such notice to the Commission on Human Rights and
378 Opportunities.

379 (4) The commissioner shall hold a hearing prior to such revocation or
380 denial or the imposition of a penalty, unless such contractor or
381 subcontractor fails to appear. If, after the hearing, the commissioner
382 finds that the contractor or subcontractor has wilfully included a
383 materially false statement in his or her application for certification under
384 this subsection, the commissioner shall revoke or deny the certification
385 and may order that a civil penalty not exceeding ten thousand dollars
386 be imposed on the contractor or subcontractor. If such contractor or
387 subcontractor fails to appear for the hearing, the commissioner may, as
388 the facts require, revoke or deny the certification and order that a civil
389 penalty not exceeding ten thousand dollars be imposed on the
390 contractor or subcontractor. The commissioner shall send a copy of any
391 order issued pursuant to this subsection to the contractor or
392 subcontractor named in such order. The commissioner may cause
393 proceedings to be instituted by the Attorney General for the
394 enforcement of any order imposing a civil penalty issued under this
395 subsection.

396 (l) On or before August thirtieth of each year, each awarding agency
397 setting aside contracts or portions of contracts under subdivision (2) of
398 subsection (b) of this section shall prepare a report establishing small
399 [and] contractor, minority business enterprise and veteran-owned micro
400 business state set-aside program goals for the twelve-month period
401 beginning July first in the same year. Each such report shall be
402 submitted to the Commissioner of Administrative Services, the
403 Commission on Human Rights and Opportunities and the
404 cochairpersons and ranking members of the joint standing committees
405 of the General Assembly having cognizance of matters relating to
406 planning and development and government administration.

407 (m) On or before November first of each year and on a quarterly basis
408 thereafter, each awarding agency setting aside contracts or portions of
409 contracts under subdivision (2) of subsection (b) of this section shall
410 prepare a status report on the implementation and results of its small
411 business, [and] minority business enterprise and veteran-owned micro
412 business state set-aside program goals during the three-month period

413 ending one month before the due date for the report. Each report shall
414 be submitted to the Commissioner of Administrative Services and the
415 Commission on Human Rights and Opportunities. Any awarding
416 agency that achieves less than fifty per cent of its small contractor, [and]
417 minority business enterprise and veteran-owned micro business state
418 set-aside program goals by the end of the second reporting period in
419 any twelve-month period beginning on July first shall provide a written
420 explanation to the Commissioner of Administrative Services and the
421 Commission on Human Rights and Opportunities detailing how the
422 awarding agency will achieve its goals in the final reporting period. The
423 Commission on Human Rights and Opportunities shall: (1) Monitor the
424 achievement of the annual goals established by each awarding agency;
425 and (2) prepare a quarterly report concerning such goal achievement.
426 The report shall be submitted to each awarding agency that submitted
427 a report, the Commissioner of Economic and Community Development,
428 the Commissioner of Administrative Services and the cochairpersons
429 and ranking members of the joint standing committees of the General
430 Assembly having cognizance of matters relating to planning and
431 development and government administration. Failure by any awarding
432 agency to submit any reports required by this section shall be a violation
433 of section 46a-77.

434 (n) Nothing in this section shall be construed to apply to the janitorial
435 or service contracts awarded pursuant to subsections (b) to (d),
436 inclusive, of section 4a-82.

437 (o) The Commissioner of Administrative Services may adopt
438 regulations in accordance with the provisions of chapter 54 to
439 implement the provisions of this section.

440 Sec. 3. Section 4a-60h of the general statutes is repealed and the
441 following is substituted in lieu thereof (*Effective October 1, 2020*):

442 (a) The Commissioner of Administrative Services shall be responsible
443 for the administration of the set-aside program for public works
444 contracts and state contracts for goods and services, as described in

445 subdivision (2) of subsection (b) of section 4a-60g, as amended by this
446 act. The commissioner shall conduct regular training sessions, as often
447 as the commissioner deems necessary, for state agencies to explain the
448 state set-aside program and to specify the factors that must be addressed
449 in calculating awarding agency goals under the program. The
450 commissioner shall conduct informational workshops to inform
451 businesses of state set-aside opportunities and responsibilities.

452 (b) The Commission on Human Rights and Opportunities shall be
453 responsible for the administration of the set-aside program for
454 municipal public works contracts and contracts for quasi-public agency
455 projects, as described in subdivisions (3) and (4) of subsection (b) of
456 section 4a-60g, as amended by this act. The commission shall conduct
457 regular training sessions, as often as the commission deems necessary,
458 for municipalities, quasi-public agencies and contractors to explain the
459 municipal and quasi-public agency project set-aside program. The
460 commission may adopt regulations in accordance with the provisions of
461 chapter 54, to carry out the purposes of sections 4a-60g to 4a-60j,
462 inclusive, as amended by this act, in regard to the municipal and quasi-
463 public agency project set-aside program.

