



General Assembly

Amendment

January Session, 2007

LCO No. 8466

SB0070708466SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

SEN. STILLMAN, 20th Dist.

REP. DARGAN, 115th Dist.

To: Subst. Senate Bill No. 707

File No. 81

Cal. No. 138

**"AN ACT CONCERNING THE PAY SCALE OF THE STATE POLICE
AND MINIMUM QUALIFICATIONS FOR STATE AND MUNICIPAL
POLICE OFFICERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) The Commissioner of
4 Administrative Services, within available appropriations, shall study
5 the pay scale for sworn personnel of the Division of State Police to
6 identify any inequities among the classes of such personnel. Not later
7 than February 1, 2008, the commissioner shall report to the joint
8 standing committee of the General Assembly having cognizance of
9 matters relating to public safety on the commissioner's findings.

10 Sec. 2. Subsection (a) of section 4a-63 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective from*
12 *passage*):

13 (a) The Commissioner of Administrative Services may disqualify
14 any person, firm or corporation, for up to [two] five years, from
15 bidding on contracts with the Department of Administrative Services,
16 pursuant to section 4a-57, for supplies, materials, equipment and
17 contractual services required by any state agency, for one or more
18 causes set forth under subsection (c) of this section. The commissioner
19 may initiate a disqualification proceeding after consulting with the
20 purchasing agency, if any, and the Attorney General and shall provide
21 notice and an opportunity to be heard to the person, firm or
22 corporation which is the subject of the proceeding. The commissioner
23 shall issue a written decision within ninety days of the last date of such
24 hearing and state in the decision the reasons for the action taken and, if
25 the person, firm or corporation is being disqualified, the period of such
26 disqualification. The commissioner shall send the decision to such
27 person, firm or corporation by certified mail, return receipt requested.
28 The written decision shall be a final decision for the purposes of
29 sections 4-180 and 4-183.

30 Sec. 3. Section 4a-100 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective from passage*):

32 (a) As used in this section: (1) "Prequalification" means
33 prequalification issued by the Commissioner of Administrative
34 Services to bid on a contract or perform work pursuant to a contract
35 for the construction, reconstruction, alteration, remodeling, repair or
36 demolition of any public building or any other public work [for work]
37 by the state or a municipality, except a public highway or bridge
38 project or any other construction project administered by the
39 Department of Transportation; (2) "subcontractor" means a person who
40 performs work with a value in excess of twenty-five thousand dollars
41 for a contractor pursuant to a contract for work for the state or a
42 municipality which is estimated to cost more than five hundred
43 thousand dollars; (3) "principals and key personnel" includes officers,
44 directors, shareholders, members, partners and managerial employees;
45 (4) "aggregate work capacity rating" means the maximum amount of
46 work an applicant is capable of undertaking for any and all projects;

47 [and] (5) "single project limit" means the highest estimated cost of a
 48 single project that an applicant is capable of undertaking; and (6)
 49 "contract" means an agreement for work for the state or a municipality
 50 that is estimated to cost more than five hundred thousand dollars and
 51 is funded, in whole or in part, by state funds.

52 (b) (1) Any person may apply for prequalification to the Department
 53 of Administrative Services. Such application shall be made on such
 54 form as the Commissioner of Administrative Services prescribes and
 55 shall be accompanied by a nonrefundable application fee as set forth in
 56 subdivision (2) of this subsection. The application shall be signed
 57 under penalty of false statement.

58 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

59 (c) The application form shall, at a minimum, require the applicant
 60 to supply information concerning:

61 (1) The applicant's form of organization;

62 (2) The applicant's principals and key personnel and any names
 63 under which the applicant, principals or key personnel conducted
 64 business during the past five years;

65 (3) The applicant's experience on public and private construction
 66 projects over the past five years, or on the applicant's ten most
 67 recently-completed projects and the names of any subcontractors used

68 on the projects;

69 (4) Any legal or administrative proceedings pending or concluded
70 adversely against the applicant or any of the applicant's principals or
71 key personnel within the past five years which relate to the
72 procurement or performance of any public or private construction
73 contract and whether the applicant is aware of any investigation
74 pending against the applicant or any principal or key personnel;

75 (5) The nature of any financial, personal or familial relationship
76 between the applicant and any public or private construction project
77 owner listed on the application as constituting construction experience;

