



General Assembly

January Session, 2007

Raised Bill No. 1182

LCO No. 4341

04341_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING ADMINISTRATIVE PROCEDURES OF THE DEPARTMENT OF PUBLIC WORKS.

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

1 Section 1. Subsection (b) of section 4b-91 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) The Commissioner of Public Works, the joint committee or the
5 constituent unit, as the case may be, shall determine the manner of
6 submission and the conditions and requirements of such bids, and the
7 time within which the bids shall be submitted, consistent with the
8 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be
9 made [within sixty] not later than ninety days after the opening of such
10 bids. If the general bidder selected as the general contractor fails to
11 perform the general contractor's agreement to execute a contract in
12 accordance with the terms of the general contractor's general bid and
13 furnish a performance bond and also a labor and materials or payment
14 bond to the amount specified in the general bid form, an award shall
15 be made to the next lowest responsible and qualified general bidder.

16 No employee of the Department of Public Works, the joint committee
17 or a constituent unit with decision-making authority concerning the
18 award of a contract and no public official, as defined in section 1-79,
19 may communicate with any bidder prior to the award of the contract if
20 the communication results in the bidder receiving information about
21 the contract that is not available to other bidders, except that if the
22 lowest responsible and qualified bidder's price submitted is in excess
23 of funds available to make an award, the Commissioner of Public
24 Works, the Joint Committee on Legislative Management or the
25 constituent unit, as the case may be, may negotiate with such bidder
26 and award the contract on the basis of the funds available, without
27 change in the contract specifications, plans and other requirements. If
28 the award of a contract on said basis is refused by such bidder, the
29 Commissioner of Public Works, the Joint Committee on Legislative
30 Management or the constituent unit, as the case may be, may negotiate
31 with other contractors who submitted bids in ascending order of bid
32 prices without change in the contract, specifications, plans and other
33 requirements. In the event of negotiation with general bidders as
34 provided in this section, the general bidder involved may negotiate
35 with subcontractors on the same basis, provided such general bidder
36 shall negotiate only with subcontractors named on such general
37 bidder's general bid form.

38 Sec. 2. Subdivision (4) of section 4-250 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (4) "Large state contract" means an agreement or a combination or
42 series of agreements between a state agency or a quasi-public agency
43 and a person, firm or corporation, having a total [cost to such state
44 agency or quasi-public agency] value of more than five hundred
45 thousand dollars in a calendar or fiscal year, for (A) a project for the
46 construction, alteration or repair of any public building or public work,
47 (B) services, including, but not limited to, consulting and professional
48 services, (C) the procurement of supplies, materials or equipment, (D)

49 a lease, or (E) a licensing arrangement. The term "large state contract"
50 shall not include a contract between a state agency or a quasi-public
51 agency and a political subdivision of the state.

52 Sec. 3. Subsection (a) of section 4b-38 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective from*
54 *passage*):

55 (a) Subject to the provisions of section 4b-30 the commissioner may
56 lease state-owned land or buildings, or both, and facilities to (1)
57 municipalities for municipal use or (2) private individuals or concerns
58 for private use, when such land, buildings and facilities are otherwise
59 not used or needed for state use and such action seems desirable to
60 produce income or is otherwise in the public interest, provided the
61 Treasurer has determined that such action will not affect the status of
62 any tax-exempt obligations issued or to be issued by the state of
63 Connecticut. [Each lease to a municipality under this subsection shall
64 have a term of not more than twenty years.]

65 Sec. 4. Section 67 of public act 00-167 is repealed and the following is
66 substituted in lieu thereof (*Effective from passage*):

67 Notwithstanding any provision of the general statutes or of any
68 special act, including, but not limited to, the provisions of sections 4b-2
69 to 4b-3, inclusive, 4b-51 to 4b-58, inclusive, 4b-91 to 4b-102, inclusive,
70 19a-638 and 19a-939 and chapters 124 and 126 of the general statutes,
71 or any of the provisions of any ordinance or special act of any
72 municipality, the Commissioner of Mental Health and Addiction
73 Services may provide a grant-in-aid to an entity which is considered to
74 be a nonprofit organization under Section 501(c)(3) of the Internal
75 Revenue Code of 1986, or any subsequent corresponding internal
76 revenue code of the United States, as from time to time amended, for
77 the design and construction of an addition to the Connecticut Mental
78 Health Center in New Haven. Said grant shall be made in accordance
79 with the terms of a contract between the Commissioner of Mental
80 Health and Addiction Services, in consultation with the Commissioner

81 of Public Works, and the Section 501(c)(3) nonprofit organization. Such
82 contract shall include a provision that requires the formation of an
83 oversight committee made up of said departments and said nonprofit
84 organization. The oversight committee shall meet not less than once
85 per month and shall be kept fully informed of the progress of design
86 and construction of said addition. Such committee shall have access to
87 all documents and materials in the possession or under the control of
88 the nonprofit organization and any of its agents, contractors or
89 consultants, including, but not limited to, project budgets. Such
90 committee shall approve any legal documents and related materials
91 concerning the design and construction of the project and the project
92 budget. The nonprofit organization shall be solely responsible for the
93 selection of any design consultants and any construction contractor.
94 The design and construction of the addition, including the method of
95 construction management, shall be in accordance with the terms and
96 conditions of the contract between the Commissioner of Mental Health
97 and Addiction Services, in consultation with the Department of Public
98 Works, and the Section 501(c)(3) nonprofit organization.