464 (c) In any case where an individual contract is both a public works
465 contract of an awarding agency and a quasi-public agency project
466 contract, the provisions of this chapter governing awarding agency
467 public works contracts shall apply to such contract.

468 (d) The Commissioner of Administrative Services shall adopt
469 regulations in accordance with the provisions of chapter 54 to carry out
470 the purposes of sections 4a-60g to 4a-60j, inclusive, as amended by this
471 act, in regard to the state set-aside program. Such regulations shall
472 include (1) provisions concerning the application of the program to
473 individuals with a disability; (2) guidelines for a legally acceptable
474 format for, and content of, letters of credit authorized under subsection
475 (j) of section 4a-60g, as amended by this act; (3) procedures for random
476 site visits to the place of business of an applicant for certification at the
477 time of application and at subsequent times, as necessary, to ensure the

478 integrity of the application process; and (4) time limits for approval or
479 disapproval of applications.

480 (e) (1) On or before January 1, 1994, the Commissioner of
481 Administrative Services shall, by regulations adopted in accordance
482 with chapter 54, establish a process to ensure that small contractors,
483 small businesses and minority business enterprises have fair access to
484 all competitive state contracts outside of the state set-aside program.

485 (2) On or before July 1, 2021, the Commissioner of Administrative
486 Services shall, by regulations adopted in accordance with chapter 54,
487 establish a process to ensure that veteran-owned micro businesses have
488 fair access to all competitive state contracts outside of the state set-aside
489 program.

490 Sec. 4. Section 4a-60j of the 2020 supplement to the general statutes is
491 repealed and the following is substituted in lieu thereof (*Effective October*
492 *1, 2020*):

493 A small contractor, minority business enterprise and veteran-owned
494 micro business shall receive payment on a contract awarded to [him or
495 her] such contractor, enterprise or business under the provisions of
496 sections 4a-60g to 4a-60i, inclusive, as amended by this act, no later than
497 twenty-five days from the due date of any such payment on such
498 contract.

499 Sec. 5. Subsection (a) of section 4a-57 of the general statutes is
500 repealed and the following is substituted in lieu thereof (*Effective October*
501 *1, 2020*):

502 (a) All purchases of, and contracts for, supplies, materials, equipment
503 and contractual services, except purchases and contracts made pursuant
504 to the provisions of subsection (b) of this section and public utility
505 services as provided in subsection (e) of this section shall be based, when
506 possible, on competitive bids or competitive negotiation. The
507 commissioner shall solicit competitive bids or proposals by providing
508 notice of the planned purchase in a form and manner that the

509 commissioner determines will maximize public participation in the
510 competitive bidding or competitive negotiation process, including
511 participation by small contractors, minority business enterprises and
512 veteran-owned micro businesses, as defined in section 4a-60g, as
513 amended by this act, and promote competition. In the case of an
514 expenditure that is estimated to exceed fifty thousand dollars, such
515 notice shall be posted, not less than five calendar days before the final
516 date of submitting bids or proposals, on the State Contracting Portal.
517 Each notice of a planned purchase under this subsection shall indicate
518 the type of goods and services to be purchased and the estimated value
519 of the contract award. The notice shall also contain a notice of state
520 contract requirements concerning nondiscrimination and affirmative
521 action pursuant to section 4a-60 and, when applicable, requirements
522 concerning the awarding of contracts to small contractors, minority
523 business enterprises, veteran-owned micro businesses, individuals with
524 a disability and nonprofit corporations pursuant to section 4a-60g, as
525 amended by this act. Each bid and proposal shall be kept sealed or
526 secured until opened publicly at the time stated in the notice soliciting
527 such bid or proposal.

528 Sec. 6. Subsection (a) of section 4b-91 of the general statutes is
529 repealed and the following is substituted in lieu thereof (*Effective October*
530 *1, 2020*):

531 (a) (1) As used in this section, "prequalification classification" means
532 the prequalification classifications established by the Commissioner of
533 Administrative Services pursuant to section 4a-100, "public agency" has
534 the same meaning as provided in section 1-200, "awarding authority"
535 means the Department of Administrative Services, except "awarding
536 authority" means (A) the Joint Committee on Legislative Management,
537 in the case of a contract for the construction of or work on a building or
538 other public work under the supervision and control of the joint
539 committee, (B) a constituent unit of the state system of higher education,
540 in the case of a contract for the construction of or work on a building or
541 other public work under the supervision and control of such constituent
542 unit, or (C) the Military Department, in the case of a contract for the

543 construction of or work on a building or other public work under the
544 supervision and control of said department and "community court
545 project", "downtown Hartford higher education center project",
546 "correctional facility project", "juvenile detention center project" and
547 "priority higher education facility project" have the same meanings as
548 provided in section 4b-55.

