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## **Description of Organization and Rules of Practice**

### **Article I**

#### **Description of Organization**

##### **Part 1**

###### **Introduction**

###### **Sec. 4-23a-1. Creation and authority**

The department was established as an agency of the executive branch of state government by section 62 of Public Act No. 77-614, known as the Reorganization Act. The department is the successor agency of the former public works and personnel departments; it also has assumed certain functions of the former department of finance and control, such as responsibility for purchasing, data processing, and central collections, and other functions that formerly were dispersed throughout the executive branch.

(Effective November 19, 1984)

###### **Sec. 4-23a-2. General powers and responsibilities**

The head of the department is the commissioner of administrative services. The general qualifications, powers and duties of the commissioner as a department head are as provided by sections 4-5 and 4-8 of the General Statutes. The general powers and responsibilities of the commissioner of administrative services are as provided by section 4-23b of the General Statutes.

(Effective November 19, 1984)

###### **Sec. 4-23a-3. Location of principal office**

The principal office of the department of administrative services is at Hartford, Connecticut. All communications should be addressed to Commissioner, Department of Administrative Services, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106.

(Effective November 19, 1984)

##### **Part 2**

###### **Course and Method of Operation**

###### **Sec. 4-23a-4. Commissioner of Administrative Services**

The commissioner has the overall responsibility for the efficient organization and operation of the department. The deputy commissioner of administrative services has been designated to exercise the powers and duties of the department head in the absence or disqualification of the commissioner, or upon his or her death, until he or she resumes the duties of office or until the vacancy is filled.

(Effective November 19, 1984)

###### **Sec. 4-23a-5. Office of the commissioner**

The office of the commissioner provides accounting and personnel services, plus specialty units covering program budgeting and management analysis, internal auditing, information systems, the bidding of public works contracts, employee and public information and administration of the State's employee suggestion award program.

(Effective November 19, 1984)

**Sec. 4-23a-6. Deputy commissioners**

In addition to the deputy commissioner of administrative services, the commissioner is authorized by law to appoint such other deputies as may be necessary for the efficient conduct of the business of the department. There is a director of personnel and labor relations who is a deputy commissioner of the department, as provided by section 4-23c of the General Statutes.

(Effective November 19, 1984)

**Sec. 4-23a-7. Divisions and bureaus of the department**

In addition to the office of the commissioner, the department has five major operating divisions, designated and known as the personnel division, bureau of public works, bureau of purchases, bureau of collection services, and bureau of information systems and data processing.

(Effective November 19, 1984)

**Sec. 4-23a-8. Personnel division**

The principal duties of the personnel division are for the recruitment, selection, appointment, compensation, discipline and separation of classified state employees. The division has been delegated the authority to represent the Executive Branch in collective bargaining with all covered employees except the faculties and non-faculty professionals of the constituents of higher education who bargain separately with their respective boards of trustees. The major operating units of the division are compensation and research, office of labor relations, personnel administration, personnel development and affirmative action, technical personnel services and workers' compensation.

(Effective November 19, 1984)

**Sec. 4-23a-9. Bureau of public works**

The principal duties of the bureau of public works are, except as otherwise provided by law, for the planning, design and construction of capital improvements undertaken by the state except for highway, bridge, and mass transit related improvements; the purchase, lease and acquisition of real property and space to accommodate state agencies; the disposition of surplus real property; the rendering of technical advice and service to state agencies, in the preparation and correlation of plans for necessary improvement of their physical plants; and the supervision and care of buildings and grounds owned or leased by the state in the City of Hartford, and courthouse facilities throughout the state. There is a deputy commissioner who has charge of the bureau of public works. The two major operating divisions of the bureau are designated and known as facilities design and construction, and tenant services.

(Effective November 19, 1984)

**Sec. 4-23a-10. Contracting functions—public works**

In order to discharge the principal duties of the bureau of public works, the commissioner of administrative services is authorized by law to enter into contractual agreements and to accept conveyances of real property or interests therein. Every contract for design professional services is governed by the provisions of sections 4-134a through 4-134e, inclusive, of the General Statutes, and by regulations adopted thereunder. Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state, which is estimated to cost more than two hundred and fifty thousand (\$250,000.00) dollars, is awarded to the lowest responsible and qualified bidder, in accordance with the

procedures established by Chapter 51a of the General Statutes. All leases of space and property acquisitions made by the commissioner are subject to applicable provisions of the General Statutes, and to review and approval by the State Properties Review Board. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as provided by applicable provisions of law and by the express terms of particular agreements.

