



General Assembly

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Amendment

LCO No. 6995

HB0641706995HDO

Offered by:

REP. O'ROURKE, 32nd Dist.

SEN. DEFRONZO, 6th Dist.

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To: Subst. House Bill No. 6417

File No. 513

Cal. No. 336

"AN ACT CONCERNING STATE CONSTRUCTION CONTRACTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 4b-91 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

15 defined in subsection (m) of section 4b-55, (F) a juvenile detention
16 center project, as defined in subsection (n) of section 4b-55, or (G) a
17 student residential facility for the Connecticut State University system
18 that is a priority higher education facility project, as defined in
19 subsection (f) of section 4b-55, or (2) a project, as defined in
20 subdivision (16) of section 10a-109c, undertaken and controlled by The
21 University of Connecticut in accordance with section 10a-109n, shall be
22 awarded to the lowest responsible and qualified general bidder who is
23 prequalified pursuant to section 3 of this act on the basis of
24 competitive bids in accordance with the procedures set forth in this
25 chapter and section 9 of this act, after the Commissioner of Public
26 Works or, in the case of a contract for the construction of or work on a
27 building under the supervision and control of the Joint Committee on
28 Legislative Management of the General Assembly, the joint committee
29 or, in the case of a contract for the construction of or work on a
30 building under the supervision and control of one of the constituent
31 units of the state system of higher education, the constituent unit, has
32 invited such bids by advertisements inserted at least once in one or
33 more newspapers having a circulation in each county in the state. The
34 Commissioner of Public Works, the joint committee or the constituent
35 unit, as the case may be, shall indicate the prequalification
36 classification and aggregate work capacity rating required for the
37 contract in such advertisement. As used in this section,
38 "prequalification classification" means the prequalification
39 classifications established by the Commissioner of Administrative
40 Services pursuant to section 3 of this act and "aggregate work capacity
41 rating" means the aggregate work capacity ratings established by the
42 Commissioner of Administrative Services pursuant to section 3 of this
43 act.

44 (b) The Commissioner of Public Works, the joint committee or the
45 constituent unit, as the case may be, shall determine the manner of
46 submission and the conditions and requirements of such bids, and the
47 time within which the bids shall be submitted, consistent with the
48 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be

49 made within sixty days after the opening of such bids. If the general
50 bidder selected as the general contractor fails to perform the general
51 contractor's agreement to execute a contract in accordance with the
52 terms of the general contractor's general bid and furnish a performance
53 bond and also a labor and materials or payment bond to the amount
54 specified in the general bid form, an award shall be made to the next
55 lowest responsible and qualified general bidder. [If] No employee of
56 the Department of Public Works, the joint committee or a constituent
57 unit with decision-making authority concerning the award of a
58 contract may communicate with any bidder prior to the award of the
59 contract if the communication results in the bidder receiving
60 information about the contract that is not available to other bidders,
61 except that if the lowest responsible and qualified bidder's price
62 submitted is in excess of funds available to make an award, the
63 Commissioner of Public Works, the Joint Committee on Legislative
64 Management or the constituent unit, as the case may be, [is
65 empowered to] may negotiate with such bidder and award the
66 contract on the basis of the funds available, without change in the
67 contract specifications, plans and other requirements. If the award of a
68 contract on said basis is refused by such bidder, the Commissioner of
69 Public Works, the Joint Committee on Legislative Management or the
70 constituent unit, as the case may be, may negotiate with other
71 contractors who submitted bids in ascending order of bid prices
72 without change in the contract, specifications, plans and other
73 requirements. In the event of negotiation with general bidders as
74 provided [herein] in this section, the general bidder involved may
75 negotiate with subcontractors on the same basis, provided such
76 general bidder shall negotiate only with subcontractors named on such
77 general bidder's general bid form.

78 (c) On and after October 1, 2004, no person may bid on a contract,
79 except for a project described in subdivision (2) of subsection (a) of this
80 section, for the construction, reconstruction, alteration, remodeling,
81 repair or demolition of any public building for work by the state or a
82 municipality, which is estimated to cost more than five hundred

83 thousand dollars and is paid for, in whole or in part, with state funds,
84 unless the person is prequalified in accordance with section 3 of this
85 act.

86 (d) On and after October 1, 2004, each bid submitted for a contract
87 described in subsection (c) of this section shall include a copy of a
88 prequalification statement issued by the Commissioner of
89 Administrative Services showing that the bidder has the
90 prequalification classification and aggregate work capacity ratings
91 required under such contract. The bid shall also be accompanied by an
92 update statement in such form as the Commissioner of Administrative
93 Services prescribes. The form for such update statement shall provide
94 space for information regarding all projects completed by the bidder
95 since the date the bidder's prequalification certificate was issued or
96 renewed, all projects the bidder currently has under contract,
97 including the percentage of work on such projects not completed, the
98 names and qualifications of the personnel who will have supervisory
99 responsibility for the performance of the contract, any significant
100 changes in the bidder's financial position or business organization
101 since the date the certificate was issued or renewed, and such other
102 relevant information as the Commissioner of Administrative Services
103 prescribes. Any bid submitted without a copy of the prequalification
104 certificate and an update statement shall be invalid.

