



General Assembly

January Session, 2005

Raised Bill No. 948

LCO No. 2973

* _____SB00948GL_JUD022305_____*

Referred to Committee on General Law

Introduced by:
(GL)

**AN ACT CONCERNING THE FAILURE OF A MUNICIPALITY TO
OBTAIN A BOND FROM CERTAIN CONTRACTORS.**

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

1 Section 1. Section 49-41 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each contract exceeding fifty thousand dollars in amount for the
4 construction, alteration or repair of any public building or public work
5 of the state or of any subdivision thereof shall include a provision that
6 the person to perform the contract shall furnish to the state or the
7 subdivision on or before the award date, a bond in the amount of the
8 contract which shall be binding upon the award of the contract to that
9 person, with a surety or sureties satisfactory to the officer awarding
10 the contract, for the protection of persons supplying labor or materials
11 in the prosecution of the work provided for in the contract for the use
12 of each such person, provided no such bond shall be required to be
13 furnished (1) in relation to any general bid in which the total estimated
14 cost of labor and materials under the contract with respect to which
15 such general bid is submitted is less than fifty thousand dollars, (2) in
16 relation to any sub-bid in which the total estimated cost of labor and

17 materials under the contract with respect to which such sub-bid is
18 submitted is less than fifty thousand dollars, or (3) in relation to any
19 general bid or sub-bid submitted by a consultant, as defined in section
20 4b-55. Any such bond furnished shall have as principal the name of the
21 person awarded the contract.

22 (b) Nothing in this section or sections 49-41a to 49-43, inclusive,
23 shall be construed to limit the authority of any contracting officer to
24 require a performance bond or other security in addition to the bond
25 referred to in subsection (a) of this section, except that no such officer
26 shall require a performance bond in relation to any general bid in
27 which the total estimated cost of labor and materials under the contract
28 with respect to which such general bid is submitted is less than
29 twenty-five thousand dollars or in relation to any sub-bid in which the
30 total estimated cost of labor and materials under the contract with
31 respect to which such sub-bid is submitted is less than fifty thousand
32 dollars.

33 (c) No contract for the construction, alteration or repair of any
34 public building or public work of the state or of any subdivision
35 thereof that requires a person to supply the state or subdivision with a
36 bond may include a provision that requires the person to obtain the
37 bond from a specific surety, agent, broker or producer. No contracting
38 officer may require that a bond be obtained from a specific surety,
39 agent, broker or producer.

40 (d) Any political subdivision of the state that enters into a contract
41 described in subsection (a) of this section and that fails to obtain
42 delivery from the contractor of the bond required by this section shall,
43 upon demand of any person who has not been paid by the contractor
44 for labor or materials supplied in the performance of the work under
45 such contract, remit payment for such labor or materials. In the event
46 such political subdivision of the state fails to remit such payment, any
47 person who provided such labor or materials in the performance of the
48 work under the contract shall have the same legal right of action

49 against such political subdivision of the state as such person would
50 have had against a surety under the provisions of section 49-42.
51 Nothing in this section shall be construed to extend liability to the state
52 for any person's right to payment, nor shall this section be construed to
53 constitute a waiver of the state's sovereign immunity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	49-41

GL

Joint Favorable C/R

JUD