



General Assembly

February Session, 2006

**Raised Bill No. 5695**

LCO No. 2673

\*02673\_\_\_\_\_HED\*

Referred to Committee on Higher Education and Employment  
Advancement

Introduced by:  
(HED)

***AN ACT CONCERNING CONSTRUCTION OVERSIGHT AT THE  
UNIVERSITY OF CONNECTICUT.***

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

1 Section 1. (NEW) (*Effective July 1, 2006*) The Board of Trustees for  
2 The University of Connecticut shall select and appoint independent  
3 auditors, as defined in subdivision (7) of section 4-230 of the general  
4 statutes, to conduct a financial audit of any project of UCONN 2000, as  
5 defined in subdivision (25) of section 10a-109c of the general statutes.  
6 The board shall ensure that the auditors have unfettered access to any  
7 documentation the auditors need to review any such project. The  
8 auditors appointed pursuant to this section shall serve in such capacity  
9 for three consecutive years and shall not be reappointed at the  
10 expiration of such period. Any such auditor appointed pursuant to this  
11 section shall not be otherwise employed by the university during such  
12 period.

13 Sec. 2. (NEW) (*Effective July 1, 2006*) The Board of Trustees for The  
14 University of Connecticut shall annually review reports of an audit of  
15 any project of UCONN 2000, as defined in subdivision (25) of section

16 10a-109c of the general statutes, pursuant to section 2-90 of the general  
17 statutes, and section 1 of this act. Such review shall be conducted by  
18 the board without the presence of university staff members.

19 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) There is established a  
20 construction management committee consisting of (1) four members  
21 appointed jointly by the Governor, the speaker of the House of  
22 Representatives, the majority leader of the House of Representatives,  
23 the minority leader of the House of Representatives, the president pro  
24 tempore of the Senate, the majority leader of the Senate and the  
25 minority leader of the Senate, and (2) two members appointed by the  
26 Board of Trustees for The University of Connecticut. The appointed  
27 members shall include members who have expertise in the field of  
28 construction management. The chairperson of the committee shall be  
29 designated by the Governor. All appointments shall be made no later  
30 than July 20, 2006. A majority of the voting members of the committee  
31 shall constitute a quorum for the conduct of business. The committee  
32 shall act by a majority vote of the appointed members. The committee  
33 shall maintain a record of its proceedings in such form as it  
34 determines, provided such record indicates attendance and all votes  
35 cast by each appointed member.

36 (b) The construction management committee established pursuant  
37 to subsection (a) of this section shall review and approve the policies  
38 and procedures developed by The University of Connecticut to  
39 undertake any project of UCONN 2000, as defined in subdivision (25)  
40 of section 10a-109c of the general statutes. Such committee shall  
41 conduct biennially a performance review of UCONN 2000 and shall,  
42 upon the completion of each named project pursuant to section 10a-  
43 109e of the general statutes, conduct a review of the university's  
44 management of such project for its conformance with the applicable  
45 policies and procedures governing construction undertaken pursuant  
46 to section 10a-109n of the general statutes, as amended by this act,  
47 including, but not limited to, a review of the quarterly report  
48 submitted by the construction assurance office, in accordance with

49 section 4 of this act.

50 Sec. 4. (NEW) (*Effective July 1, 2006*) No later than August 1, 2006,  
51 the Board of Trustees for The University of Connecticut shall establish  
52 the construction assurance office. Positions in the office shall be paid  
53 positions. The office shall be led by a full-time director of capital  
54 projects who shall develop a construction management plan to  
55 coordinate construction for UCONN 2000, as defined in subdivision  
56 (25) of section 10a-109c of the general statutes, and to report quarterly  
57 to the construction management committee in accordance with section  
58 3 of this act and to the president of The University of Connecticut.

59 Sec. 5. Subsection (b) of section 10a-104 of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective July*  
61 *1, 2006*):

62 (b) The board of trustees shall: (1) Review and approve institutional  
63 budget requests and prepare and submit to the Board of Governors of  
64 Higher Education, in accordance with the provisions of section 10a-8,  
65 the budget request for the university and all branches thereof; (2)  
66 propose facility planning and capital expenditure budget priorities for  
67 the institutions under its jurisdiction; [and] (3) fulfill requirements  
68 concerning the auditing of projects of UCONN 2000 in accordance  
69 with sections 1 and 2 of this act; (4) establish the construction  
70 assurance office in accordance with section 4 of this act; and (5)  
71 exercise the powers delegated to it in section 10a-109d, as amended by  
72 this act. The board may request authority from the Treasurer to issue  
73 payment for claims against the university, other than a payment for  
74 payroll, debt service payable on state bonds to bondholders, paying  
75 agents, or trustees, or any payment the source of which includes the  
76 proceeds of a state bond issue.

77 Sec. 6. Section 10a-109c of the general statutes is amended by adding  
78 subdivisions (27) and (28) (*Effective July 1, 2006*):

79 (NEW) (27) "Contractor" means any person, firm, corporation or

80 other legal entity (A) seeking prequalification to bid on a contract or  
81 seeking the award of a contract, or (B) prequalified to bid on a contract  
82 or that has been awarded a contract, in accordance with subsection (c)  
83 of section 10a-109n, as amended by this act.

84 (NEW) (28) "Total cost basis contract" means a design-build or  
85 construction management at risk project delivery contract between The  
86 University of Connecticut and a contractor to accomplish multiple  
87 elements of a project that may include site acquisition, architectural  
88 design, preconstruction activities, project management and  
89 construction.