105 (e) Any person who bids on a contract described in subsection (c) of
106 this section shall certify under penalty of false statement at the
107 conclusion of the bidding process that the information in the bid is
108 true, that there has been no substantial change in the bidder's financial
109 position or corporate structure since the bidder's most recent
110 prequalification certificate was issued or renewed, other than those
111 changes noted in the update statement, and that the bid was made
112 without fraud or collusion with any person.

113 (f) Any person who receives information from a public official that
114 is not available to the general public concerning any construction,
115 reconstruction, alteration, remodeling, repair or demolition project on

116 a public building prior to the date that an advertisement for bids on
117 the project is published shall be disqualified from bidding on the
118 project.

119 ~~[(b)]~~ (g) Notwithstanding the provisions of this chapter regarding
120 competitive bidding procedures, the commissioner may select and
121 interview at least three responsible and qualified general contractors [,
122 and] who are prequalified pursuant to section 3 of this act and selected
123 by the award panel established in section 9 of this act. The
124 commissioner may negotiate with any one of such contractors a
125 contract which is both fair and reasonable to the state for a community
126 court project, as defined in subsection (j) of section 4b-55, the
127 downtown Hartford higher education center project, as defined in
128 subsection (l) of section 4b-55, The University of Connecticut library
129 project, as defined in subsection (d) of section 4b-55, the Connecticut
130 Juvenile Training School project, as defined in subsection (k) of section
131 4b-55, a correctional facility project, as defined in subsection (m) of
132 section 4b-55, a juvenile detention center project, as defined in
133 subsection (n) of section 4b-55, or a student residential facility for the
134 Connecticut State University system that is a priority higher education
135 facility project, as defined in subsection (f) of section 4b-55. Any
136 general contractor awarded a contract pursuant to this subsection shall
137 be subject to the same requirements concerning the furnishing of
138 bonds as a contractor awarded a contract pursuant to subsection [(a)]
139 (b) of this section. On and after October 1, 2004, any agency that seeks
140 to have a project awarded without being subject to competitive
141 bidding procedures shall certify to the joint committee of the General
142 Assembly having cognizance of matters relating to legislative
143 management that the project is of such an emergency nature that an
144 exception to competitive bidding procedures is required. Such
145 certification shall include input from all affected agencies, detail the
146 need for the exception and include any relevant documentation.

147 Sec. 2. Section 4b-92 of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2004*):

149 As used in this chapter and except as otherwise provided, the words
150 "lowest responsible and qualified bidder" shall mean the bidder who is
151 prequalified pursuant to section 3 of this act, and whose bid is the
152 lowest of those bidders possessing the skill, ability and integrity
153 necessary to faithful performance of the work based on objective
154 criteria considering past performance and [financial responsibility]
155 information contained in the update statement submitted pursuant to
156 section 4b-91, as amended by this act. Essential information in regard
157 to such qualifications shall be submitted with the bid in such form as
158 the awarding authority may require by specification in the bid
159 documents and on the bid form. Every general bid shall be
160 accompanied by a bid bond or a certified check in an amount which
161 shall be ten per cent of the bid, provided no such bid bond or certified
162 check shall be required in relation to any general bid in which the total
163 estimated cost of labor and materials under the contract with respect to
164 which such general bid is submitted is less than fifty thousand dollars.
165 Failure to execute a contract awarded as specified and bid shall result
166 in the forfeiture of such bid bond or certified check. In considering past
167 performance the awarding authority shall evaluate the skill, ability and
168 integrity of bidders in terms of the bidders' fulfillment of contract
169 obligations and of the bidders' experience or lack of experience with
170 projects of the [size] nature and scope of the project for which the bids
171 are submitted.

172 Sec. 3. (NEW) (*Effective July 1, 2004*) (a) As used in this section: (1)
173 "Prequalification" means prequalification issued by the Commissioner
174 of Administrative Services to bid on a contract for the construction,
175 reconstruction, alteration, remodeling, repair or demolition of any
176 public building for work by the state or a municipality; (2)
177 "subcontractor" means any person who performs any of the four
178 classes of work specified in subsection (a) of section 4b-93 of the
179 general statutes with a value in excess of twenty-five thousand dollars;
180 and (3) "principals and key personnel" includes officers, directors,
181 shareholders, members, partners and managerial employees.