99 Sec. 5. Section 16a-38k of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective from passage*):

101 (a) Notwithstanding any provision of the general statutes, any new
102 construction of a state facility, except salt sheds, parking garages,
103 maintenance facilities or school construction, that is projected to cost
104 five million dollars or more, and [is approved and funded] that had all
105 budgeted project bond funds allocated by the State Bond Commission
106 on or after January 1, 2007, shall comply with or exceed compliance
107 with the silver building rating of the Leadership in Energy and
108 Environmental Design's rating system for new commercial
109 construction and major renovation projects, as established by the
110 United States Green Building Council, or an equivalent standard,
111 including, but not limited to, a two-globe rating in the Green Globes
112 USA design program until the regulations [adopted pursuant to]
113 described in subsection (b) of this section are adopted. The Secretary of

114 the Office of Policy and Management, in consultation with the
115 Commissioner of Public Works and the Institute for Sustainable
116 Energy, shall exempt any facility from complying with said regulations
117 if said secretary finds, in a written analysis, that the cost of such
118 compliance significantly outweighs the benefits. Nothing in this
119 section shall be construed to require the redesign of any new
120 construction of a state facility that is designed in accordance with the
121 silver building rating of the Leadership in Energy and Environmental
122 Design's rating system for new commercial construction and major
123 renovation projects, as established by the United States Green Building
124 Council, or an equivalent standard, including, but not limited to, a
125 two-globe rating in the Green Globes USA design program, provided
126 the design for such facility was initiated or completed prior to the
127 adoption of the regulations described in subsection (b) of this section.

128 (b) Not later than January 1, 2007, the Secretary of the Office of
129 Policy and Management, in consultation with the Commissioner of
130 Public Works, the Commissioner of Environmental Protection and the
131 Commissioner of Public Safety, shall adopt regulations, in accordance
132 with the provisions of chapter 54, to adopt state building construction
133 standards that are consistent with or exceed the silver building rating
134 of the Leadership in Energy and Environmental Design's rating system
135 for new commercial construction and major renovation projects, as
136 established by the United States Green Building Council, or an
137 equivalent standard, including, but not limited to, a two-globe rating
138 in the Green Globes USA design program, and thereafter update such
139 regulations as the secretary deems necessary.

140 Sec. 6. Subsection (b) of section 4b-53 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective from*
142 *passage*):

143 (b) The State Bond Commission, in the allocation of proceeds of
144 state bonds for purposes of the design, construction, reconstruction or
145 remodeling of any state building, shall allocate for works of art, with

146 respect to each such project and for the purposes of subsection (c) of
147 this section, an amount from such proceeds not less than one per cent
148 of the total estimated cost of such construction, reconstruction or
149 remodeling, exclusive of (1) the cost of any land acquisition, (2) any
150 nonconstruction costs including the cost of such work of art, and (3)
151 any augmentations to such cost, provided any such allocation for work
152 of art as provided in this section must be approved, prior to
153 authorization of such allocation by the State Bond Commission, by the
154 Commissioner of Public Works in consultation with the Connecticut
155 Commission on Culture and Tourism. Such allocation may be used to
156 reimburse any artist, artisan, craftsperson or person who creates a
157 work of art, for proposal development expenses when the Connecticut
158 Commission on Culture and Tourism requests such proposal
159 development or to compensate persons who, at the request of the
160 Connecticut Commission on Culture and Tourism determine whether
161 such works of art require proposal development.

162 Sec. 7. Subsection (a) of section 49-41 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective*
164 *October 1, 2007*):

165 (a) Each contract exceeding one hundred thousand dollars in
166 amount for the construction, alteration or repair of any public building
167 or public work of the state or a municipality shall include a provision
168 that the person to perform the contract shall furnish to the state or
169 municipality on or before the award date, a bond in the amount of the
170 contract which shall be binding upon the award of the contract to that
171 person, with a surety or sureties satisfactory to the officer awarding
172 the contract, for the protection of persons supplying labor or materials
173 in the prosecution of the work provided for in the contract for the use
174 of each such person, provided no such bond shall be required to be
175 furnished (1) in relation to any general bid in which the total estimated
176 cost of labor and materials under the contract with respect to which
177 such general bid is submitted is less than [fifty] one hundred thousand
178 dollars, (2) in relation to any sub-bid in which the total estimated cost

179 of labor and materials under the contract with respect to which such
180 sub-bid is submitted is less than [fifty] one hundred thousand dollars,
181 or (3) in relation to any general bid or sub-bid submitted by a
182 consultant, as defined in section 4b-55. Any such bond furnished shall
183 have as principal the name of the person awarded the contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-91(b)
Sec. 2	<i>from passage</i>	4-250(4)
Sec. 3	<i>from passage</i>	4b-38(a)
Sec. 4	<i>from passage</i>	PA 00-167, Sec. 67
Sec. 5	<i>from passage</i>	16a-38k
Sec. 6	<i>from passage</i>	4b-53(b)
Sec. 7	<i>October 1, 2007</i>	49-41(a)

Statement of Purpose:

To make substantive changes in various statutes that affect the administrative procedures utilized in the Department of Public Work's operations.

[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.]