



General Assembly

January Session, 2001

Raised Bill No. 1327

LCO No. 4356

Referred to Committee on General Law

Introduced by:

(GL)

***AN ACT CONCERNING PREQUALIFICATION OF CONTRACTORS
DOING BUSINESS WITH THE STATE.***

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

1 Section 4b-91 of the general statutes is amended by adding
2 subsection (c) as follows:

3 (NEW) (c) (1) (A) Every bid or offer submitted for a contract subject
4 to this chapter and of one hundred thousand dollars or more and
5 every bid or offer submitted for a municipal contract of one hundred
6 thousand dollars or more using state funds shall be accompanied by a
7 copy of a prequalification statement issued by the Commissioner of
8 Consumer Protection showing that the bidder or offeror has the
9 classification and capacity rating to perform the work required. The
10 bid or offer shall also be accompanied by an update statement in such
11 update form as the commissioner prescribes. A blank copy of such
12 form shall be furnished by the awarding authority to every person or
13 business entity requesting a copy. The update form shall provide space
14 for information regarding all projects completed by the bidder or
15 offeror since the date of issuance of the bidder's or offeror's
16 prequalification statement, all projects that the bidder or offeror

17 currently has under contract including the percentage of work on such
18 projects not completed, the names and qualifications of the personnel
19 who will have supervisory responsibility for the performance of the
20 contract, any significant changes in the bidder's or offeror's financial
21 position or business organization since the date of certification of
22 eligibility, and such other relevant information as the commissioner
23 shall prescribe. Any bid or offer submitted without the prequalification
24 statement and update statement shall be invalid. A bid or offer
25 submitted for a municipal contract not using state funds may be
26 accompanied by a copy of such prequalification statement and update
27 statement.

28 (B) The bidder or offeror shall certify under penalties of perjury at
29 the conclusion of the bidding process that there have been no
30 substantial changes in the bidder's or offeror's financial position or
31 business organization other than those changes noted within the
32 update statement since the bidder's or offeror's most recent
33 prequalification statement and that the bid is in all respects bona fide,
34 fair and made without collusion or fraud with any natural person, joint
35 venture, partnership, corporation or other business or legal entity that
36 sells materials, equipment or supplies used in or for, or engages in the
37 performance of, the same or similar construction, reconstruction,
38 installation, demolition, maintenance or repair work or any part
39 thereof.

40 (2) The commissioner shall accept applications for a prequalification
41 statement in such form as the commissioner prescribes, signed by the
42 applicant under penalties of perjury, supplying information
43 concerning the applicant's form of organization, its principals and key
44 personnel; the applicant's experience on public and private
45 construction projects over the past five years or on the twenty projects
46 most recently completed; all legal or administrative proceedings
47 currently pending against the applicant or concluded adversely to the
48 applicant within the past five years that relate to the procurement or
49 performance of any public or private construction contract; and such

50 other information as the commissioner deems relevant to the
51 determination of the applicant's qualifications and responsibility. The
52 application shall include a statement of financial condition prepared
53 by a certified public accountant that shall contain information
54 concerning the applicant's current assets and liabilities, plant and
55 equipment; bank and credit references, bonding company and
56 maximum bonding capacity; and such other information as the
57 commissioner deems relevant to an evaluation of the applicant's
58 financial capacity and responsibility. The information contained in the
59 application shall be current at the time of filing and the statement of
60 financial condition shall pertain to the applicant's most recent,
61 completed fiscal year. Any materially false statement in the application
62 or update statement may, in the discretion of the awarding authority,
63 result in termination of any contract awarded the bidder or offeror by
64 the awarding authority, and shall constitute cause for disqualification
65 of the bidder or offeror from future public work as provided in section
66 31-57c. Applications and evaluations shall be exempt from disclosure
67 as public records under subdivisions (5) and (7) of subsection (b) of
68 section 1-210. If the applicant is a joint venture, all information
69 required by this section shall be provided for each venturer.