182 (b) (1) Any person may apply for prequalification to the Department

183 of Administrative Services. Such application shall be made on such
184 form as the Commissioner of Administrative Services prescribes and
185 shall be accompanied by a nonrefundable application fee as set forth in
186 subdivision (2) of this subsection. The application shall be signed
187 under penalty of false statement.

188 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

189 (c) The application form shall, at a minimum, require the applicant
190 to supply information concerning:

191 (1) The applicant's form of organization;

192 (2) The applicant's principals and key personnel and any names
193 under which the applicant, principals or key personnel conducted
194 business during the past five years;

195 (3) The applicant's experience on public and private construction
196 projects over the past five years, or on the applicant's ten most
197 recently-completed projects and the names of any subcontractors used
198 on the projects;

199 (4) Any legal or administrative proceedings pending or concluded
200 adversely against the applicant or any of the applicant's principals or
201 key personnel within the past five years which relate to the
202 procurement or performance of any public or private construction
203 contract and whether the applicant is aware of any investigation

204 pending against the applicant or any principal or key personnel;

205 (5) The nature of any financial, personal or familial relationship
206 between the applicant and any public or private construction project
207 owner listed on the application as constituting construction experience;

208 (6) A statement of whether (A) the applicant has been disqualified
209 pursuant to section 4b-95 of the general statutes, this section or section
210 31-57c or 31-57d of the general statutes, (B) the applicant is on the list
211 distributed by the Labor Commissioner pursuant to section 31-57a of
212 the general statutes, (C) the applicant is disqualified or prohibited from
213 being awarded a contract pursuant to section 31-57b of the general
214 statutes, (D) the applicant has been disqualified by another state, (E)
215 the applicant has been disqualified by a federal agency or pursuant to
216 federal law, (F) the applicant's registration has been suspended or
217 revoked by the Department of Consumer Protection pursuant to
218 section 20-341gg of the general statutes, as amended by this act, (G) the
219 applicant has been disqualified by a municipality, and (H) the matters
220 that gave rise to any such disqualification, suspension or revocation
221 have been eliminated or remedied; and

222 (7) Other information as the commissioner deems relevant to the
223 determination of the applicant's qualifications and responsibilities.

224 (d) The applicant shall include a statement of financial condition
225 prepared by a certified public accountant which includes information
226 concerning the applicant's assets and liabilities, plant and equipment,
227 bank and credit references, bonding company and maximum bonding
228 capacity, and other information as the commissioner deems relevant to
229 an evaluation of the applicant's financial capacity and responsibility.

230 (e) Information contained in the application shall be current as of
231 the time of filing except that the statement of financial condition shall
232 pertain to the applicant's most recently-completed fiscal year.

233 (f) The commissioner shall determine whether to prequalify an
234 applicant on the basis of the application and on relevant past

235 performance according to procedures and criteria set forth in
236 regulations which the commissioner shall adopt, in accordance with
237 chapter 54 of the general statutes. Such criteria shall include, at a
238 minimum, the record of the applicant's performance, including, but
239 not limited to, written evaluations of the applicant's performance on
240 public or private projects within the past five years, the applicant's
241 past experience on projects of various size and type, the skill, ability
242 and integrity of the applicant and any subcontractors used by the
243 applicant, the experience and qualifications of supervisory personnel
244 employed by the applicant, the maximum amount of work the
245 applicant is capable of undertaking as demonstrated by the applicant's
246 financial condition, bonding capacity, size of past projects and present
247 and anticipated work commitments, and any other relevant criteria
248 that the commissioner prescribes. Such regulations shall also (1)
249 provide that the criteria considered shall be assigned separate
250 designated numerical values and weights and that the applicant shall
251 be assigned an overall numerical rating on the basis of all criteria, and
252 (2) establish prequalification classifications and aggregate work
253 capacity ratings. Such prequalification classifications shall be used to
254 establish the types of work a contractor is qualified to perform and the
255 aggregate work capacity ratings shall be used to establish the
256 maximum amount of work a contractor is capable of undertaking.

257 (g) (1) The applicant shall indicate the prequalification
258 classifications and aggregate work capacity rating that are sought. The
259 commissioner may issue a certificate of prequalification to any
260 applicant who meets the requirements of this section. Such certificate
261 shall be effective for one year from the date issued and shall indicate
262 the contractor's prequalification classifications and aggregate work
263 capacity ratings.

264 (2) A prequalified contractor may apply at any time for additional
265 prequalification classifications or aggregate work capacity ratings by
266 submitting the applicable increase in fee, a completed update
267 statement, and other information the commissioner requires.