549 (2) Except as provided in subdivision (3) of this subsection, every
550 contract for the construction, reconstruction, alteration, remodeling,
551 repair or demolition of any public building or any other public work by
552 the state that is estimated to cost more than five hundred thousand
553 dollars shall be awarded to the lowest responsible and qualified general
554 bidder who is prequalified pursuant to section 4a-100 on the basis of
555 competitive bids in accordance with the procedures set forth in this
556 chapter, after the awarding authority has invited such bids by posting
557 notice on the State Contracting Portal. The awarding authority shall
558 indicate the prequalification classification required for the contract in
559 such notice.

560 (3) The requirements set forth in subdivision (2) of this subsection
561 shall not apply to (A) a public highway or bridge project or any other
562 construction project administered by the Department of Transportation,
563 or (B) a contract awarded by the Commissioner of Administrative
564 Services for (i) any public building or other public works project
565 administered by the Department of Administrative Services that is
566 estimated to cost one million five hundred thousand dollars or less, (ii)
567 a community court project, (iii) the downtown Hartford higher
568 education center project, (iv) a correctional facility project, (v) a juvenile
569 detention center project, or (vi) a student residential facility for the
570 Connecticut State University System that is a priority higher education
571 facility project.

572 (4) Every contract for the construction, reconstruction, alteration,
573 remodeling, repair or demolition of any public building or any other
574 public work by a public agency that is paid for, in whole or in part, with
575 state funds and that is estimated to cost more than five hundred

576 thousand dollars shall be awarded to a bidder that is prequalified
577 pursuant to section 4a-100 after the public agency has invited such bids
578 by posting notice on the State Contracting Portal, except for (A) a public
579 highway or bridge project or any other construction project
580 administered by the Department of Transportation, or (B) any public
581 building or other public works project administered by the Department
582 of Administrative Services that is estimated to cost one million five
583 hundred thousand dollars or less. The awarding authority or public
584 agency, as the case may be, shall indicate the prequalification
585 classification required for the contract in such notice.

586 (5) (A) The Commissioner of Administrative Services may select
587 contractors to be on lists established for the purpose of providing
588 contractor services for the construction, reconstruction, alteration,
589 remodeling, repair or demolition of any public building or other public
590 works project administered by the Department of Administrative
591 Services involving an expense to the state of one million five hundred
592 thousand dollars or less. The commissioner shall use the
593 prequalification classifications established pursuant to section 4a-100 to
594 determine the specific categories of services that contractors may
595 perform after being selected in accordance with this subparagraph and
596 subparagraph (B) of this subdivision and awarded a contract in
597 accordance with subparagraph (C) of this subdivision. The
598 commissioner may establish a separate list for projects involving an
599 expense to the state of less than five hundred thousand dollars for the
600 purpose of selecting and utilizing the services of small contractors, [and]
601 minority business enterprises and veteran-owned micro businesses, as
602 such terms are defined in section 4a-60g, as amended by this act.

603 (B) The commissioner shall invite contractors to submit qualifications
604 for each specific category of services sought by the department by
605 posting notice of such invitation on the State Contracting Portal. The
606 notice shall be in the form determined by the commissioner, and shall
607 set forth the information that a contractor is required to submit to be
608 considered for selection. Upon receipt of the submittal from the
609 contractor, the commissioner shall select, for each specified category,

610 those contractors who (i) are determined to be the most responsible and
611 qualified, as such terms are defined in section 4b-92, to perform the
612 work required under the specified category, (ii) have demonstrated the
613 skill, ability and integrity to fulfill contract obligations considering their
614 past performance, financial responsibility and experience with projects
615 of the size, scope and complexity required by the state under the
616 specified category, and (iii) for projects with a cost exceeding five
617 hundred thousand dollars, have the ability to obtain the requisite
618 bonding. The commissioner shall establish the duration that each list
619 remains in effect, which in no event may exceed three years.

620 (C) For any public building or public works project involving an
621 expense to the state of one million five hundred thousand dollars or less,
622 the commissioner shall invite bids from only those contractors selected
623 pursuant to subparagraphs (A) and (B) of this subdivision for the
624 specific category of services required for the particular project. The
625 commissioner shall determine the form of bid invitation, the manner of,
626 and time for, submission of bids, and the conditions and requirements
627 of such bids. The contract shall be awarded to the lowest responsible
628 and qualified bidder, subject to the provisions of sections 4b-92 and 4b-
629 94. In the event that fewer than three bids are received in response to an
630 invitation to bid under this subdivision, or that all the bids are in excess
631 of the amount of available funds for the project, the commissioner may
632 negotiate a contract with any of the contractors submitting a bid, or
633 reject the bids received and rebid the project in accordance with this
634 section.