(Effective November 19, 1984)

#### **Sec. 4-23a-11. Bureau of purchases**

The principal duties of the bureau of purchases, are, except as otherwise provided by law, the purchasing or contracting for all supplies, materials, equipment and services required by any state agency; the enforcement of standard specifications; and the operating of a regional laundry system, food service, and other central services for the benefit of state agencies and institutions. There is a deputy commissioner who has charge of the bureau of purchases. The major operating divisions of the bureau are designated and known as central services, procurement, standards, inspection, forms management, and publications.

(Effective November 19, 1984)

#### **Sec. 4-23a-12. Procurement functions—bureau of purchases**

In order to discharge the principal duties of the bureau of purchases, the commissioner of administrative services is authorized by law to enter into contractual agreements for personal property and services. Every contract entered into by the bureau, with the exception of gas, water, and electric light and power services, is subject to the competitive bidding requirements of section 4-112 *et. seq.* of the General Statutes. The bureau also contracts for electronic data processing and related equipment and installations, pursuant to section 3-116a of the General Statutes. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as provided by applicable provisions of law, including the statutory provisions respecting claims against the state, and by the express terms of particular agreements.

(Effective November 19, 1984)

#### **Sec. 4-23a-13. Bureau of information systems and data processing**

The principal duties of the bureau of information systems and data processing are the provision of a central source of planning, coordination and administration in the fields of computer-based information systems, systems development and programming, data processing and computing, data communications, and management science techniques. There is a deputy commissioner who has charge of the bureau of information systems and data processing.

(Effective November 19, 1984)

#### **Sec. 4-23a-14. Bureau of collection services**

The principal duties of the bureau of collection services are the investigation, determination, billing and collection of all charges for support of persons aided, cared for or treated in hospitals, institutions and facilities operated by the state departments of health services and mental health. The bureau also is responsible for collection of monies due the state in public assistance and welfare cases, enforcement of certain support obligations, and for protecting and administering certain patients' funds through the office of the estate administrator, in accordance with the provisions of sections 4-68a through 4-68g, inclusive, of the General Statutes.

(Effective November 19, 1984)

### **Part 3**

#### **Public Information**

##### **Sec. 4-23a-15. Policy**

It is the avowed policy of the department to make available for public inspection all files, records, documents and other materials within its possession, unless specifically exempt from public disclosure under the provisions of section 1-19 of the General Statutes, or unless otherwise prohibited by law. A compilation of all department regulations, policy statements, final orders, decisions and official opinions is available for public inspection in the office of the commissioner. The department reserves the right to charge a monetary fee, for the furnishing to any person of documents within its possession, as authorized and prescribed by section 1-15 of the General Statutes, as amended.

(Effective November 19, 1984)

##### **Sec. 4-23a-16. Computer stored information**

In the course of its statutory duties, the department operates and maintains computer based information storage for a number of other state agencies, including law enforcement agencies. These services are performed under agreements with the agencies that often provide for confidentiality and non-disclosure of the information stored. Therefore, requests for such information that is nevertheless asserted to be available to the public, in accordance with applicable provisions of the Freedom of Information Act, should be directed to the head of the principal agency involved rather than to the department.

(Effective November 19, 1984)

##### **Sec. 4-23a-17. Complaints and requests for information**

Complaints and requests for information may be addressed to the Commissioner, Department of Administrative Services, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106. A request for information that is known or believed to be in the possession of one of the five major operating divisions of the department should be directed to the attention of that division.

(Effective November 19, 1984)

### **Article II**

#### **Rules of Practice**

##### **Part 1**

#### **General Provisions**

##### **Sec. 4-23a-18. Procedure governed**

This article sets forth the nature and requirements of all formal and informal procedures available to persons having business with the department of administrative services or otherwise legally affected by any decision or discharge of any function of the department. The rules set forth herein shall govern practice before the department under the applicable laws of the state of Connecticut, and except as otherwise provided by statute or authorized agreements.

(Effective November 19, 1984)

**Sec. 4-23a-19. Definitions**

(a) "Commissioner" means the Commissioner of Administrative Services.

(b) "Department" means the Department of Administrative Services and all constituent parts, divisions or bureaus.

(c) The following words and phrases shall have the same meaning herein as that provided by Section 4-166 of the General Statutes, as amended: "Party," "Person," "Regulation," "Proposed regulation."

(Effective November 19, 1984)

**Sec. 4-23a-20. Procedure for the issuance, amendment, or repeal of a regulation**

(a) Proceedings for the issuance, amendment, or repeal of regulation may be commenced by the department on its own initiative or pursuant to a petition submitted by an interested person.