268 (3) The commissioner may renew a prequalification certificate upon
269 receipt of a completed update statement, any other material the
270 commissioner requires and a nonrefundable fee in an amount equal to
271 one-half of the application fee for the applicable aggregate work
272 capacity rating as set forth in subsection (b) of this section, except that
273 in no event shall such fee be less than six hundred dollars.

274 (h) Not later than sixty days after receiving a completed application,
275 the commissioner shall mail a notice to the applicant concerning the
276 commissioner's preliminary determination regarding the conditions of
277 the prequalification certification, a denial of certification, a reduction in
278 the level of certification sought or nonrenewal of certification. Any
279 applicant aggrieved by the commissioner's preliminary determination
280 may request copies of the information upon which the commissioner
281 relied in making the preliminary determination, provided such request
282 is made not later than ten days after the date the notice was mailed as
283 indicated by the postmark on the envelope. Not later than twenty days
284 after said postmark date the applicant may submit additional
285 information to the commissioner with a request for reconsideration.
286 The commissioner shall issue a final determination regarding the
287 application not later than ninety days after the date the commissioner
288 mailed the notice of the preliminary determination, which ninety-day
289 period may be extended for an additional period not to exceed ninety
290 days if (1) the commissioner gives written notice to the applicant that
291 the commissioner requires additional time, and (2) such notice is
292 mailed during the initial ninety-day period.

293 (i) The commissioner may not issue a prequalification certificate to
294 any contractor (1) who is disqualified pursuant to section 31-57c or 31-
295 57d of the general statutes, or (2) who has a principal or key personnel
296 who has a conviction or has entered a plea of guilty or nolo contendere
297 for or has admitted to commission of an act or omission that
298 reasonably could have resulted in disqualification pursuant to any
299 provision of subdivisions (1) to (3), inclusive, of subsection (d) of
300 section 31-57c of the general statutes or subdivisions (1) to (3),
301 inclusive, of subsection (d) of section 31-57d of the general statutes, as

302 determined by the commissioner.

303 (j) The commissioner may revoke a contractor's prequalification or
304 reduce the contractor's prequalification classification or aggregate
305 work capacity ratings, after an opportunity for a hearing, if the
306 commissioner receives additional information that supports such
307 revocation or reduction.

308 (k) (1) Any materially false statement in the application or any
309 update statement may, in the discretion of the awarding authority,
310 result in termination of any contract awarded the applicant by the
311 awarding authority. The awarding authority shall provide written
312 notice to the commissioner of such false statement not later than thirty
313 days after discovering such false statement. The commissioner shall
314 provide written notice of such false statement to the Commissioner of
315 Public Works and the Commissioner of Consumer Protection not later
316 than thirty days after discovering such false statement or receiving
317 such notice.

318 (2) The commissioner shall revoke the prequalification of any
319 person, after an opportunity for hearing, if the commissioner finds that
320 the person has included any materially false statement in such
321 application or update statement, has been convicted of a crime related
322 to the procurement or performance of any public or private
323 construction contract or within the past five years or has otherwise
324 engaged in fraud in obtaining or maintaining prequalification. Any
325 person whose prequalification has been revoked pursuant to this
326 subsection shall be disqualified for a period of two years after which
327 the person may reapply for prequalification, except that a person
328 whose prequalification has been revoked on the basis of conviction of a
329 crime or engaging in fraud shall be disqualified for a period of five
330 years after which the person may reapply for prequalification. The
331 commissioner shall not prequalify a person whose prequalification has
332 been revoked pursuant to this subdivision until the expiration of said
333 two or five-year disqualification period and the commissioner is
334 satisfied that the matters that gave rise to the revocation have been

335 eliminated or remedied.

336 (l) The commissioner shall provide written notice of any revocation,
337 disqualification, reduction in classification or capacity rating or
338 reinstated prequalification to the Commissioner of Public Works and
339 the Commissioner of Consumer Protection not later than thirty days
340 after any final determination.

341 (m) The provisions of this section and section 4 of this act shall not
342 apply to subcontractors.

343 (n) The commissioner shall establish an update statement for use by
344 bidders for purposes of renewing or upgrading a prequalification
345 certificate and for purposes of submitting a bid pursuant to section 4b-
346 91 of the general statutes, as amended by this act.

347 (o) Any applicant aggrieved by the commissioner's final
348 determination concerning a preliminary determination, a denial of
349 certification, a reduction in prequalification classification or aggregate
350 work capacity rating or a revocation or nonrenewal of certification
351 may appeal to the Superior Court in accordance with section 4-183 of
352 the general statutes.