70 (3) The commissioner shall evaluate every applicant on the basis of
71 the application and on relevant past performance according to
72 procedures and criteria that the commissioner adopts by regulations,
73 in accordance with the provisions of chapter 54. Such criteria shall
74 include the following: (A) The record of the applicant's performance
75 including, if available, written evaluations of the applicant's
76 performance on public and private jobs over the past five years; (B) the
77 applicant's prior experience on projects of various size and type; (C)
78 the experience and qualifications of supervisory personnel; (D) the
79 maximum amount of work the applicant is capable of undertaking as
80 demonstrated by the applicant's financial condition, bonding capacity,
81 size of previous projects, and present and anticipated work
82 commitments; and (E) any other relevant criteria that the
83 commissioner may prescribe. As feasible, the commissioner shall

84 assign to criteria evaluated separate designated numerical values and
85 weights and shall assign to the applicant an overall numerical rating
86 on the basis of all such criteria. The applicant shall indicate among
87 categories established by the commissioner the classes of work and
88 aggregate amount of work for which the prequalification statement is
89 sought. The commissioner shall issue a prequalification statement as
90 warranted by the evaluation that shall be effective for one year from
91 the date issued, showing the classes of work and aggregate amount of
92 work on which the applicant is eligible to bid.

93 (4) The commissioner shall promptly notify an applicant of the
94 preliminary determination of the issuance, conditions or denial of the
95 prequalification statement and the reasons supporting such
96 determination. An applicant aggrieved by the commissioner's
97 preliminary determination may request, not later than five business
98 days after the receipt of notice of a preliminary determination, copies
99 of the information upon which the commissioner relied in making the
100 preliminary determination. Not later than ten business days after the
101 receipt of the notice, the applicant may submit further information to
102 the commissioner with a request for reconsideration. The
103 commissioner shall issue a final determination regarding an
104 application for prequalification not later than thirty business days from
105 the date of the preliminary determination, unless the applicant and the
106 commissioner agree to extend the thirty day period. Any applicant
107 aggrieved by the final determination of the commissioner may appeal
108 to the Superior Court in accordance with the provisions of section 4-
109 183.

110 (5) The commissioner may revoke a contractor's prequalification
111 statement upon receipt of additional information regarding a
112 contractor's qualifications. Upon such revocation, the commissioner
113 shall follow the procedures established by this section.

114 (6) In determining the lowest responsible and eligible bidder as
115 required in this section, the awarding authority shall consider the

116 information submitted by the bidder in the update statement. If the
117 awarding authority determines that the low bidder is not responsible
118 and eligible, the awarding authority shall reject the bidder and
119 evaluate the next low bidder in accordance with this section. The
120 awarding authority shall give notice of such action to the
121 commissioner. In determining which is the most advantageous offer,
122 the awarding authority shall consider the information submitted by
123 the bidders on the update statement.

124 (7) The commissioner shall develop a standard contractor
125 evaluation form that shall be completed by every public agency, upon
126 completion of a building project under its control and submit such
127 form to the commissioner for the contractor's qualification file. The
128 official from the public agency, or the architect or engineer responsible
129 for the oversight of the building construction contract, shall certify that
130 the information contained on the contractor evaluation form
131 represents, to the best of the official's, or architect's or engineer's
132 knowledge, a true analysis of the contractor's performance record on
133 that contract. The public agency shall mail a copy of the contractor
134 evaluation form to the contractor and the contractor may, not later
135 than thirty days after the postmark on the envelope of the mailed form,
136 submit a written response to the commissioner disputing any
137 information contained in the evaluation form. The commissioner shall
138 attach any such response to the evaluation form for inclusion in the
139 contractor's qualification file.

140 (8) The provisions of this section shall not apply to sub-bidders.

141 (9) The commissioner may adopt regulations, in accordance with the
142 provisions of chapter 54, to carry out the provisions of this subsection.

143 (10) For the purpose of this section, "essential information in regard
144 to such qualifications" as used in section 4b-92 means the
145 prequalification statement and update statement provided for by this
146 subsection.

Statement of Purpose:

To establish a prequalification system for contractors bidding for certain construction projects using state funds.

[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.]