635 Sec. 7. Section 4-261 of the general statutes is repealed and the
636 following is substituted in lieu thereof (*Effective October 1, 2020*):

637 (a) Each public-private partnership project shall either be subject to
638 the prevailing wage requirements pursuant to section 31-53 or the rate
639 established by the use of a project labor agreement. The agency shall
640 provide notice of which requirement applies prior to soliciting bids or
641 proposals for such public-private partnership.

642 (b) Each public-private partnership project shall comply with: (1) The
643 state's environmental policy requirements as set forth in sections 22a-1
644 and 22a-1a, (2) the requirements of the set-aside program for small
645 contractors, minority business enterprises and veteran-owned micro
646 businesses, as set forth in section 4a-60g, as amended by this act, and (3)
647 any applicable permitting or inspection requirements for projects of a
648 similar type, scope and size as set forth in the general statutes or the
649 local ordinances of the municipality where the project is to be located.

650 (c) Any agency that is subject to section 4e-16 shall comply with the
651 provisions of section 4e-16, provided, notwithstanding the provisions of
652 subsection (a) of section 4e-16, any agency that enters into a partnership
653 agreement concerning the operations or maintenance of a state facility
654 that meets the definition of a privatization contract, as defined in section
655 4e-1, as amended by this act, shall be subject to the requirements of
656 section 4e-16 regardless of whether such services are currently
657 privatized.

658 Sec. 8. Section 4e-1 of the general statutes is repealed and the
659 following is substituted in lieu thereof (*Effective October 1, 2020*):

660 For the purposes of sections 4e-1 to 4e-47, inclusive:

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

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

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

670 (4) "Business" means any individual or sole proprietorship,
671 partnership, firm, corporation, trust, limited liability company, limited

672 liability partnership, joint stock company, joint venture, association or
673 other legal entity through which business for profit or not-for-profit is
674 conducted;

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

680 (6) "Consultant" means (A) any architect, professional engineer,
681 landscape architect, land surveyor, accountant, interior designer,
682 environmental professional or construction administrator, who is
683 registered or licensed to practice such person's profession in accordance
684 with the applicable provisions of the general statutes, (B) any planner or
685 any environmental, management or financial specialist, or (C) any
686 person who performs professional work in areas including, but not
687 limited to, educational services, medical services, information
688 technology and real estate appraisal;

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

692 (8) "Contract" or "state contract" means an agreement or a
693 combination or series of agreements between a state contracting agency
694 or quasi-public agency and a business for:

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

698 (B) Services, including, but not limited to, consultant and professional
699 services;

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

701 (D) The provision of goods and services, including, but not limited

702 to, the use of purchase of services contracts and personal service
703 agreements;

704 (E) The provision of information technology, state agency
705 information system or telecommunication system facilities, equipment
706 or services;

707 (F) A lease; or

708 (G) A licensing agreement;

709 "Contract" or "state contract" does not include a contract between a state
710 agency or a quasi-public agency and a political subdivision of the state;

711 (9) "Term contract" means the agreement reached when the state
712 accepts a bid or proposal to furnish supplies, materials, equipment or
713 contractual services at a stated price for a specific period of time in
714 response to an invitation to bid;

715 (10) "Contract risk assessment" means (A) the identification and
716 evaluation of loss exposures and risks, including, but not limited to,
717 business and legal risks associated with the contracting process and the
718 contracted goods and services, and (B) the identification, evaluation and
719 implementation of measures available to minimize potential loss
720 exposures and risks;

721 (11) "Contractor" means any business that is awarded, or is a
722 subcontractor under, a contract or an amendment to a contract with a
723 state contracting agency under statutes and regulations concerning
724 procurement, including, but not limited to, a small contractor, minority
725 business enterprise or veteran-owned micro business as defined in
726 section 4a-60g, as amended by this act, an individual with a disability,
727 as defined in section 4a-60, or an organization providing products and
728 services by persons with disabilities;

729 (12) "Contractual services" means the furnishing of labor by a
730 contractor, not involving the delivery of a specific end product other
731 than reports, which are merely incidental to the required performance

732 and includes any and all laundry and cleaning service, pest control
733 service, janitorial service, security service, the rental and repair, or
734 maintenance, of equipment, machinery and other state-owned personal
735 property, advertising and photostating, mimeographing, human
736 services and other service arrangements where the services are
737 provided by persons other than state employees. "Contractual services"
738 includes the design, development and implementation of technology,
739 communications or telecommunications systems or the infrastructure
740 pertaining thereto, including hardware and software and services for
741 which a contractor is conferred a benefit by the state, whether or not
742 compensated by the state. "Contractual services" does not include
743 employment agreements or collective bargaining agreements;

744 (13) "Data" means recorded information, regardless of form or
745 characteristic;

746 (14) "Vote of two-thirds of the members of the board present and
747 voting" means a vote by the State Contracting Standards Board that is
748 agreed upon by two-thirds of the members of the State Contracting
749 Standards Board present and voting for a particular purpose and that
750 includes the vote of one member of the board appointed by a legislative
751 leader;