353 Sec. 4. (NEW) (*Effective October 1, 2004*) (a) The Commissioner of
354 Administrative Services shall adopt regulations, in accordance with
355 chapter 54 of the general statutes, to establish a standard contractor
356 evaluation form. Such form shall include, at a minimum, the following
357 evaluation criteria: (1) Timeliness of performance; (2) quality of
358 performance; (3) cost containment, including, but not limited to, the
359 contractor's ability to work within the contract's allotted cost, the
360 accuracy of the contractor's billing, and the number and cause of
361 change orders and the manner in which the contractor determined the
362 price on the change orders; (4) safety; (5) the quality of the contractor's
363 working relationship with the agency and the quality of the
364 contractor's supervision of the work area; (6) communication with the
365 agency; (7) the quality of the contractor's required documentation; (8)
366 the performance of the contractor's subcontractors, to the extent

367 known by the official who completes the evaluation; and (9) the
368 contractor's and any subcontractor's compliance with part III of
369 chapter 557 of the general statutes, or chapter 558 of the general
370 statutes, or the provisions of the federal Davis-Bacon Act, 40 USC,
371 Sections 276a to 276a-5, inclusive, as from time to time amended, to the
372 extent known by the official who completes the evaluation.

373 (b) Each public agency shall complete and submit the evaluation
374 form to the commissioner after completion of a building project under
375 the agency's control if the building project is funded, in whole or in
376 part, by state funds. The commissioner shall include the evaluation in
377 the contractor's prequalification file. The official shall mail a copy of
378 the completed evaluation form to the contractor. Any contractor who
379 wishes to contest any information contained in the evaluation form
380 may submit a written response to the commissioner not later than
381 thirty days after the date the form was mailed as indicated by the
382 postmark on the envelope. Such response shall set forth any additional
383 information concerning the building project or the oversight of the
384 contract by the public agency that may be relevant in the evaluation of
385 the contractor's performance on the project. The commissioner shall
386 include any such response in the contractor's prequalification file.

387 (c) As used in this section, "public agency" means a public agency,
388 as defined in section 1-200 of the general statutes, but does not include
389 The University of Connecticut with respect to any project, as defined in
390 subdivision (16) of section 10a-109c of the general statutes, that is
391 undertaken and controlled by the university, and "subcontractor"
392 means any person who performs any of the four classes of work
393 specified in subsection (a) of section 4b-93 of the general statutes with
394 a value in excess of twenty-five thousand dollars.

395 (d) Upon fifty per cent completion of any building project under a
396 public agency's control, the agency shall advise the contractor in
397 writing of the agency's preliminary evaluation of the contractor's
398 performance on the project.

399 Sec. 5. Subsection (m) of section 1-84 of the general statutes is
400 repealed and the following is substituted in lieu thereof (*Effective*
401 *October 1, 2004*):

402 (m) No public official or state employee shall knowingly accept,
403 directly or indirectly, any gift, as defined in subsection (e) of section 1-
404 79, from any person the official or employee knows or has reason to
405 know: (1) Is doing business with or seeking to do business with the
406 department or agency in which the official or employee is employed;
407 [or] (2) is engaged in activities which are directly regulated by such
408 department or agency; or (3) is prequalified under section 3 of this act.
409 No person shall knowingly give, directly or indirectly, any gift or gifts
410 in violation of this provision.

411 Sec. 6. (NEW) (*Effective January 1, 2004*) (a) Not later than January 1,
412 2004, and annually thereafter, each awarding authority shall prepare a
413 report on the status of (1) any ongoing project for the construction,
414 reconstruction, alteration, remodeling, repair or demolition of any
415 public building which is estimated to cost more than five hundred
416 thousand dollars and is paid for, in whole or in part, with state funds,
417 or (2) any property management contract awarded by the Department
418 of Public Works which has an annual value of one hundred thousand
419 dollars or more. The awarding authority shall submit the report to the
420 Governor and the joint standing committees of the General Assembly
421 having cognizance of matters relating to government administration
422 and finance, revenue and bonding. The report shall be submitted in
423 accordance with section 11-4a of the general statutes. The first report
424 submitted after a contract is awarded shall indicate: (A) When, where
425 and how the request for bids was advertised; (B) who bid on the
426 projects; (C) the provisions of law that governed the award of the
427 contract and if there were any deviations from standard procedure in
428 awarding the contract; (D) the names of the individuals who had
429 decision-making authority in awarding the contract, including, but not
430 limited to, the individuals who served on any award panel; (E) if an
431 award panel was used, whether the recommendation of the panel was
432 followed and, if applicable, the reason why such recommendation was

433 not followed; (F) whether the awarding authority has any other
434 contracts with the contractor who was awarded the contract, and if so,
435 the nature and value of the contract; and (G) any provisions of law that
436 authorized or funded the project.

