

Legislative History for Connecticut Act

PA 14-188

HB5312

House	3137-3140, 6732-6733	6
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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3044 – 3394**

Clerk, please announce the tally.

THE CLERK:

House Bill 5425.

Total number voting 141

Necessary for passage 71

Those voting Yea 141

Those voting Nay 0

Those absent and not voting 10

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar 153?

THE CLERK:

On page 5, Calendar 153, favorable report of the joint standing committee on Government Administration and Elections, Substitute House Bill 5312, AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir.

REP. JUTILA (37th):

Thank you, Mr. Speaker.

This is a simple bill that requires that each time the Department of Administrative Services Commissioner extends a contract for goods or services without competitive bidding, that he explain why he did so. He must do that by posting an explanation on the DAS website. Mr. Speaker, there are several reasons why the commissioner is permitted to go outside of the competitive bidding requirements and once again, in the case that he does that, he has to post the explanations as I've described, and I would urge my colleagues to support this bill.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill that's before us?

Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. Through you, one quick

question. How many times can the Commissioner renew the contract?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, using this mechanism, the Commissioner can renew the contract twice and then he must go back to the normal competitive process.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. This is a terrific bill on transparency and I urge its passage.

Through you.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on the bill that's before us? If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will

members please return to the chamber immediately?

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally?

THE CLERK:

House Bill 5312.

Total number voting	141
Necessary for passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	10

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar 369?

THE CLERK:

On page 47, House Calendar 369, favorable report of the joint standing committee on Judiciary House Joint Resolution Number 42, RESOLUTION CONFIRMING THE DECISION OF THE CLAIMS COMMISSIONER TO DISMISS THE CLAIM AGAINST THE STATE OF STEVEN NASH, SUCCESSOR

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**CONNECTICUT
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HOUSE**

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Calendar. Is there any objection?

Hearing none, so ordered.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move we have Calendar 468 on the
Consent Calendar, sir.

SB493

I further move House Calendar 535 to the Consent
Calendar.

SB114

I'd like to move Calendar Number 537 as amended
by Senate "A" to the Consent Calendar.

SB417

I'd like to move Calendar Number 498 to the
Consent Calendar.

SB269

Item 499, as amended by Senate "A" to the Consent
Calendar.

SB309

Calendar Number 508, House Bill 5312, as amended
by Senate "A" and Senate "B" to the Consent Calendar.

Those would be the bills in their entirety, Mr.
Speaker.

DEPUTY SPEAKER GODFREY:

And -- and Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker. Mr. Speaker, I'd like to --
no. Mr. Speaker, I'd like to remove Calendar Number

SB55

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
SB262
SB456
SB463
SB493
SB114
SB417
SB269
SB309
HB5312

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CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 10
2993 - 3245**

djp/gbr
SENATE

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May 6, 2014

THE CHAIR:

The bill as amended passes.

Mr. Clerk.

THE CLERK:

On Page 23, Calendar 522, Substitute for House Bill Number 5312, AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING. Favorable report of the Committee on Government Administration and Elections and we have amendments.
THE CHAIR:

Senator Musto:

Thank you, Mr. President.

I move the joint committee's favorable report and passage of the bill.

THE CHAIR:

On acceptance and passage.

Will you remark, sir?

SENATOR MUSTO:

Yes, Mr. President. The explanation or the title rather, is pretty much the entire explanation of the bill. It amends current law to require -- and I can read the entire change -- if any contract is extended pursuant to this Section without complying with competitive bidding requirements of Section A of Section 4a-57, the Commissioner of Administrative Services shall post an explanation of the reasons for such noncompliance on the DAS internet website. That is the entirety of the bill. It just amends Section 4a-59A of the General Statutes. It did pass committee and the House unanimously and I would urge this Chamber's adoption as well and passage.

THE CHAIR:

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SENATE

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May 6, 2014

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

SENATOR MUSTO:

Yes, Mr. President, I'm sorry.