752 (15) "Electronic" means electrical, digital, magnetic, optical,
753 electromagnetic, or any other similar technology;

754 (16) "Emergency procurement" means procurement by a state
755 contracting agency, quasi-public agency, as defined in section 1-120,
756 judicial department or constituent unit of higher education that is made
757 necessary by a sudden, unexpected occurrence that poses a clear and
758 imminent danger to public safety or requires immediate action to
759 prevent or mitigate the loss or impairment of life, health, property or
760 essential public services or in response to a court order, settlement
761 agreement or other similar legal judgment;

762 (17) "Equipment" means personal property of a durable nature that
763 retains its identity throughout its useful life;

764 (18) "Materials" means items required to perform a function or used
765 in a manufacturing process, particularly those incorporated into an end
766 product or consumed in its manufacture;

767 (19) "Nonprofit agency" means any organization that is not a for-
768 profit business under Section 501(c)(3) of the Internal Revenue Code of
769 1986, or any subsequent corresponding internal revenue code of the
770 United States, as from time to time amended, makes no distribution to
771 its members, directors or officers and provides services contracted for
772 by (A) the state, or (B) a nonstate entity;

773 (20) "Professional services" means any type of service to the public
774 that requires that members of a profession rendering such service obtain
775 a license or other legal authorization as a condition precedent to the
776 rendition thereof, including, but not limited to, the professional services
777 of architects, professional engineers, or jointly by architects and
778 professional engineers, landscape architects, certified public
779 accountants and public accountants, land surveyors, attorneys-at-law,
780 psychologists, licensed marital and family therapists, licensed
781 professional counselors and licensed clinical social workers as well as
782 such other professional services described in section 33-182a;

783 (21) "Privatization contract" means an agreement or series of
784 agreements between a state contracting agency and a person or entity in
785 which such person or entity agrees to provide services that are
786 substantially similar to and in lieu of services provided, in whole or in
787 part, by state employees, other than contracts with a nonprofit agency,
788 which are in effect as of January 1, 2009, and which through a renewal,
789 modification, extension or rebidding of contracts continue to be
790 provided by a nonprofit agency;

791 (22) "Procurement" means contracting for, buying, purchasing,
792 renting, leasing or otherwise acquiring or disposing of, any supplies,
793 services, including but not limited to, contracts for purchase of services
794 and personal service agreements, interest in real property, or
795 construction, and includes all government functions that relate to such

796 activities, including best value selection and qualification based
797 selection;

798 (23) "Proposer" means a business submitting a proposal to a state
799 contracting agency in response to a request for proposals or other
800 competitive sealed proposal;

801 (24) "Public record" means a public record, as defined in section 1-
802 200;

803 (25) "Qualification based selection" means a contract selection process
804 in which the award of a contract is primarily based on an assessment of
805 contractor qualifications and on the negotiation of a fair and reasonable
806 price;

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

808 (27) "Request for proposals" means all documents, whether attached
809 or incorporated by reference, utilized for soliciting proposals;

810 (28) "State contracting agency" means any executive branch agency,
811 board, commission, department, office, institution or council. "State
812 contracting agency" does not include the judicial branch, the legislative
813 branch, the offices of the Secretary of the State, the State Comptroller,
814 the Attorney General, the State Treasurer, with respect to their
815 constitutional functions, any state agency with respect to contracts
816 specific to the constitutional and statutory functions of the office of the
817 State Treasurer. For the purposes of section 4e-16, "state contracting
818 agency" includes any constituent unit of the state system of higher
819 education and for the purposes of section 4e-19, "state contracting
820 agency" includes the State Education Resource Center, established
821 under section 10-4q;

822 (29) "Subcontractor" means a subcontractor of a contractor for work
823 under a contract or an amendment to a contract;

824 (30) "Supplies" means any and all articles of personal property,
825 including, but not limited to, equipment, materials, printing, insurance

826 and leases of real property, excluding land or a permanent interest in
827 land furnished to or used by any state agency;

828 (31) "Infrastructure facility" means a building, structure or network
829 of buildings, structures, pipes, controls and equipment that provide
830 transportation, utilities, public education or public safety services.
831 Infrastructure facility includes government office buildings, public
832 schools, jails, water treatment plants, distribution systems and pumping
833 stations, wastewater treatment plants, collections systems and pumping
834 stations, solid waste disposal plants, incinerators, landfills, and related
835 facilities, public roads and streets, highways, public parking facilities,
836 public transportation systems, terminals and rolling stock, rail, air and
837 water port structures, terminals and equipment; and

838 (32) "State employee" means state employee, as defined in section 5-
839 154 and, for purposes of section 4e-16, state employee includes an
840 employee of any state contracting agency.