(b) Notice of the proposed issuance, amendment or repeal of a regulation will appear in the Connecticut Law Journal at least thirty days prior to the proposed action. The notice will contain: (i) a statement of the purpose and substance of the proposed action; (ii) a statement of the time, date and place of the public hearing or other opportunity for the presentation of views; (iii) reference to the statutory authority under which the department is acting; and (iv) a statement of the terms or substance of the intended action. The notice also shall be mailed to all persons who have made requests to the department for advance notice of regulation adoption proceedings.

(c) Following the publication of such notice the department shall prepare a fiscal note, including an estimate of the cost or of the revenue impact on the state or any municipality of the state.

(d) Adequate publicity will be provided by the department to assure that all interested parties have notice of the time, date and place of the public hearing or other opportunity for the presentation of views. The purpose is to afford an opportunity for all interested parties to participate in the proceedings through the submission of written or oral data, views, arguments or suggestions.

(e) The department will consider fully all written and oral submissions respecting the proposed regulation and shall revise the fiscal note in accordance with any changes made in said proposed regulation.

(f) Upon reaching a decision whether to proceed with such proposed regulation or to alter its text from that initially proposed the department will, at least twenty days before submitting a proposed regulation to the standing legislative regulation review committee, mail, to all persons who have made submissions or who have made statements or oral arguments concerning such proposed regulation, and who have requested notification, notice that it has decided to take action on the proposed regulation and that it has made available for copying and inspection (i) the final wording of the proposed regulation; (ii) a statement of the principal reasons in support of its intended action; and (iii) a statement of the principal consideration in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.

(g) The proposed regulation will be forwarded to the Attorney General and to the Regulations Review Committee of the General Assembly for approval, as required by statute.

(h) The new regulation or the amendment or repeal of an existing regulation will become final following approval by the Attorney General and Regulations Review Committee and certification thereof to the Secretary of State.

(i) When the department finds that an imminent peril to the public health, safety or welfare so requires, it may adopt emergency regulations, in accordance with the provisions of subsection (b) of section 4-168 of the General Statutes.

(Effective November 19, 1984)

**Sec. 4-23a-21. Availability of statutory remedies-contracting and procurement functions**

In discharging its overall responsibility to provide a broad range of central services to other agencies of the executive branch of state government, the department is authorized by law to enter into contracts for the procurement of various goods and services and for the purchase, sale, or acquisition of real and personal property or interests therein. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as prescribed by applicable provisions of the General Statutes including the statutes respecting claims against the state, and the commissioner may, in his or her lawful discretion, decline to grant formal hearings or other review procedures in cases where the person requesting a hearing or other review is not required by law to make an exhaustion of administrative remedies. This regulation shall apply, without limitation, to all constructions contracts and other contracts which expressly provide that disputes thereunder shall be referred to arbitration under the rules of the American Arbitration Association.

(Effective November 19, 1984)

**Sec. 4-23a-22. Existence of statutory procedures-personnel administration**

In discharging its responsibility to provide personnel administration and services for other agencies of the executive branch of state government, the department is authorized by law to enter into collective bargaining and other labor agreements, and to administer the state personnel act, and other statutory enactments concerning state public service employment. The rights and remedies of state employees and retirees are as prescribed by applicable provisions of the General Statutes, and the Commissioner may, in his or her lawful discretion, decline to grant formal hearings or other review proceedings in cases where such hearings or review are available before other officials or tribunals, or where special review proceedings have been established by authorized and duly executed labor agreements.

(Effective November 19, 1984)

**Sec. 4-23a-23. Informal conferences**

(a) The commissioner, any deputy commissioner as required by law or otherwise, or any designated hearing office may call in a party for an informal conference concerning alleged violations of any statutes administered by the department, or any question or dispute arising under a contract to which the state is a party.

(b) Notification of such an informal conference may be by telephone or by regular or certified mail, in the discretion of the commissioner. The notice shall contain (i) a statement of the time, date, and place of the conference; (ii) a reference to the statutory sections allegedly violated; (iii) a short statement of the facts surrounding the alleged violation; and (iv) a statement that the respondent may be accompanied by counsel, if he so desires.

(c) Informal conferences need not be recorded and transcribed. Formal rules of procedure and evidence shall not be observed.

(Effective November 19, 1984)

**Sec. 4-23a-24. Computation of time**

Computation any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the department is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective November 19, 1984)

**Sec. 4-23a-25. Extension of time**

At the discretion of the commissioner, for good cause shown, any time limit prescribed or allowed by these rules may be extended insofar as such extension is not precluded by statute. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended. The commissioner shall notify all parties of the department's action upon such motion.