437 (b) The University of Connecticut shall not be required to submit a
438 report pursuant to this section for any project, as defined in
439 subdivision (16) of section 10a-109c of the general statutes, that is
440 undertaken and controlled by the university.

441 Sec. 7. Section 4b-100 of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective October 1, 2004*):

443 (a) The Commissioner of Public Works shall adopt regulations, in
444 accordance with chapter 54, to implement the provisions of sections
445 4b-91 to 4b-100, inclusive, as amended by this act. Such regulations
446 shall include (1) objective criteria for evaluating the qualifications of
447 bidders, and (2) the procedures for evaluating bids after the
448 prequalification status of the bidder has been verified.

449 (b) The Commissioner of Public Works shall adopt regulations, in
450 accordance with the provisions of chapter 54, establishing a procedure
451 for promptly hearing and ruling on claims alleging a violation or
452 violations of sections 4b-91 to 4b-100, inclusive, as amended by this act.
453 Such claims may be initiated by the Department of Public Works or
454 any party whose financial interests may be affected by the decision on
455 such a claim.

456 Sec. 8. (NEW) (*Effective October 1, 2004*) (a) The Department of Public
457 Works shall establish Construction Services Award Panels which shall
458 each consist of six members: Three of whom shall be appointed by the
459 Commissioner of Public Works and shall be current employees of the
460 Department of Public Works; two of whom shall be appointed by the
461 department head of the user agency; and one of whom who shall be a
462 neutral party appointed by the commissioner. The members of each
463 award panel appointed by the Commissioner of Public Works shall
464 serve for terms of one year from July first. If any vacancy occurs on the

465 panel, the Commissioner of Public Works or the head or acting head of
466 the user agency, as appropriate, shall appoint a person for the
467 unexpired term in accordance with the provisions of this subsection.

468 (b) A panel established pursuant to this section shall not be deemed
469 to be a board or commission within the meaning of section 4-9a of the
470 general statutes. Such panels shall be the award panels for any contract
471 for the construction, reconstruction, alteration, remodeling, repair or
472 demolition of any public building for the state pursuant to sections 4b-
473 91 to 4b-100, inclusive, of the general statutes, as amended by this act,
474 and section 4b-24 of the general statutes, as amended by this act.

475 (c) For each applicable contract, the commissioner shall designate
476 one panel to screen all submitted proposals and establish a list of
477 bidders to be interviewed and shall designate a separate panel
478 consisting of different members to interview bidders on the list and
479 submit a list of recommended contractors to the commissioner.

480 (d) The commissioner shall designate one voting member on each
481 panel to serve as chairperson. The chairperson shall moderate the
482 committee, collect votes and compile the results.

483 (e) Each award panel shall prepare a memorandum on the selection
484 process indicating how the evaluation criteria were applied to
485 determine the most qualified firms, which shall be available to the
486 public after execution of the contract with the selected contractor. The
487 commissioner shall select a contractor from among the list of firms
488 submitted by the award panel that interviewed the contractors. After
489 the commissioner has made a selection, the names of the contractor
490 firms submitted to the commissioner shall be available to the public
491 upon request. The commissioner shall also prepare a memorandum on
492 the final phase of the selection process, indicating how the
493 commissioner applied the evaluation criteria to determine the most
494 qualified firm. Such memorandum shall be available to the public after
495 execution of the contract with the selected contractor.

496 (f) The commissioner shall adopt regulations, in accordance with

497 chapter 54 of the general statutes, to implement the provisions of this
498 section.

499 Sec. 9. Subdivision (4) of section 4b-24 of the general statutes is
500 repealed and the following is substituted in lieu thereof (*Effective*
501 *October 1, 2004*):

502 (4) The commissioner may designate projects to be accomplished on
503 a total cost basis for (A) new facilities to provide for the substantial
504 space needs of a requesting agency, (B) the installation of mechanical
505 or electrical equipment systems in existing state facilities, or (C) the
506 demolition of any state facility that the commissioner is authorized to
507 demolish under the general statutes. If the commissioner designates a
508 project as a designated total cost basis project, the commissioner may
509 enter into a single contract with a private developer which may
510 include such project elements as site acquisition, architectural design
511 and construction. The commissioner shall select a private developer
512 from among the developers who are selected and recommended by the
513 award panels established in section 9 of this act. All contracts for such
514 designated projects shall be based on competitive proposals received
515 by the commissioner, who shall give notice of such project, and
516 specifications for the project, by advertising, at least once, in a
517 newspaper having a substantial circulation in the area in which such
518 project is to be located. No contract which includes the construction,
519 reconstruction, alteration, remodeling, repair or demolition of any
520 public building for work by the state for which the total cost is
521 estimated to be more than five hundred thousand dollars may be
522 awarded to a person who is not prequalified for the work in
523 accordance with section 3 of this act. The commissioner shall
524 determine all other requirements and conditions for such proposals
525 and awards and shall have sole responsibility for all other aspects of
526 such contracts. Such contracts shall state clearly the responsibilities of
527 the developer to deliver a completed and acceptable product on a date
528 certain, the maximum cost of the project and, as a separate item, the
529 cost of site acquisition, if applicable. No such contract may be entered
530 into by the commissioner without the prior approval of the State

531 Properties Review Board and unless funding has been authorized
532 pursuant to the general statutes or a public or special act.