78 (6) A statement of whether (A) the applicant has been disqualified
79 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
80 the applicant is on the list distributed by the Labor Commissioner
81 pursuant to section 31-57a, (C) the applicant is disqualified or
82 prohibited from being awarded a contract pursuant to section 31-57b,
83 (D) the applicant has been disqualified by another state, (E) the
84 applicant has been disqualified by a federal agency or pursuant to
85 federal law, (F) the applicant's registration has been suspended or
86 revoked by the Department of Consumer Protection pursuant to
87 section 20-341gg, (G) the applicant has been disqualified by a
88 municipality, and (H) the matters that gave rise to any such
89 disqualification, suspension or revocation have been eliminated or
90 remedied; and

91 (7) Other information as the commissioner deems relevant to the
92 determination of the applicant's qualifications and responsibilities.

93 (d) The applicant shall include a statement of financial condition
94 prepared by a certified public accountant which includes information
95 concerning the applicant's assets and liabilities, plant and equipment,
96 bank and credit references, bonding company and maximum bonding
97 capacity, and other information as the commissioner deems relevant to
98 an evaluation of the applicant's financial capacity and responsibility.

99 (e) Information contained in the application shall be current as of
100 the time of filing except that the statement of financial condition shall
101 pertain to the applicant's most recently-completed fiscal year.

102 (f) The commissioner shall determine whether to prequalify an
103 applicant on the basis of the application and on relevant past
104 performance according to procedures and criteria set forth in
105 regulations which the commissioner shall adopt on or before October
106 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
107 minimum, the record of the applicant's performance, including, but
108 not limited to, written evaluations of the applicant's performance on
109 public or private projects within the past five years, the applicant's
110 past experience on projects of various size and type, the skill, ability
111 and integrity of the applicant and any subcontractors used by the
112 applicant, the experience and qualifications of supervisory personnel
113 employed by the applicant, the maximum amount of work the
114 applicant is capable of undertaking as demonstrated by the applicant's
115 financial condition, bonding capacity, size of past projects and present
116 and anticipated work commitments, and any other relevant criteria
117 that the commissioner prescribes. Such regulations shall also (1)
118 provide that the criteria considered shall be assigned separate
119 designated numerical values and weights and that the applicant shall
120 be assigned an overall numerical rating on the basis of all criteria, and
121 (2) establish prequalification classifications, aggregate work capacity
122 ratings and single project limits. Such prequalification classifications
123 shall be used to establish the types of work a contractor is qualified to
124 perform and the aggregate work capacity ratings shall be used to
125 establish the maximum amount of work a contractor is capable of
126 undertaking.

127 (g) (1) The applicant shall indicate the prequalification
128 classifications, aggregate work capacity ratings and single project
129 limits that are sought. The commissioner may issue a certificate of
130 prequalification to any applicant who meets the requirements of this
131 section. Such certificate shall be effective for one year from the date
132 issued and shall indicate the contractor's prequalification

133 classifications, aggregate work capacity ratings and single project
134 limits. The commissioner may cause the initial certificate of
135 prequalification to be effective for a period not to exceed two years and
136 may require the applicant to remit payment of the application fee, as
137 set forth in subsection (b) of this section, for the first twelve months of
138 certification as well as a prorated application fee, as described in
139 subdivision (3) of this subsection, for any additional period of
140 certification beyond the first twelve months.

141 (2) A prequalified contractor may apply at any time for additional
142 prequalification classifications, aggregate work capacity ratings or
143 single project limits by submitting the applicable increase in fee, a
144 completed update statement [] and other information the
145 commissioner requires.

146 (3) The commissioner may renew a prequalification certificate upon
147 receipt of a completed update statement, any other material the
148 commissioner requires and a nonrefundable fee in an amount equal to
149 one-half of the application fee for the applicable aggregate work
150 capacity rating as set forth in subsection (b) of this section, except that
151 in no event shall such fee be less than six hundred dollars.