90 Sec. 7. Subdivision (11) of subsection (a) of section 10a-109d of the  
91 general statutes is repealed and the following is substituted in lieu  
92 thereof (*Effective July 1, 2006*):

93 (11) To make, enter into, execute, deliver and amend any and all  
94 contracts, including, but not limited to, total cost basis contracts,  
95 agreements, leases, instruments and documents and perform all acts  
96 and do all things necessary or convenient to plan, design, acquire,  
97 construct, build, enlarge, alter, reconstruct, renovate, improve, equip,  
98 finance, maintain and operate projects and to carry out the powers  
99 granted by sections 10a-109a to 10a-109y, inclusive, or reasonably  
100 implied from those powers.

101 Sec. 8. Subsection (c) of section 10a-109n of the general statutes is  
102 repealed and the following is substituted in lieu thereof (*Effective July*  
103 *1, 2006*):

104 (c) (1) Any construction contract to which the university is a party  
105 may include a provision that the design professional who designed the  
106 project, or an architect or professional engineer or construction  
107 manager retained or employed specifically for the purpose of  
108 supervision, may supervise the work to be performed through to  
109 completion and ensure that the materials furnished and the work  
110 performed are in accordance with the drawings, plans, specifications

111 and contracts therefor.

112 (2) With respect to any [construction contract] total cost basis  
113 contract or other contract for the construction of a university project  
114 which is estimated to cost more than five hundred thousand dollars,  
115 that is to be publicly let, [the university shall identify a list of  
116 potentially responsible qualified bidders for the particular contract.  
117 Thereafter,] the university shall give notice [to those on the list of the  
118 work required and of the invitation to prequalify] for contractors  
119 interested in prequalifying, and when eligible, contractors prequalified  
120 pursuant to section 4a-100, to submit a project proposal or bid, by  
121 advertising, at least once, in one or more newspapers having broad  
122 circulation in the state and by posting the advertisement on the  
123 university web site. The [invitation] notice to prequalify shall contain  
124 such information as the university shall deem appropriate, including  
125 how to obtain an application to request prequalification, and a  
126 statement of the time and place where the responses shall be received.  
127 Upon receipt of such responses, the university shall select each bidder  
128 which has shown itself able to post surety bonds required by such  
129 contract and has demonstrated that it possesses the financial,  
130 managerial and technical ability and the integrity necessary and  
131 without conflict of interest for faithful and efficient performance of the  
132 work provided for therein. The university shall evaluate whether a  
133 bidder is responsible and qualified based on its experience with  
134 projects similar to that for which the bid is to be submitted and based  
135 on objective written criteria [and] included in the application to  
136 request [for] prequalification with respect to such contract. The  
137 university shall also consider whether a bidder, and any subcontractor  
138 on the bidder's previous projects, has been in compliance with the  
139 provisions of part III of chapter 557 and chapter 558 during the  
140 previous five calendar years.

141 (3) The university shall thereafter give notice to those so  
142 prequalified of the time and place where the public letting shall occur  
143 and shall include in such notice such information of the work required

144 as appropriate. Each bid shall be kept sealed until opened publicly at  
145 the time and place as set forth in the notice soliciting such bid. The  
146 university shall not award any construction contract, including, but  
147 not limited to, any total basis contract, after public letting, except to the  
148 responsible qualified bidder, submitting the lowest bid in compliance  
149 with the bid requirements of the solicitation document. The university  
150 may, however, waive any informality in a bid, and may either reject all  
151 bids and again advertise for bids or interview at least three responsible  
152 qualified bidders and negotiate and enter into with any one of such  
153 bidders that construction contract which is both fair and reasonable to  
154 the university.

155 (4) The [invitation to] notice to each contractor prequalified to  
156 submit a proposal or bid and the construction contract, including each  
157 total cost basis contract, awarded by the university shall contain such  
158 other terms and conditions, and such provisions for penalties as the  
159 university may deem appropriate. Each construction management at  
160 risk project delivery contract shall invite bids and give notice of  
161 opportunities to bid on project elements, by advertising, at least once,  
162 in one or more newspapers having broad circulation in the state and  
163 include a requirement that the contractor, after consultation with and  
164 approval by the university, award any related contracts for project  
165 elements to the responsible qualified contractor submitting the lowest  
166 bid in compliance with the bid requirements.

167 (5) No payments shall be made by the university on account of any  
168 contract for the project awarded by or for the university until the bills  
169 or estimates presented for such payment shall have been duly certified  
170 to be correct by the university. No payments shall be made from any  
171 other fund on account of any contract for any project awarded by or  
172 for the university until the bills or estimates presented for such  
173 payment shall have been duly certified to be correct by the university.

174 (6) Provision shall be made in each contract to the effect that  
175 payment is limited to the amount provided therein and that no liability

176 of the university or state shall and may be incurred beyond such  
177 amount.

178 (7) The university shall require, for the protection of the state and  
179 the university, such deposits, bonds and security in connection with  
180 the submission of bids, the award of construction contracts and the  
181 performance of work as the university shall determine to be  
182 appropriate and in the public interest of the state.

183 (8) Any contract awarded by the university shall be a contract with  
184 the state acting through the university.

185 (9) The university shall not enter into a design-build project delivery  
186 contract for any project without the prior approval of the board of  
187 trustees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	New section
Sec. 5	<i>July 1, 2006</i>	10a-104(b)
Sec. 6	<i>July 1, 2006</i>	10a-109c
Sec. 7	<i>July 1, 2006</i>	10a-109d(a)(11)
Sec. 8	<i>July 1, 2006</i>	10a-109n(c)

**Statement of Purpose:**

To increase and enhance auditing requirements of UCONN 2000 capital construction projects, to establish a construction management committee and construction assurance office for increased oversight of the projects of UCONN 2000, and to amend the bid process.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*