841 Sec. 9. Subsections (a) and (b) of section 4e-12 of the general statutes
842 are repealed and the following is substituted in lieu thereof (*Effective*
843 *October 1, 2020*):

844 (a) [On or before February 1, 2011, the] The judicial branch and the
845 legislative branch shall each prepare a procurement code applicable to
846 contracting expenditures, including, but not limited to, expenditures: (1)
847 Involving contracting and procurement processes for purchasing or
848 leasing of supplies, materials or equipment, consultant or consultant
849 services, personal service agreements or purchase of service
850 agreements; and (2) relating to contracts for the renovation, alteration or
851 repair of any judicial branch or legislative branch facility in accordance
852 with section 4b-1.

853 (b) The procurement codes described in subsection (a) of this section
854 shall be designed to: (1) Establish uniform contracting standards and
855 practices; (2) simplify and clarify contracting standards and
856 procurement policies and practices, including, but not limited to,
857 procedures for competitive sealed bids, competitive sealed proposals,

858 small purchases, sole source procurements, emergency procurements
859 and special procurements; (3) ensure the fair and equitable treatment of
860 all businesses and persons who deal with the procurement system; (4)
861 include a process to maximize the use of small contractors, [and]
862 minority business enterprises and veteran-owned micro businesses, as
863 defined in section 4a-60g, as amended by this act; (5) provide increased
864 economy in procurement activities and maximize purchasing value to
865 the fullest extent possible; (6) ensure that the procurement of supplies,
866 materials, equipment, services, real property and construction is
867 obtained in a cost-effective and responsive manner; (7) include a process
868 to ensure contractor and judicial branch or legislative branch
869 accountability; and (8) provide a process for competitive sealed bids,
870 competitive sealed proposals, small purchases, sole source
871 procurements, emergency procurements, special procurements, best
872 value selection, qualification based selection and the conditions for their
873 use.

874 Sec. 10. Section 7-148u of the general statutes is repealed and the
875 following is substituted in lieu thereof (*Effective October 1, 2020*):

876 (a) As used in this section:

877 (1) "Small contractor" means any contractor, subcontractor,
878 manufacturer or service company (A) which has been doing business
879 and has maintained its principal place of business in the state for a
880 period of at least one year prior to the date of application for certification
881 under this section, (B) which had gross revenues not exceeding ten
882 million dollars in the most recently completed fiscal year prior to such
883 application, and (C) at least fifty-one per cent of the ownership of which
884 is held by a person or persons who are active in the daily affairs of the
885 business and have the power to direct the management and policies of
886 the business.

887 (2) "Minority business enterprise" means any small contractor (A)
888 fifty-one per cent or more of the capital stock, if any, or assets of which
889 are owned by a person or persons (i) who are active in the daily affairs

890 of the enterprise, (ii) who have the power to direct the management and
891 policies of the enterprise, and (iii) who are members of a minority, as
892 such term is defined in subsection (a) of section 32-9n, or (B) who is an
893 individual with a disability.

894 (3) "Individual with a disability" means an individual (A) having a
895 physical impairment that substantially limits one or more of the major
896 life activities of the individual, or (B) having a record of such an
897 impairment.

898 (4) "Veteran-owned micro business" has the same meaning as
899 provided in section 4a-59, as amended by this act.

900 (b) Notwithstanding any provision of the general statutes or of any
901 special act or any municipal charter or home rule ordinance, a
902 municipality may, by ordinance, set aside in each fiscal year, for award
903 to small contractors, minority business enterprises and veteran-owned
904 micro businesses, on the basis of a competitive bidding procedure,
905 municipal contracts or portions of municipal contracts for the
906 construction, reconstruction or rehabilitation of public buildings, the
907 construction and maintenance of highways and the purchase of goods
908 and services. The total value of such contracts or portions thereof to be
909 set aside shall be not more than twenty-five per cent of the average of
910 the total value of all such contracts let by the municipality for each of
911 the previous three fiscal years, provided a contract that may not be set
912 aside due to a conflict with a federal law or regulation shall not be
913 included in the calculation of such average. Contracts or portions
914 thereof having a value of not less than twenty-five per cent of the total
915 value of all contracts or portions thereof to be set aside shall be reserved
916 for awards to minority business enterprises.

917 Sec. 11. Subsection (e) of section 8-169jj of the 2020 supplement to the
918 general statutes is repealed and the following is substituted in lieu
919 thereof (*Effective October 1, 2020*):

920 (e) The authority shall have the power to negotiate, and, with the
921 approval of the Secretary of the Office of Policy and Management, to

922 enter into an agreement with any private developer, owner or lessee of
923 any building or improvement located on land in a development district
924 providing for payments to the authority in lieu of real property taxes.
925 Such an agreement shall be made a condition of any private right of
926 development within the development district, and shall include a
927 requirement that such private developer, owner or lessee make good
928 faith efforts to hire, or cause to be hired, available and qualified minority
929 business enterprises and veteran-owned micro businesses, as defined in
930 section 4a-60g, as amended by this act, to provide construction services
931 and materials for improvements to be constructed within the
932 development district in an effort to achieve (1) a minority business
933 enterprise utilization goal of ten per cent, and (2) a veteran-owned micro
934 business utilization goal of five per cent, of the total costs of construction
935 services and materials for such improvements. Such payments to the
936 authority in lieu of real property taxes shall have the same lien and
937 priority, and may be enforced by the authority in the same manner, as
938 provided for municipal real property taxes. Such payments as received
939 by the authority shall be used to carry out the purposes of the authority
940 set forth in subsection (a) of this section.

