



General Assembly

Amendment

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LCO No. 8024

HB0685408024SD0

Offered by:

SEN. DAILY, 33rd Dist.

REP. STAPLES, 96th Dist.

To: Subst. House Bill No. 6854

File No. 833

Cal. No. 619

"AN ACT CONCERNING INFORMATION RELATING TO PATIENT ASSISTANCE PROGRAMS AND DISCOUNT DRUG CARDS OF PHARMACEUTICAL COMPANIES."

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

3 "Sec. 501. Section 10a-109c of the general statutes is amended by
4 adding subdivision (27) as follows (*Effective July 1, 2005*):

5 (NEW) (27) "Total cost basis contract" means a contract between the
6 university and a contractor to accomplish multiple elements of a
7 project that includes construction, and may include, but is not limited
8 to, design, preconstruction activities, project management or other
9 related services, and that is awarded to the responsible qualified
10 contractor submitting the lowest cost proposal in compliance with the
11 requirements of the solicitation document.

12 Sec. 502. Subdivision (11) of subsection (a) of section 10a-109d of the

13 general statutes is repealed and the following is substituted in lieu
14 thereof (*Effective July 1, 2005*):

15 (11) To make, enter into, execute, deliver and amend any and all
16 contracts, including, but not limited to, total cost basis contracts,
17 agreements, leases, instruments and documents and perform all acts
18 and do all things necessary or convenient to plan, design, acquire,
19 construct, build, enlarge, alter, reconstruct, renovate, improve, equip,
20 finance, maintain and operate projects and to carry out the powers
21 granted by sections 10a-109a to 10a-109y, inclusive, or reasonably
22 implied from those powers. The university shall not enter into a total
23 cost basis contract without the prior approval of the board of trustees.

24 Sec. 503. Subsection (c) of section 10a-109n of the general statutes are
25 repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2005*):

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

35 (2) With respect to any construction contract, including but not
36 limited to, each total cost basis contract, that is to be publicly let, [the
37 university shall identify a list of potentially responsible qualified
38 bidders for the particular contract. Thereafter,] the university shall give
39 notice [to those on the list of the work required and of the invitation to
40 prequalify] for contractors to prequalify to submit a project proposal,
41 by advertising, at least once, in one or more newspapers having broad
42 circulation in the state and by posting on the university web site. The
43 [invitation] notice to prequalify shall contain such information as the
44 university shall deem appropriate, including, but not limited to, how

45 to obtain an application to request prequalification and a statement of
46 the time and place where the responses shall be received. Upon receipt
47 of such responses, the university shall select each [bidder] contractor
48 which has shown itself able to post surety bonds required by such
49 contract and has demonstrated that it possesses the financial,
50 managerial and technical ability and the integrity necessary and
51 without conflict of interest for faithful and efficient performance of the
52 work provided for therein. The university shall evaluate whether a
53 [bidder] contractor is responsible and qualified based on its experience
54 with projects similar to that for which the [bid] proposal is to be
55 submitted and based on objective written criteria [and] included in the
56 application to request [for] prequalification with respect to such
57 contract. The university shall also consider whether a [bidder]
58 contractor, and any subcontractor on the [bidder's] contractor's
59 previous projects, has been in compliance with the provisions of part
60 III of chapter 557 and chapter 558 during the previous five calendar
61 years.

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

78 (4) The [invitation to bid] notice to each contractor prequalified to

79 submit a proposal and the construction contract, including each total
80 cost basis contract, awarded by the university shall contain such other
81 terms and conditions, and such provisions for penalties as the
82 university may deem appropriate. When a total cost basis contract
83 provides any compensation to the contractor based upon the total
84 project cost, the contract terms shall include, but not be limited to, a
85 requirement that the contractor, after consultation with and approval
86 by the university, award any related subcontracts to the responsible
87 qualified subcontractor submitting the lowest bid in compliance with
88 the bid requirements and give notice of opportunities to bid on project
89 elements, by advertising, at least once, in one or more newspapers
90 having broad circulation in the state.

91 (5) No payments shall be made by the university on account of any
92 contract for the project awarded by or for the university until the bills
93 or estimates presented for such payment shall have been duly certified
94 to be correct by the university. No payments shall be made from any
95 other fund on account of any contract for any project awarded by or
96 for the university until the bills or estimates presented for such
97 payment shall have been duly certified to be correct by the university.

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

102 (7) The university shall require, for the protection of the state and
103 the university, such deposits, bonds and security in connection with
104 the submission of [bids] contracts, the award of construction contracts
105 and the performance of work as the university shall determine to be
106 appropriate and in the public interest of the state.

107 (8) Any contract awarded by the university shall be a contract with
108 the state acting through the university."