THE CHAIR:

Yes, Senator Musto. :

SENATOR MUSTO:

Although I was done explaining the bill, we do have two amendments, one of which I would ask the Clerk to call. It's LCO 5465.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5465, Senate "A" offered by Senator Musto and Representative Jutila.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Mr. President, this amendment is essentially the language of Bill Number 248 with the amendments that were previously passed by this Chamber. For various technical reasons, we're appending this bill and sending it back down to the House. We've already discussed that language and amendments and again, the amendments were, I believe, all voice votes and passed and the underlying bill was supported by the committee. I would ask the Chamber's adoption of this amendment.

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SENATE

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May 6, 2014

THE CHAIR:

Thank you, Senator.

Will you remark further on the amendment?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I stand for purpose of a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Mr. President.

Senator Musto, could you clarify the technical reason for this amendment?

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

The technical reason for this amendment was again, just to remove the language from the prior bill and put it in this one. The language was, again, passed unanimously, the amendment language was passed unanimously and we did put the fourth amendment on the prior bill that was on this, just splitting up the bills and the amendment. Through you, Mr. President.

THE CHAIR:

Senator McLachlan:

SENATOR McLACHLAN:

Thank you, Mr. President.

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Thank you, Senator Musto.

THE CHAIR:

Will you remark further on the amendment? Will you
remark further on the amendment?

If not, I'll try your minds.

All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

THE CHAIR:

All those opposed nay.

The ayes have it.

Senate "A" is adopted.

Will you remark further on the bill as amended?

Senator Musto.

SENATOR MUSTO:

Yes, thank you, Mr. President.

I rise for purposes of an amendment.

THE CHAIR:

Please proceed, sir.

SENATOR MUSTO:

I believe the Clerk has on his desk, LCO 5466. I
would ask the Clerk to call that amendment and I be
given to summarize.

THE CHAIR:

Mr. Clerk.

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May 6, 2014

THE CLERK:

LCO Number 5466, Senate "B" offered by Senators
Fasano, Musto and McLachlan.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

This amendment essentially says that if a -- if the superior court for some reason leaves -- orders the polls kept open beyond the normal polling hours, that the superior -- that the registrars give notice of that to the candidates for purposes of where to notify the candidates. The candidates are required if they so chose to get such notice to give their designee phone number and instructions on leaving a message to the registrars. If the notice is not required, they don't want to play the lottery as it were, the candidates to see if the courts would hold those open, they don't have to provide that notice in which case of course, the register wouldn't have to give them notice. But should they do so, the registrars will be required to give them notice if the polls are kept open beyond normal polling hours. I would ask for the circle's indulgence in passing this amendment.

THE CHAIR:

Thank you, Senator.

Will you remark further on the amendment?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I stand in support of the amendment in the unlikely event that we should have to extend polling hours as was done in 2010, this does streamline the process so

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SENATE

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that all those involved on the ballot are properly notified. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the amendment? Will you remark further on the amendment?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

THE CHAIR:

All those opposed nay.

The ayes have it.

Senate "B" is adopted.

Will you remark further on the bill as amended?

Senator Musto.

SENATOR MUSTO:

If there is no objection, I would ask this item to be placed on the Consent Calendar.

THE CHAIR:

Is there objection to placing this item on the Consent Calendar?

Seeing none, so ordered.

SENATOR MUSTO:

Thank you.

THE CHAIR:

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SENATE

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May 6, 2014

Thank you.

Mr. Clerk.

THE CLERK:

On Page 14, Calendar 441 --

SENATOR LOONEY:

Mr. President.

THE CHAIR:

I'm sorry. Senator Looney.

SENATOR LOONEY:

If the Senate might stand at ease for just a moment?

THE CHAIR:

Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Mr. President, if we might have a roll call on
Calendar Page 23, Calendar 522, because that bill is a
House Bill and having been amended here, needs to be
immediately returned to the House. So it we might to
proceed to an immediate roll call.