941 Sec. 12. Subsection (d) of section 8-169mm of the 2020 supplement to
942 the general statutes is repealed and the following is substituted in lieu
943 thereof (*Effective October 1, 2020*):

944 (d) The authority shall designate a contract compliance officer from
945 its staff to monitor compliance of the operations of facilities and parking
946 facilities associated with authority development projects that are under
947 the management or control of the authority, with (1) the provisions of
948 state law applicable to such operations, and (2) applicable requirements
949 of contracts entered into by the authority relating to set-asides for small
950 contractors, [and] minority business enterprises and veteran-owned
951 micro businesses, as defined in section 4a-60g, as amended by this act,
952 and required efforts to hire available and qualified members of
953 minorities, as defined in section 32-9n. Each year during the period of
954 operations of facilities associated with authority development projects,
955 such officer shall file a written report with the authority as to findings

956 and recommendations regarding such compliance.

957 Sec. 13. Section 13a-95a of the general statutes is repealed and the
958 following is substituted in lieu thereof (*Effective October 1, 2020*):

959 The Commissioner of Transportation may, in the performance of his
960 duties under this title and title 13b and notwithstanding the provisions
961 of any general statute to the contrary, award contracts in a total amount
962 not in excess of fifteen million dollars and not in excess of five million
963 dollars per firm for any fiscal year, bidding for which shall be limited to
964 (1) "small business concerns owned and controlled by socially and
965 economically disadvantaged individuals" as defined in the federal Small
966 Business Act, 94 Stat. 2321 (1980) 15 USC 637, [and] (2) minority business
967 enterprises, as defined in section 4a-60g, as amended by this act, and (3)
968 veteran-owned micro businesses, as defined in section 4a-60g, as
969 amended by this act. The commissioner may expend an amount not in
970 excess of three hundred thousand dollars in any fiscal year for the
971 purpose of assisting such concerns in bidding on such contracts. Such
972 assistance shall include, but not be limited to, advice concerning
973 bonding, legal requirements of proper bidding, bid documents,
974 accounting requirements and other matters that will enable such
975 concerns to file a proper bid.

976 Sec. 14. Section 22a-263a of the general statutes is repealed and the
977 following is substituted in lieu thereof (*Effective October 1, 2020*):

978 The Materials Innovation and Recycling Authority shall make the
979 following information available to the public through the Internet,
980 except for any such information which is not required to be disclosed to
981 the public pursuant to the Freedom of Information Act, as defined in
982 section 1-200:

983 (1) The schedule of meetings of the board of directors of the authority
984 and each committee established by said board, not later than seven days
985 after such schedule is established;

986 (2) Draft minutes of each meeting of the board of directors of the

987 authority and each committee established by said board, not later than
988 seven days after each such meeting is held;

989 (3) Each report required under section 4a-60g, as amended by this act,
990 setting forth small [and minority-business] contractor, minority
991 business enterprise and veteran-owned micro business set-aside
992 program goals and addressing the authority's progress in meeting said
993 goals, not later than seven days after each such report is required to be
994 submitted to the Commission on Human Rights and Opportunities
995 under [said] section 4a-60g, as amended by this act;

996 (4) The annual plan of operations which the authority is required to
997 prepare pursuant to section 22a-264, not later than seven days after the
998 plan is promulgated;

999 (5) Each report that the authority is required to submit to the General
1000 Assembly pursuant to the general statutes, not later than seven days
1001 after the report is submitted;

1002 (6) Each audit of the authority conducted by the Auditors of Public
1003 Accounts, each compliance audit of the authority's activities conducted
1004 pursuant to section 1-122 and each audit conducted by an independent
1005 auditing firm, not later than seven days after each such audit is received
1006 by the board of directors of the authority; and

1007 (7) A report on any contract between the authority and a person,
1008 other than a director, officer or employee of the authority, for the
1009 purpose of influencing any legislative or administrative action on behalf
1010 of the authority or providing legal advice to the authority. The report
1011 shall indicate for each such contract (A) the names of the parties to the
1012 contract, (B) the cost of the contract, (C) the term of the contract, (D) a
1013 summary of the services to be provided under the contract, (E) the
1014 method used by the authority to award the contract, and (F) a summary
1015 of the authority's need for the services provided under the contract.
1016 Such report shall be made available through the Internet not later than
1017 fifteen days after the contract is entered into between the authority and
1018 the person.

