



General Assembly

**Substitute Bill No. 1041**

January Session, 2019



**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
AUDITORS OF PUBLIC ACCOUNTS.**

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

1 Section 1. Section 4-215 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Each personal service agreement executed on or after July 1,  
4 1994, and having a cost of more than twenty thousand dollars but not  
5 more than fifty thousand dollars and a term of not more than one year  
6 shall be based on competitive negotiation or competitive quotations,  
7 unless the state agency purchasing the personal services determines  
8 that a sole source purchase is required and applies to the secretary for  
9 a waiver from such requirement and the secretary grants the waiver.  
10 [Not later than March 1, 1994, the secretary shall adopt guidelines for  
11 determining the types of services that may qualify for such waivers.]  
12 The qualifying services that may be granted under this section shall  
13 [include, but not] be limited to: [,] (1) [services] Services for which the  
14 cost to the state of a competitive selection procedure would outweigh  
15 the benefits of such procedure, as documented by the state agency, (2)  
16 proprietary services, (3) services to be provided by a contractor  
17 mandated by the general statutes or a public or special act, and (4)  
18 emergency services, including services needed for the protection of life  
19 or health.

20 (b) The secretary shall immediately notify the Auditors of Public

21 Accounts of any application that the secretary receives for approval of  
22 a sole source purchase of audit services and give the auditors the  
23 opportunity to review the application to advise the secretary as to  
24 whether such services are necessary and, if so, whether such services  
25 could be provided by said auditors.

26 Sec. 2. Subsection (b) of section 4-216 of the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective*  
28 *October 1, 2019*):

29 (b) Each personal service agreement having a cost of more than fifty  
30 thousand dollars or a term of more than one year shall be based on  
31 competitive negotiation or competitive quotations, unless the state  
32 agency purchasing the personal services applies to the secretary for a  
33 waiver from such requirement and the secretary grants the waiver in  
34 accordance with [the guidelines adopted under] section 4-215, as  
35 amended by this act.

36 Sec. 3. Subsection (g) of section 2-90 of the general statutes is  
37 repealed and the following is substituted in lieu thereof (*Effective*  
38 *October 1, 2019*):

39 (g) Each state agency shall keep its accounts in such form and by  
40 such methods as to exhibit the facts required by said auditors and, the  
41 provisions of any other general statute notwithstanding, shall make all  
42 records and accounts available to them or their agents, upon demand.  
43 Notwithstanding any provision of the general statutes, no state agency  
44 may deny the auditors access to their records or accounts.

45 Sec. 4. Subsection (c) of section 2-90 of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective*  
47 *October 1, 2019*):

48 (c) Said auditors shall audit, on a biennial basis if deemed most  
49 economical and efficient, or as frequently as they deem necessary, the  
50 books and accounts of each officer, department, commission, board  
51 and court of the state government, all institutions supported by the

52 state and all public and quasi-public bodies, politic and corporate,  
53 created by public or special act of the General Assembly and not  
54 required to be audited or subject to reporting requirements, under the  
55 provisions of chapter 111. Each such audit may include an examination  
56 of any relevant information concerning the department, commission,  
57 board or court of state government being audited that is in the  
58 possession or control of a private entity that has a contract with such  
59 department, commission, board or court and such information shall be  
60 provided upon demand in a format prescribed by the auditors at no  
61 cost to the auditors or the department, commission, board or court.  
62 Each such audit may include an examination of performance in order  
63 to determine effectiveness in achieving expressed legislative purposes.  
64 The auditors shall report their findings and recommendations to the  
65 Governor, the State Comptroller and the joint standing committee of  
66 the General Assembly having cognizance of matters relating to  
67 appropriations and the budgets of state agencies.

68 Sec. 5. (NEW) (*Effective October 1, 2019*) (a) As used in this section,  
69 "contract", "contractor", "data" and "state contracting agency", have the  
70 same meanings as provided in section 4e-1 of the general statutes.

71 (b) Any contract between a state contracting agency and a contractor  
72 that is entered into, renewed or amended on or after October 1, 2019,  
73 shall contain a provision authorizing the state contracting agency to  
74 access any data concerning such agency that is in the possession or  
75 control of the contractor upon demand in a format prescribed by the  
76 agency at no additional cost to the agency.

77 Sec. 6. Section 2-90b of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2019*):

79 The Auditors of Public Accounts shall biennially conduct an audit  
80 of reimbursements made from the Bradley Enterprise Fund to the  
81 Department of Emergency Services and Public Protection to cover the  
82 cost of Troop [W] H operations carried out in accordance with the  
83 memorandum of understanding between the Department of

84 Emergency Services and Public Protection and the Department of  
85 Transportation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	4-215
Sec. 2	<i>October 1, 2019</i>	4-216(b)
Sec. 3	<i>October 1, 2019</i>	2-90(g)
Sec. 4	<i>October 1, 2019</i>	2-90(c)
Sec. 5	<i>October 1, 2019</i>	New section
Sec. 6	<i>October 1, 2019</i>	2-90b

***Statement of Legislative Commissioners:***

In Section 5, subsection designators were added and "state agency" was changed to "state contracting agency" for accuracy.

***GAE***      *Joint Favorable Subst. -LCO*