THE CHAIR:

Okay. We will.

Mr. Clerk, please announce a roll call vote and the
machine will be open.

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SENATE

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May 6, 2014

Oh, on the last bill, I'm sorry. We're going to vote on the last bill that we just did that was on Consent. We're going to take it off Consent and move it over and do a roll call vote so it can go downstairs.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Boucher, Senator Leone, Senator Fonfara.

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be closed. Clerk will announce the tally.

THE CLERK:

House Bill Number 5312 as amended.

Total Number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill as amended passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we'd move for immediate transmittal to the House of Representatives of the last two enacted items. That was Calendar Page 8, Calendar 349, Senate Bill 348 and Page 23, Calendar 512, House Bill 5312, which is of course a House Bill that we have amended. Thank you, Mr. President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 2
493 – 783**

2014

put right where you are. Thank you. And with that welcome Commissioner.

SB 271
HB 5049
HB 5312
HB 5359

COMMISSIONER DONALD DEFRONZO: Mr. Chairman. Good afternoon -- well it's actually -- I guess it is afternoon. Good afternoon, Senator Musto, Representative Jutila, other distinguished members of the committee. My name is Don Defronzo and I first want to thank the committee for raising three concepts on behalf of DAS and for the opportunity to provide comment on these bills as well as three other bills before the committee. We have submitted more detailed written testimony so I'll just try and highlight my -- my comments in -- in my testimony today.

DAS asked the committee to raise Senate Bill 287, AN ACT ELIMINATING AND MODIFYING CERTAIN REPORTING AND REGULATORY REQUIREMENTS OF THE DEPARTMENT'S ADMINISTRATIVE AND REPEALING OBSOLETE PROVISIONS. The purpose of this bill is to eliminate or modify a number of obsolete and or confusing statutory provisions that relate to DAS. Most of these provisions have been identified by the auditors of public accounts and DAS has committed to working with the auditors to repeal or revise the noted provisions. And there's -- there's -- we have a detailed testimony on that so I won't get into that unless there's follow up questioning.

Senate Bill 248, AN ACT CONCERNING PUBLIC WORKS PROJECTS AND THE THRESHOLD FOR COMPETITIVE BIDDING, SUBCONTRACTOR PREQUALIFICATION, CONSTRUCTION MANAGER AT RISK PROJECT DELIVERY CONTRACTS, THE HIRING OF CONSULTANTS AND THE PURCHASING OF CERTAIN PROPERTY AND SERVICES is another DAS bill. It is intended to streamline and improve DAS's construction processes.

DAS is seeking these clarifications based upon an opinion of the Office of the Attorney General that the existing statutory language is not clear. Okay. So I would like again to thank the committee for raising these three bills. I'd also like to make three brief comments on three other bills before the committee.

First DAS wholeheartedly supports the Governor's proposed House Bill 5049, AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATIONS. We've been working with the Governor's staff to identify DAS regulations that are outdated, unnecessary and burdensome or ineffective and we'll continue that process through the session. House Bill 5312, AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT -- OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING, directs DAS to post an explanation anytime it extends a contract pursuant to Section 4A-59A and submit an annual report summarize -- summarizing that information. Only a few contracts per year if any are extended pursuant to 4A-59A.

In the past few years DAS has instituted rigorous review and approval processes to reduce the number of contracts that are extended pursuant to section 4A-59A. Indeed DAS processes 250 to 300 contracts per year and has exercised this authority only on three occasions in the past two years. DAS however does not oppose the requirement that DAS post the reasons for the extension of contracts because we agree with the proponents that doing so will provide greater transparency and clarity about the process to vendors, agencies and members of the general public.

However we respectfully suggest that the requests are -- the requirement of an annual report which is proposed in the bill would be unnecessary duplicate since the information would already be posted online.

