



General Assembly

Substitute Bill No. 955

January Session, 2005

* SB00955GAE 040505 *

AN ACT CONCERNING PREFERENCES IN BIDDING STATE PROJECTS.

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

1 Section 1. Subsection (f) of section 4b-100a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (f) The commissioner shall select a contractor from among the list of
5 firms submitted by the award panel that interviewed the contractors.
6 In selecting a contractor, the commissioner shall consider the
7 geographic location of a contractor in relation to the proposed project.
8 After the commissioner has made a selection, the names of the
9 contractor firms submitted to the commissioner shall be available to
10 the public upon request. In the event the commissioner does not select
11 the most qualified bidder listed by the awards panel, the commissioner
12 shall prepare a written explanation of the commissioner's decision. The
13 commissioner shall also prepare a memorandum on the final phase of
14 the selection process, indicating how the commissioner applied the
15 evaluation criteria to determine the successful bidder. Such
16 memorandum shall include a certification by the commissioner that
17 the commissioner's selection of the successful bidder was not the result
18 of collusion, the giving of a gift or the promise of a gift, compensation,
19 fraud or undue pressure from any person and shall be available to the

20 public after execution of the contract with the selected contractor.

21 Sec. 2. Subsection (c) of section 10a-109n of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective from*
23 *passage*):

24 (c) (1) Any construction contract to which the university is a party
25 may include a provision that the design professional who designed the
26 project, or an architect or professional engineer or construction
27 manager retained or employed specifically for the purpose of
28 supervision, may supervise the work to be performed through to
29 completion and ensure that the materials furnished and the work
30 performed are in accordance with the drawings, plans, specifications
31 and contracts therefor.

32 (2) With respect to any construction contract that is to be publicly
33 let, the university shall identify a list of potentially responsible
34 qualified bidders for the particular contract. Thereafter, the university
35 shall give notice to those on the list of the work required and of the
36 invitation to prequalify. The invitation to prequalify shall contain such
37 information as the university shall deem appropriate and a statement
38 of the time and place where the responses shall be received. Upon
39 receipt of such responses, the university shall select each bidder which
40 has shown itself able to post surety bonds required by such contract
41 and has demonstrated that it possesses the financial, managerial and
42 technical ability and the integrity necessary and without conflict of
43 interest for faithful and efficient performance of the work provided for
44 therein. The university shall evaluate whether a bidder is responsible
45 and qualified based on its experience with projects similar to that for
46 which the bid is to be submitted and based on objective written criteria
47 and included in the request for prequalification with respect to such
48 contract. The university shall also consider whether a bidder, and any
49 subcontractor on the bidder's previous projects, has been in
50 compliance with the provisions of part III of chapter 557 and chapter
51 558 during the previous five calendar years. The university shall also
52 consider the geographic location of each bidder in relation to the

53 proposed project.

54 (3) The university shall thereafter give notice to those so
55 prequalified of the time and place where the public letting shall occur
56 and shall include in such notice such information of the work required
57 as appropriate. Each bid shall be kept sealed until opened publicly at
58 the time and place as set forth in the notice soliciting such bid. The
59 university shall not award any construction contract after public
60 letting, except to the responsible qualified bidder, submitting the
61 lowest bid in compliance with the bid requirements. The university
62 may, however, waive any informality in a bid, and may either reject all
63 bids and again advertise for bids or interview at least three responsible
64 qualified bidders and negotiate and enter into with any one of such
65 bidders that construction contract which is both fair and reasonable to
66 the university.

67 (4) The invitation to bid and the construction contract awarded by
68 the university shall contain such other terms and conditions, and such
69 provisions for penalties as the university may deem appropriate.

70 (5) No payments shall be made by the university on account of any
71 contract for the project awarded by or for the university until the bills
72 or estimates presented for such payment shall have been duly certified
73 to be correct by the university. No payments shall be made from any
74 other fund on account of any contract for any project awarded by or
75 for the university until the bills or estimates presented for such
76 payment shall have been duly certified to be correct by the university.

77 (6) Provision shall be made in each contract to the effect that
78 payment is limited to the amount provided therein and that no liability
79 of the university or state shall and may be incurred beyond such
80 amount.

81 (7) The university shall require, for the protection of the state and
82 the university, such deposits, bonds and security in connection with
83 the submission of bids, the award of construction contracts and the
84 performance of work as the university shall determine to be

