



General Assembly

February Session, 2006

Amendment

LCO No. 5119

SB0022405119SD0

Offered by:
SEN. COLEMAN, 2nd Dist.

To: Senate Bill No. 224

File No. 294

Cal. No. 229

"AN ACT CONCERNING MUNICIPAL CONTRACT COMPLIANCE."

1 Strike lines 1 to 57, inclusive, and insert the following in lieu thereof:

2 "Section 1. Section 7-148u of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2006*):

4 (a) As used in this section:

5 (1) "Small contractor" means any contractor, subcontractor,
6 manufacturer or service company (A) which has been doing business
7 and has maintained its principal place of business in the state for a
8 period of at least one year prior to the date of application for
9 certification under this section, (B) which had gross revenues not
10 exceeding three million dollars in the most recently completed fiscal
11 year prior to such application, and (C) at least fifty-one per cent of the
12 ownership of which is held by a person or persons who are active in
13 the daily affairs of the business and have the power to direct the
14 management and policies of the business.

15 (2) "Minority business enterprise" means any small contractor (A)
16 fifty-one per cent or more of the capital stock, if any, or assets of which
17 are owned by a person or persons (i) who are active in the daily affairs
18 of the enterprise, (ii) who have the power to direct the management
19 and policies of the enterprise, and (iii) who are members of a minority,
20 as such term is defined in subsection (a) of section 32-9n₂ or (B) who is
21 an individual with a disability.

22 (3) "Individual with a disability" means an individual (A) having a
23 physical impairment that substantially limits one or more of the major
24 life activities of the individual₂ or (B) having a record of such an
25 impairment.

26 (4) "Good faith effort" means that degree of care and diligence
27 which a reasonable person would exercise in the performance of legal
28 duties and obligations and includes, (A) at a minimum, all efforts
29 reasonably necessary to achieve full compliance with the law, (B)
30 additional or substituted efforts when initial endeavors will not meet
31 statutory or regulatory requirements, and (C) documentary evidence
32 of all action undertaken to achieve compliance, especially if
33 requirements have not or will not be achieved within the allotted time
34 frames.

35 (b) Notwithstanding any provision of the general statutes or of any
36 special act or any municipal charter or home rule ordinance, a
37 municipality may, by ordinance, set aside in each fiscal year, for award
38 to small contractors, on the basis of a competitive bidding procedure,
39 municipal contracts or portions of municipal contracts for the
40 construction, reconstruction or rehabilitation of public buildings, the
41 construction and maintenance of highways and the purchase of goods
42 and services. The total value of such contracts or portions thereof to be
43 set aside shall be not more than twenty-five per cent of the average of
44 the total value of all such contracts let by the municipality for each of
45 the previous three fiscal years, provided a contract that may not be set
46 aside due to a conflict with a federal law or regulation shall not be
47 included in the calculation of such average. Contracts or portions

48 thereof having a value of not less than twenty-five per cent of the total
49 value of all contracts or portions thereof to be set aside shall be
50 reserved for awards to minority business enterprises.

51 (c) (1) Notwithstanding any provision of the general statutes or of
52 any special act or any municipal charter or home rule ordinance, each
53 municipality shall make a good faith effort to set aside in each fiscal
54 year, for award to small contractors, on the basis of a competitive
55 bidding procedures, municipal contracts or portions of municipal
56 contracts for public works projects for the construction, reconstruction
57 or rehabilitation of public buildings, the construction and maintenance
58 of highways and the purchase of goods and services if the cost of such
59 projects or goods and services is paid for with any state funds. The
60 total value of such contracts or portions thereof to be set aside shall be
61 not more than twenty-five per cent of the average of the total value of
62 all such contracts let by the municipality for each of the previous three
63 fiscal years, provided a contract that may not be set aside due to a
64 conflict with a federal law or regulation shall not be included in the
65 calculation of such average. Contracts or portions thereof having a
66 value of not less than twenty-five per cent of the total value of all
67 contracts or portions thereof to be set aside shall be reserved for
68 awards to minority business enterprises.

69 (2) The provisions of this subsection shall not apply to contracts or
70 portions thereof (A) that have a value of less than one hundred fifty
71 thousand dollars, (B) where, after a good faith effort, the municipality
72 has been unable to identify a minority business enterprise qualified to
73 perform the contract or portion thereof, or (C) the contract or each
74 portion thereof can be performed by the contractor without
75 subcontracting to any other contractor."