533 Sec. 10. Subsection (c) of section 4b-52 of the general statutes is
534 repealed and the following is substituted in lieu thereof (*Effective July*
535 *1, 2004*):

536 (c) Whenever the Commissioner of Public Works declares that an
537 emergency condition exists at any state facility, other than a building
538 under the supervision and control of the Joint Committee on
539 Legislative Management, and that the condition would adversely
540 affect public safety or the proper conduct of essential state government
541 operations, or said joint committee declares that such an emergency
542 exists at a building under its supervision and control, the
543 commissioner or the joint committee may employ such assistance as
544 may be required to restore facilities under their control and
545 management, or the commissioner may so act upon the request of a
546 state agency, to restore facilities under the control and management of
547 such agency, without inviting bids as required in subsection (b) of this
548 section. The commissioner shall take no action requiring the
549 expenditure of more than five hundred thousand dollars to restore any
550 facility under this subsection (1) without the written consent of the
551 Governor, and (2) until the commissioner has certified to the joint
552 committee of the General Assembly having cognizance of matters
553 relating to legislative management that the project is of such an
554 emergency nature that an exception to subsection (b) of this section is
555 required. Such certification shall include input from all affected
556 agencies, detail the need for the exception and include any relevant
557 documentation. The provisions of this subsection shall not apply if any
558 person is obligated under the terms of an existing contract with the
559 state to render such assistance. The annual report of the commissioner
560 shall include a detailed statement of all expenditures made under this
561 subsection.

562 Sec. 11. Subsections (b) to (e), inclusive, of section 4b-55 of the
563 general statutes are repealed and the following is substituted in lieu

564 thereof (*Effective October 1, 2004*):

565 (b) "Consultant" means (1) any architect, professional engineer,
566 landscape architect, land surveyor, accountant, interior designer,
567 environmental professional or construction administrator, who is
568 registered or licensed to practice such person's profession in
569 accordance with the applicable provisions of the general statutes, or (2)
570 any planner [, construction manager] or financial specialist;

571 (c) "Consultant services" shall include those professional services
572 rendered by architects, professional engineers, landscape architects,
573 land surveyors, accountants, interior designers, environmental
574 professionals, construction administrators, planners [, construction
575 managers] or financial specialists, as well as incidental services that
576 members of these professions and those in their employ are authorized
577 to perform;

578 (d) "University of Connecticut library project" means a project to
579 renovate and improve the Homer Babbidge Library at The University
580 of Connecticut;

581 (e) "Firm" means any individual, partnership, corporation, joint
582 venture, association or other legal entity (1) authorized by law to
583 practice the profession of architecture, landscape architecture,
584 engineering, land surveying, accounting, interior design,
585 environmental or construction administration, or (2) practicing the
586 profession of planning [, construction management] or financial
587 specialization.

588 Sec. 12. (NEW) (*Effective October 1, 2004*) With respect to any
589 contract for the construction, reconstruction, alteration, remodeling,
590 repair or demolition of any public building under the supervision and
591 control of the Commissioner of Transportation which contract is
592 estimated to cost more than five hundred thousand dollars and is not
593 subject to section 4b-51 of the general statutes, the Commissioner of
594 Transportation shall award the contract to the lowest responsible and

595 qualified bidder, as defined in section 4b-92 of the general statutes, as
596 amended by this act, in accordance with regulations which the
597 commissioner shall adopt, in accordance with chapter 54 of the general
598 statutes. Such regulations shall establish, at a minimum: (1) Standards
599 for the advertisement of opportunities to bid, (2) objective criteria for
600 evaluating the qualifications of bidders, (3) the procedures for
601 evaluating bids after the prequalification status of a bidder has been
602 verified, and (4) award panels for the purpose of screening submitted
603 proposals, interviewing bidders and making recommendations to the
604 commissioner. Any contract that is subject to section 4b-51 of the
605 general statutes shall be awarded by the Commissioner of Public
606 Works in accordance with chapter 60 of the general statutes.