(Effective November 19, 1984)

**Sec. 4-23a-26. Rejection for incompleteness**

Any application or petition may be rejected by the department if it is incomplete or otherwise inadequate to permit processing or disposition thereof, unless prohibited by law. Any rejection under this section shall lapse any period of time prescribed by statute or by rule which begins to run when a person files a petition or application with the department. Any such period of time shall begin anew when a person resubmits a petition or application after prior rejection under this section. Any rejection under this section is without prejudice and is not a final decision by the department. Nothing in this section shall restrict the department from requiring additional information from an application or petitioner if his application or petition is accepted.

(Effective November 19, 1984)

**Part 2****Formal Requirements****Sec. 4-23a-27. Office**

The principal office of the department is in the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106. The offices of the department are open from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays.

(Effective November 19, 1984)

**Sec. 4-23a-28. Date of filing**

All correspondence, petitions, application and any other documents governed by these rules, shall be deemed to have been filed or received on the date on which they are issued or received by the department at its principal offices.

(Effective November 19, 1984)

**Sec. 4-23a-29. Identification of communications**

Communications should embrace only one matter, should contain the name and address of the communicator and the subject of the communication, and shall be dated.

(Effective November 19, 1984)

**Sec. 4-23a-30. Signatures**

Every application, notice, and petition, shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.  
(Effective November 19, 1984)

**Sec. 4-23a-31. Formal requirements as to documents and other papers filed in proceedings**

(a) **Copies.** Except as may be otherwise required by these rules or by any other rules or regulations of the department or ordered or expressly requested by the department, at the time petitions, applications, documents or other papers are filed with the department, there shall be furnished to the department an original of such papers. In addition to the original there shall also be filed three (3) copies unless a greater or lesser number of copies is expressly requested by the department.

(b) **Form.** Except for such forms as may from time to time be provided by the department and used where appropriate petitions, applications, documents or other papers filed for the purpose of any proceeding before the department shall be printed or typewritten on paper cut or folded to either letter or legal size, 8-8½ inches wide. Width of margins shall be not less than one inch. The impression shall be only one side of the papers, unless printed, and shall be doubled spaced, except that quotations in excess of five (5) typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photo-duplicated or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible.

(c) **Filing.** All papers relating to matters requiring action by the department shall be filed with the Commissioner, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.  
(Effective November 19, 1984)

**Article III**

**Miscellaneous Proceedings**

**Part 1**

**Petitions Concerning Adoption of Regulations**

**Sec. 4-23a-32. General rule**

These rules set forth the procedure to be followed by the commissioner in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.  
(Effective November 19, 1984)

**Sec. 4-23a-33. Form of petitions**

Any interested person may at any time petition the commissioner to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the commissioner and sent to him by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.  
(Effective November 19, 1984)

**Sec. 4-23a-34. Procedure after petition filed**

(a) **Decision on petition.** Upon receipt of the petition the commissioner shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) **Procedure on denial.** If the commissioner denies the petition, he shall give the petitioner notice in writing stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts, and arguments as the commissioner shall deem appropriate.

(Effective November 19, 1984)

**Part 2****Requests for Advisory Rulings****Sec. 4-23a-35. General rule**

These rules set forth the procedure to be followed by the department in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the department. In its discretion the department may hold an informal conference for fact finding purposes relating to such requests.

(Effective November 19, 1984)

**Sec. 4-23a-36. Form of petition for advisory ruling**

Any interested person may at any time request an advisory ruling of the department with respect to (i) the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the department, or (ii) the terms and obligations of any contract to which the State is a party, and which is not exempt from public disclosure. Such request shall be addressed to the department and sent to the commissioner by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation, order, or contract concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for an advisory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry.

(Effective November 19, 1984)

**Sec. 4-23a-37. Procedure after petition filed**

(a) **Notice to other persons.** The commissioner may give notice to any person that such an advisory ruling has been requested and may receive and consider data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(b) **Provision for hearing.** If the commissioner deems a hearing necessary or helpful in determining any issue concerning the request for advisory ruling, the commissioner shall schedule such hearing and give such notice thereof as shall be appropriate.

(c) **Decision on petition, ruling denied.** If the commissioner determines that an advisory ruling will not be rendered, the commissioner shall within ten (10) days

thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioner relied in so deciding.

(d) **Decision on petition, ruling granted.** If the commissioner renders an advisory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the commissioner.

(Effective November 19, 1984)