Finally I would also like to share with you my concerns about House Bill 5359, AN ACT ESTABLISHING THE PUBLIC PRIVATE PARTNERSHIP COMMISSION. This bill would establish within DAS a public private partnership commission to make recommendations to the Governor concerning projects submitted by State agencies to the Governor under section 4-256A of the General Statutes. DAS respectfully offers that there is no need for such a commission because current law already includes a process involving both the legislative and executive branches by which agency proposals for public private partnerships are developed, reviewed and approved.

DAS also has concerns about the feasibility of the proposed framework given the short timeframes proposed for establishing the commission, reviewing proposals, and making recommendations. Again I want to thank the committee for providing me the opportunity to testify. If you have any follow up to my testimony today I'd obviously be happy to answer any questions and you're certainly welcome to contact our staff at DAS with any additional questions. Thank you very much.

SENATOR MUSTO: Thank you, Commissioner. Any questions from members of the committee? Representative Conroy.

REP. CONROY: Thank you, Mr. Chair. And thank you, Commissioner for giving us that extensive overview so quickly and it's concise. I just have a question on H.B. 5312 where you were

talking about the -- DAS has only had to use this authority for three occasions. Can you tell us a little bit about those three occasions?

COMMISSIONER DONALD DEFRONZO: Yes. In 2011 as you may remember there was a reorganization of State government and we took the -- the former DIT, the Department of Information and Technology was merged into the Department of Administrative Services. All three occasions for contract extensions have involved IT contracts which are generally more complex, more sophisticated and -- and required as a result more time in developing the -- the requests for proposals sort of overlapping into the -- beyond the -- beyond the normal termination date of the contract and so we've had to extend on occasion those -- those three.

But they've all been IT contracts, all which are somewhat more complex than our regular contracts. So we've taken -- we've actually taken steps to start the contract review on those IT contracts sooner now to avoid that occurrence from happening again in the future or at least lessen it from happening -- you know happening again.

REP. MUSTO: Thank you very much. Thank you, Mr. Chair.

SENATOR MUSTO: Thank you. Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman. And thank you, Commissioner. It's always good to see you. And I do want to apologize. I missed the beginning part of your testimony. I just had a couple of questions about Senate Bill 248. And it's my understanding that the -- DAS prequalified contractors would still be able to competitively bid projects. And so I was



HB 5312

165 Capitol Avenue
Hartford, CT 06106-1658

**An Act Requiring an Online Explanation by the Department of Administrative Services
of any Contract Extended Without Using Competitive Bidding**

Government Administration & Elections Committee

March 3, 2014

The Department of Administrative Services (DAS) offers the following testimony regarding House Bill 5312.

Under current law, almost all contracts awarded by DAS must be done so through a competitive process. One of the exceptions to this rule is set forth in Conn. Gen. Stat. § 4a-59a, which authorizes DAS, in limited situations, to extend existing contracts without utilizing the formal competitive process. HB 5312 amends this statute by adding two requirements: (1) that DAS post an explanation for its determination to extend a contract pursuant to this section on its website and (2) that DAS submit an annual report to the legislature that includes all such explanations posted during the preceding year.

DAS does not oppose HB 5312's requirement that DAS post the reasons for the extension of contracts. Posting such determinations on the DAS State Contracting Portal will provide greater transparency and clarity about the process to vendors, agencies and members of the general public.

DAS respectfully suggests that the annual report proposed in HB 5312 would be duplicative of information that would be readily available on the Portal. If a large number of contracts were extended every year, an annual report might be a helpful way to aggregate information; however, no such aggregation is necessary when only a few contracts (if any) are extended pursuant to § 4a-59a. In the past few years, DAS has instituted a rigorous review and approval process to reduce the number of contracts that are extended pursuant to § 4a-59a. Indeed, DAS has exercised this authority on only 3 occasions in the past two years.

We thank the Committee for permitting DAS to comment on House Bill 5312. If there are any questions about this testimony, please feel free to contact Terrence Tulloch-Reid (Terrence.Reid@ct.gov) or Andrea Keilty (Andrea.Keilty@ct.gov).