607 Sec. 13. Subdivision (12) of section 13b-4 of the general statutes is
608 repealed and the following is substituted in lieu thereof (*Effective*
609 *October 1, 2004*):

610 (12) To provide for the planning and construction of any capital
611 improvements and the remodeling, alteration, repair or enlargement of
612 any real asset that may be required for the development and operation
613 of a safe, efficient system of highway, mass transit, marine and
614 aviation transportation, provided (A) the acquisition, other than by
615 condemnation, or the sale or lease, of any property that is used for
616 such purposes shall be subject to the review and approval of the State
617 Properties Review Board in accordance with the provisions of
618 subsection (f) of section 4b-3, and (B) any contract for the planning,
619 construction, remodeling, alteration, repair or enlargement of any
620 public building which is estimated to cost more than five hundred
621 thousand dollars shall be advertised and awarded in accordance with
622 section 12 of this act.

623 Sec. 14. Section 13b-42 of the general statutes is amended by adding
624 subsection (h) as follows (*Effective October 1, 2004*):

625 (NEW) (h) Any lease which involves the construction,
626 reconstruction, alteration, remodeling, repair or demolition of any

627 public building which is estimated to cost more than five hundred
628 thousand dollars shall be advertised and awarded in accordance with
629 section 12 of this act.

630 Sec. 15. Section 20-341gg of the general statutes is repealed and the
631 following is substituted in lieu thereof (*Effective October 1, 2004*):

632 (a) As used in this section, "major contractor" means (1) any person
633 engaged in the business of construction, structural repair, structural
634 alteration, dismantling or demolition of a structure or addition that
635 exceeds the threshold limits provided in section 29-276b₂ or (2) any
636 person who, under the direction of a general contractor, performs or
637 offers to perform any work that impacts upon the structural integrity
638 of a structure or addition, including repair, alteration, dismantling or
639 demolition of a structure or addition that exceeds the threshold limits
640 provided in section 29-276b. Such work includes, but is not limited to,
641 roofing, masonry and structural frame work.

642 (b) No person shall engage in or offer to perform the work of any
643 major contractor in this state on any proposed structure or existing
644 structure or addition that exceeds the threshold limits contained in
645 section 29-276b unless such person has first obtained a license or
646 certificate of registration as required under the provisions of chapter
647 539 or a registration from the Department of Consumer Protection in
648 accordance with the provisions of this section. Individuals licensed
649 under chapter 393 shall be exempt from the provisions of this chapter
650 while engaging in work that they are licensed to perform. The
651 department shall issue a certificate of registration to any person who is
652 prequalified pursuant to section 3 of this act who applies for
653 registration in accordance with this section. Such prequalified person
654 shall not be required to pay a fee for such registration at any time that
655 the person maintains valid prequalification. If the individual or the
656 firm, company, partnership or corporation employing such individual
657 is engaged in work on a structure or addition that exceeds the
658 threshold limits contained in section 29-276b and requires licensure
659 under chapter 393, the firm, company, partnership or corporation shall

660 be exempt from the provisions of this chapter concerning registration
661 of major contractors, if the firm, company, partnership or corporation
662 employs an individual who is licensed as a contractor under chapter
663 393 to perform such work. The department shall furnish to each
664 qualified applicant a registration certifying that the holder of such
665 registration is entitled to engage in the work for which the person has
666 been issued a registration under this subsection, and the holder of such
667 registration shall carry it on his person while engaging in such work.
668 Such registration shall be shown to any properly interested person
669 upon request. No such registration shall be transferred to or used by
670 any person other than the person to whom the registration was issued.
671 The department shall maintain rosters of registrants and shall update
672 such rosters annually. The department may provide copies of rosters
673 to the public for an appropriate fee. The department may suspend or
674 revoke any registration issued by the department if the holder of such
675 registration is convicted of a felony, is grossly incompetent, is
676 disqualified, pursuant to section 3 of this act or whose prequalification
677 certificate has been revoked pursuant to section 3 of this act, engages
678 in malpractice or unethical conduct or knowingly makes false,
679 misleading or deceptive representations regarding his work or violates
680 any regulation adopted under subsection (c) of this section. Before any
681 registration is suspended or revoked, such holder shall be given notice
682 and an opportunity for hearing as provided in regulations adopted
683 under subsection (c) of this section. The Commissioner of Consumer
684 Protection shall provide written notice of any suspension or revocation
685 of a registration to the Commissioner of Administrative Services not
686 later than ten days after such suspension or revocation.

687 (c) The Commissioner of Consumer Protection shall adopt
688 regulations, in accordance with chapter 54, to implement the
689 provisions of this section. Such regulations shall (1) establish the
690 registration requirements for major contractors, (2) specify application
691 and registration fees, and (3) establish occupational standards for the
692 preservation of the public safety."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>January 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>July 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>October 1, 2004</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>October 1, 2004</i>
Sec. 15	<i>October 1, 2004</i>