



General Assembly

February Session, 2002

**Raised Bill No. 423**

LCO No. 1840

Referred to Committee on Education

Introduced by:

(ED)

**AN ACT CONCERNING THE O'NEILL CENTER AND THE  
CONNECTICUT STATE UNIVERSITY'S CONSTRUCTION PROCESS  
AND BIDDING PROCESS.**

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

1 Section 1. Section 4b-91 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) Every contract for the construction, reconstruction, alteration,  
4 remodeling, repair or demolition of any public building for work by  
5 the state, which is estimated to cost more than five hundred thousand  
6 dollars, except (1) a contract awarded by the Commissioner of Public  
7 Works for (A) a community court project, as defined in subsection (j) of  
8 section 4b-55, (B) the Connecticut Juvenile Training School project, as  
9 defined in subsection (k) of section 4b-55, as amended, (C) the  
10 downtown Hartford higher education center project, as defined in  
11 subsection (l) of section 4b-55, (D) The University of Connecticut  
12 library project, as defined in subsection (d) of section 4b-55, (E) a  
13 correctional facility project, as defined in subsection (m) of section 4b-  
14 55, [or] (F) a juvenile detention center project, as defined in subsection  
15 (n) of section 4b-55, or (G) a student residential facility for the

16 Connecticut State University system that is a priority higher education  
17 facility project, as defined in subsection (f) of section 4b-55, or (2) a  
18 project, as defined in subdivision (16) of section 10a-109c, undertaken  
19 and controlled by The University of Connecticut in accordance with  
20 section 10a-109n, shall be awarded to the lowest responsible and  
21 qualified general bidder on the basis of competitive bids in accordance  
22 with the procedures set forth in this chapter, after the Commissioner of  
23 Public Works or, in the case of a contract for the construction of or  
24 work on a building under the supervision and control of the Joint  
25 Committee on Legislative Management of the General Assembly, the  
26 joint committee or, in the case of a contract for the construction of or  
27 work on a building under the supervision and control of one of the  
28 constituent units of the state system of higher education, the  
29 constituent unit, has invited such bids by advertisements inserted at  
30 least once in one or more newspapers having a circulation in each  
31 county in the state. The Commissioner of Public Works, the joint  
32 committee or the constituent unit, as the case may be, shall determine  
33 the manner of submission and the conditions and requirements of such  
34 bids, and the time within which the bids shall be submitted, consistent  
35 with the provisions of sections 4b-91 to 4b-96, inclusive. Such award  
36 shall be made within sixty days after the opening of such bids. If the  
37 general bidder selected as the general contractor fails to perform the  
38 general contractor's agreement to execute a contract in accordance with  
39 the terms of the general contractor's general bid and furnish a  
40 performance bond and also a labor and materials or payment bond to  
41 the amount specified in the general bid form, an award shall be made  
42 to the next lowest responsible and qualified general bidder. If the  
43 lowest responsible and qualified bidder's price submitted is in excess  
44 of funds available to make an award, the Commissioner of Public  
45 Works, the Joint Committee on Legislative Management or the  
46 constituent unit, as the case may be, is empowered to negotiate with  
47 such bidder and award the contract on the basis of the funds available,  
48 without change in the contract specifications, plans and other  
49 requirements. If the award of a contract on said basis is refused by

50 such bidder, the Commissioner of Public Works, the Joint Committee  
51 on Legislative Management or the constituent unit, as the case may be,  
52 may negotiate with other contractors who submitted bids in ascending  
53 order of bid prices without change in the contract, specifications, plans  
54 and other requirements. In the event of negotiation with general  
55 bidders as provided herein, the general bidder involved may negotiate  
56 with subcontractors on the same basis, provided such general bidder  
57 shall negotiate only with subcontractors named on such general  
58 bidder's general bid form.

59 (b) Notwithstanding the provisions of this chapter regarding  
60 competitive bidding procedures, the commissioner may select and  
61 interview at least three responsible and qualified general contractors,  
62 and may negotiate with any one of such contractors a contract which is  
63 both fair and reasonable to the state for a community court project, as  
64 defined in subsection (j) of section 4b-55, the downtown Hartford  
65 higher education center project, as defined in subsection (l) of section  
66 4b-55, The University of Connecticut library project, as defined in  
67 subsection (d) of [said] section 4b-55, the Connecticut Juvenile Training  
68 School project, as defined in subsection (k) of [said] section 4b-55, as  
69 amended, a correctional facility project, as defined in subsection (m) of  
70 section 4b-55, [or] a juvenile detention center project, as defined in  
71 subsection (n) of section 4b-55, or a student residential facility for the  
72 Connecticut State University system that is a priority higher education  
73 facility project, as defined in subsection (f) of section 4b-55. Any  
74 general contractor awarded a contract pursuant to this subsection shall  
75 be subject to the same requirements concerning the furnishing of  
76 bonds as a contractor awarded a contract pursuant to subsection (a) of  
77 this section.

78 Sec. 2. Section 10a-151b of the general statutes is amended by  
79 adding subsection (i) as follows (*Effective July 1, 2002*):

80 (NEW) (i) Any funds or revenues collected from ticket sales by the  
81 contractor hired by Western Connecticut State University to operate

82 and manage its O'Neill Center, shall not be deemed to be state funds  
83 for the purposes of sections 4-32 and 4-33 and may be deposited in the  
84 contractor's account for a period of time not to exceed forty-five days,  
85 during which time the contractor shall pay all expenses related to the  
86 event for which the tickets were sold and make an accounting of the  
87 portion of the funds to be remitted to the university, and then remit  
88 such funds to the university pursuant to the terms of the contract.  
89 Upon receipt of such funds, the university shall deposit such funds in  
90 accordance with the provisions of sections 4-32 and 4-33.

91 Sec. 3. Subsection (b) of section 10a-151b of the general statutes is  
92 repealed and the following is substituted in lieu thereof (*Effective July*  
93 *1, 2002*):

94 (b) Purchases made pursuant to this section shall be based, when  
95 possible, on competitive bids or competitive negotiation. Such chief  
96 executive officer shall solicit competitive bids or proposals by sending  
97 notice to prospective suppliers and by posting notice on a public  
98 bulletin board in his office, or by engaging in other means of  
99 solicitation of bids or proposals. Such notice shall contain a notice of  
100 state contract requirements pursuant to section 4a-60. Each bid or  
101 proposal shall be kept sealed until opened publicly at the time stated  
102 in the notice soliciting such bid or proposal. Sealed bids or proposals  
103 shall include bids or proposals sealed within an envelope or  
104 maintained within a safe and secure electronic environment until such  
105 time as they are publicly opened. If the amount of the expenditure is  
106 estimated to exceed fifty thousand dollars, competitive bids or  
107 proposals shall be solicited by public notice inserted at least once in  
108 two or more publications, at least one of which shall be a major daily  
109 newspaper published in the state, and shall be posted on the Internet,  
110 and at least five calendar days before the final date of submitting bids  
111 or proposals. All purchases fifty thousand dollars or less in amount  
112 shall be made in the open market, but shall, when possible, be based  
113 on at least three competitive quotations. If desired by the constituent  
114 unit, competitive quotations shall include quotations submitted to the

115 constituent unit within a safe and secure electronic environment.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>

**Statement of Purpose:**

To allow the Connecticut State University system expedited planning, design and construction of residence halls, to secure authority to permit the vendor operating Western Connecticut State University's O'Neill Center to conduct standard business practices to conduct the center, and to authorize electronic submission of bids to Connecticut State University for the purpose of purchasing equipment, supplies and services.

*[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.]*