



General Assembly

Amendment

January Session, 2005

LCO No. 7650

SB0009407650SDO

Offered by:

SEN. DEFRONZO, 6th Dist.

SEN. DAILY, 33rd Dist.

To: Subst. Senate Bill No. 94

File No. 541

Cal. No. 91

(As Amended by Senate Amendment Schedules "A" and "B")

**"AN ACT CONCERNING REFORM OF THE STATE CONTRACTING
PROCESS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision 11 of subsection (a) of section 10a-109d of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2005*):

6 (11) To make, enter into, execute, deliver and amend any and all
7 contracts, including, but not limited to, total cost basis contracts,
8 agreements, leases, instruments and documents and perform all acts
9 and do all things necessary or convenient to plan, design, acquire,
10 construct, build, enlarge, alter, reconstruct, renovate, improve, equip,
11 finance, maintain and operate projects and to carry out the powers

12 granted by sections 10a-109a to 10a-109y, inclusive, or reasonably
13 implied from those powers. The university shall not enter into a total
14 cost contract without the prior approval of the board of trustees. As
15 used in sections 10a-109a to 10a-109y, inclusive, "total cost basis
16 contract" means a contract between the university and a contractor to
17 accomplish multiple elements of a project that includes, construction
18 and may include, but not be limited to, design, preconstruction
19 activities, project management or other related services, and that is
20 awarded to the responsible qualified contractor submitting the lowest
21 cost proposal in compliance with the requirements of the solicitation
22 document.

23 Sec. 502. Subdivisions (2), (3) and (4) of subsection (c) of section 10a-
24 109n of the general statutes is repealed and the following is substituted
25 in lieu thereof (*Effective July 1, 2005*):

26 (2) With respect to any construction contract, including, but not
27 limited to, each total cost basis contract, that is to be publicly let, [the
28 university shall identify a list of potentially responsible qualified
29 bidders for the particular contract. Thereafter,] the university shall give
30 notice for contractors to prequalify to submit a project proposal, by
31 advertising, at least once, in one or more newspapers having broad
32 circulation in the state and by posting on the university web site. [to
33 those on the list of the work required and of the invitation to
34 prequalify.] The [invitation] notice to prequalify shall contain such
35 information as the university shall deem appropriate, including, but
36 not limited to, how to obtain an application to request prequalification
37 and a statement of the time and place where the responses shall be
38 received. Upon receipt of such responses, the university shall select
39 each [bidder which] contractor that has shown itself able to post surety
40 bonds required by such contract and has demonstrated that it
41 possesses the financial, managerial and technical ability and the
42 integrity necessary and without conflict of interest for faithful and
43 efficient performance of the work provided for therein. The university
44 shall evaluate whether a [bidder] contractor is responsible and
45 qualified based on its experience with projects similar to that for which

46 the [bid] proposal is to be submitted and based on objective written
47 criteria [and] included in the application to request [for]
48 prequalification with respect to such contract. The university shall also
49 consider whether a [bidder] contractor, and any subcontractor on the
50 [bidder's] contractor's previous projects, has been in compliance with
51 the provisions of part III of chapter 557 and chapter 558 during the
52 previous five calendar years.

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

69 (4) The [invitation to bid] notice to each contractor prequalified to
70 submit a proposal and the construction contract, including each total
71 cost basis contract, awarded by the university shall contain such other
72 terms and conditions, and such provisions for penalties as the
73 university may deem appropriate. When a total cost basis contract
74 provides any compensation to the contractor based upon the total
75 project cost, the contract terms shall include, but not be limited to, a
76 requirement that the contractor, after consultation with and approval
77 by the university, award any related subcontracts to the responsible
78 qualified subcontractor submitting the lowest bid in compliance with
79 the bid requirements and give notice of opportunities to bid on project

80 elements, by advertising, at least once, in one or more newspapers
81 having broad circulation in the state.

82 Sec. 503. Subdivision (7) of subsection (c) of section 10a-109n of the
83 general statutes is repealed and the following is substituted in lieu
84 thereof (*Effective July 1, 2005*):

85 (7) The university shall require, for the protection of the state and
86 the university, such deposits, bonds and security in connection with
87 the submission of [bids] proposals, the award of construction contracts
88 and the performance of work as the university shall determine to be
89 appropriate and in the public interest of the state."