1019 Sec. 15. Subsection (a) of section 32-23o of the general statutes is
1020 repealed and the following is substituted in lieu thereof (*Effective October*
1021 *1, 2020*):

1022 (a) A Small Contractors' Revolving Loan Fund is created. In order to
1023 stimulate and encourage the growth and development of the state
1024 economy through the private enterprise of veteran-owned micro
1025 businesses, as defined in section 4a-60g, as amended by this act, and
1026 small contractors, the state, acting by the Department of Economic and
1027 Community Development, may provide working capital loans or
1028 provide lines of credit to veteran-owned micro businesses and small
1029 contractors from the Small Contractors' Revolving Loan Fund. For the
1030 purposes of this section, "small contractor" means contractors,
1031 subcontractors, minority business enterprises, manufacturers or service
1032 companies who have been doing business and have maintained their
1033 principal office and place of business in the state for a period of at least
1034 one year prior to the date of their application for assistance under this
1035 section, whose gross revenues in their most recently completed fiscal
1036 year did not exceed one million five hundred thousand dollars and
1037 which are considered small in accordance with such size standards as
1038 shall be established by regulations adopted by the department. In
1039 establishing such standards, the department shall consider the number
1040 of employees of the concern, provided any maximum number of
1041 employees which a small contractor may have under such definition
1042 shall vary from business to business to the extent necessary to reflect
1043 different characteristics of such business and to take proper account of
1044 other relevant factors. Not less than twenty-five per cent of the working
1045 capital loans and lines of credit provided under this section shall be
1046 made available to minority business enterprises and to veteran-owned
1047 micro businesses. The department shall charge and collect interest on
1048 each such working capital loan or line of credit at a rate to be determined
1049 in accordance with subsection (t) of section 3-20. In no event shall the
1050 total amount of such working capital loans or lines of credit provided to
1051 any single small contractor in any period of twelve consecutive months
1052 exceed two hundred thousand dollars. Payments made by small

1053 contractors on all working capital loans and lines of credit paid to the
1054 Treasurer for deposit in the Small Contractors' Revolving Loan Fund
1055 shall be transferred to the Connecticut Growth Fund established under
1056 section 32-23v. The department shall promulgate rules and regulations
1057 in accordance with chapter 54 to carry out the provisions of this section.
1058 Such rules and regulations shall establish size standards for different
1059 types of small contractors, loan procedures, repayment terms, security
1060 requirements, default and remedy provisions and such other terms and
1061 conditions as the department shall deem appropriate.

1062 Sec. 16. Subsection (c) of section 32-605 of the general statutes is
1063 repealed and the following is substituted in lieu thereof (*Effective October*
1064 *1, 2020*):

1065 (c) The authority shall designate a contract compliance officer from
1066 the staff of the authority to monitor compliance of the operations of
1067 facilities under the management or control of the authority, the
1068 convention center, convention center hotel and related parking facilities
1069 of the center and the hotel, with the provisions of state law applicable to
1070 such operations, including, but not limited to, this section and sections
1071 32-650 to 32-668, inclusive, and with applicable requirements of
1072 contracts entered into by the authority, relating to set-asides for small
1073 contractors, [and] minority business enterprises and veteran-owned
1074 micro businesses, as defined in section 4a-60g, as amended by this act,
1075 and required efforts to hire available and qualified members of
1076 minorities, as defined in section 32-9n, and available and qualified
1077 residents of the city of Hartford for jobs in such operations. Such officer
1078 shall file, each year during the period of facility operations, a written
1079 report with the authority as to findings and recommendations regarding
1080 such compliance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	4a-59(c)
Sec. 2	<i>October 1, 2020</i>	4a-60g
Sec. 3	<i>October 1, 2020</i>	4a-60h

Sec. 4	<i>October 1, 2020</i>	4a-60j
Sec. 5	<i>October 1, 2020</i>	4a-57(a)
Sec. 6	<i>October 1, 2020</i>	4b-91(a)
Sec. 7	<i>October 1, 2020</i>	4-261
Sec. 8	<i>October 1, 2020</i>	4e-1
Sec. 9	<i>October 1, 2020</i>	4e-12(a) and (b)
Sec. 10	<i>October 1, 2020</i>	7-148u
Sec. 11	<i>October 1, 2020</i>	8-169jj(e)
Sec. 12	<i>October 1, 2020</i>	8-169mm(d)
Sec. 13	<i>October 1, 2020</i>	13a-95a
Sec. 14	<i>October 1, 2020</i>	22a-263a
Sec. 15	<i>October 1, 2020</i>	32-23o(a)
Sec. 16	<i>October 1, 2020</i>	32-605(c)

Statement of Purpose:

To provide veteran-owned micro businesses with economic opportunities.

[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.]