



General Assembly

February Session, 2002

Amendment

LCO No. 4455

SB0042304455SD0

Offered by:
SEN. GAFFEY, 13th Dist.

To: Subst. Senate Bill No. 423

File No. 520

Cal. No. 334

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

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- 1 In line 37, strike "shall" and insert "may" in lieu thereof
- 2 In line 38, after "environment." insert the following:
- 3 "The constituent unit shall not refuse to consider a bid, proposal or
4 quotation because it is not submitted electronically."
- 5 After the last section, insert the following:
- 6 "Sec. 3. Section 4b-91 of the general statutes is repealed and the
7 following is substituted in lieu thereof (*Effective July 1, 2002*):
- 8 (a) Every contract for the construction, reconstruction, alteration,
9 remodeling, repair or demolition of any public building for work by
10 the state, which is estimated to cost more than five hundred thousand
11 dollars, except (1) a contract awarded by the Commissioner of Public
12 Works for (A) a community court project, as defined in subsection (j) of

13 section 4b-55, (B) the Connecticut Juvenile Training School project, as
14 defined in subsection (k) of section 4b-55, as amended, (C) the
15 downtown Hartford higher education center project, as defined in
16 subsection (l) of section 4b-55, (D) The University of Connecticut
17 library project, as defined in subsection (d) of section 4b-55, (E) a
18 correctional facility project, as defined in subsection (m) of section 4b-
19 55, [or] (F) a juvenile detention center project, as defined in subsection
20 (n) of section 4b-55, or (G) a student residential facility for the
21 Connecticut State University system that is a priority higher education
22 facility project, as defined in subsection (f) of section 4b-55, or (2) a
23 project, as defined in subdivision (16) of section 10a-109c, undertaken
24 and controlled by The University of Connecticut in accordance with
25 section 10a-109n, shall be awarded to the lowest responsible and
26 qualified general bidder on the basis of competitive bids in accordance
27 with the procedures set forth in this chapter, after the Commissioner of
28 Public Works or, in the case of a contract for the construction of or
29 work on a building under the supervision and control of the Joint
30 Committee on Legislative Management of the General Assembly, the
31 joint committee or, in the case of a contract for the construction of or
32 work on a building under the supervision and control of one of the
33 constituent units of the state system of higher education, the
34 constituent unit, has invited such bids by advertisements inserted at
35 least once in one or more newspapers having a circulation in each
36 county in the state. The Commissioner of Public Works, the joint
37 committee or the constituent unit, as the case may be, shall determine
38 the manner of submission and the conditions and requirements of such
39 bids, and the time within which the bids shall be submitted, consistent
40 with the provisions of sections 4b-91 to 4b-96, inclusive. Such award
41 shall be made within sixty days after the opening of such bids. If the
42 general bidder selected as the general contractor fails to perform the
43 general contractor's agreement to execute a contract in accordance with
44 the terms of the general contractor's general bid and furnish a
45 performance bond and also a labor and materials or payment bond to
46 the amount specified in the general bid form, an award shall be made
47 to the next lowest responsible and qualified general bidder. If the

48 lowest responsible and qualified bidder's price submitted is in excess
49 of funds available to make an award, the Commissioner of Public
50 Works, the Joint Committee on Legislative Management or the
51 constituent unit, as the case may be, is empowered to negotiate with
52 such bidder and award the contract on the basis of the funds available,
53 without change in the contract specifications, plans and other
54 requirements. If the award of a contract on said basis is refused by
55 such bidder, the Commissioner of Public Works, the Joint Committee
56 on Legislative Management or the constituent unit, as the case may be,
57 may negotiate with other contractors who submitted bids in ascending
58 order of bid prices without change in the contract, specifications, plans
59 and other requirements. In the event of negotiation with general
60 bidders as provided herein, the general bidder involved may negotiate
61 with subcontractors on the same basis, provided such general bidder
62 shall negotiate only with subcontractors named on such general
63 bidder's general bid form.

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

82 this section."