152 (h) Not later than sixty days after receiving a completed application,
153 the commissioner shall mail or send by electronic mail a notice to the
154 applicant concerning the commissioner's preliminary determination
155 regarding the conditions of the prequalification certification, a denial
156 of certification, a reduction in the level of certification sought or
157 nonrenewal of certification. Any applicant aggrieved by the
158 commissioner's preliminary determination may request copies of the
159 information upon which the commissioner relied in making the
160 preliminary determination, provided such request is made not later
161 than ten days after the date the notice was mailed or sent by electronic
162 mail to the applicant. Not later than twenty days after the date the
163 notice was mailed or sent by electronic mail, the applicant may submit
164 additional information to the commissioner with a request for
165 reconsideration. The commissioner shall issue a final determination

166 regarding the application not later than ninety days after the date the
167 commissioner mailed or sent by electronic mail the notice of the
168 preliminary determination, which ninety-day period may be extended
169 for an additional period not to exceed ninety days if (1) the
170 commissioner gives written notice to the applicant that the
171 commissioner requires additional time, and (2) such notice is mailed or
172 sent by electronic mail during the initial ninety-day period.

173 (i) The commissioner may not issue or renew a prequalification
174 certificate to any contractor (1) who is disqualified pursuant to section
175 31-57c or 31-57d, or (2) who has a principal or key personnel who,
176 within the past five years, has a conviction or has entered a plea of
177 guilty or nolo contendere for or has admitted to commission of an act
178 or omission that reasonably could have resulted in disqualification
179 pursuant to any provision of subdivisions (1) to (3), inclusive, of
180 subsection (d) of section 31-57c or subdivisions (1) to (3), inclusive, of
181 subsection (d) of section 31-57d, as determined by the commissioner.

182 (j) The commissioner may revoke a contractor's prequalification or
183 reduce the contractor's prequalification classification or aggregate
184 work capacity ratings, after an opportunity for a hearing, if the
185 commissioner receives additional information that supports such
186 revocation or reduction. During the hearing process, the commissioner
187 may suspend a contractor's prequalification certificate if the
188 commissioner determines that there is probable cause to believe that
189 such contractor engaged in conduct that significantly undermines the
190 skill, ability or integrity of such contractor. Any such suspension shall
191 not exceed a period of three months and shall be accompanied by a
192 written decision of the commissioner that sets forth the reasons for and
193 duration of such suspension. The commissioner shall send notification
194 of any such suspension to such contractor by certified mail, return
195 receipt requested.

196 (k) (1) Any substantial evidence of fraud in obtaining or
197 maintaining prequalification or any materially false statement in the
198 application, [or any] update statement or update bid statement may, in

199 the discretion of the awarding authority, result in termination of any
200 contract awarded the applicant by the awarding authority. The
201 awarding authority shall provide written notice to the commissioner of
202 such false statement not later than thirty days after discovering such
203 false statement. The commissioner shall provide written notice of such
204 false statement to the Commissioner of Public Works, [and] the
205 Commissioner of Consumer Protection and the chair of the
206 construction management oversight committee at The University of
207 Connecticut not later than thirty days after discovering such false
208 statement or receiving such notice.

209 (2) The commissioner shall deny or revoke the prequalification of
210 any person [, after an opportunity for hearing,] if the commissioner
211 finds that the person has included any materially false statement in
212 such application, [or] update statement or update bid statement, has
213 been convicted of a crime related to the procurement or performance
214 of any public or private construction contract or, within the past five
215 years, [or] has otherwise engaged in fraud in obtaining or maintaining
216 prequalification. Any revocation made pursuant to this subsection
217 shall be made only after an opportunity for a hearing. Any person
218 whose prequalification has been revoked pursuant to this subsection
219 shall be disqualified for a period of two years after which the person
220 may reapply for prequalification, except that a person whose
221 prequalification has been revoked on the basis of conviction of a crime
222 or engaging in fraud shall be disqualified for a period of five years
223 after which the person may reapply for prequalification. The
224 commissioner shall not prequalify a person whose prequalification has
225 been revoked pursuant to this subdivision until the expiration of said
226 two or five-year disqualification period and the commissioner is
227 satisfied that the matters that gave rise to the revocation have been
228 eliminated or remedied.

229 (l) The commissioner shall provide written notice of any revocation,
230 disqualification, reduction in classification or capacity rating or
231 reinstated prequalification to the Commissioner of Public Works, [and]
232 the Commissioner of Consumer Protection and the chairperson of the

233 construction management oversight committee at The University of
234 Connecticut not later than thirty days after any final determination.

235 (m) The provisions of this section and section 4a-101 shall not apply
236 to subcontractors.

237 (n) The commissioner shall establish an update statement for use by
238 bidders for purposes of renewing or upgrading a prequalification
239 certificate and an update bid statement for purposes of submitting a
240 bid pursuant to section 4b-91, as amended by this act.

241 (o) Any applicant aggrieved by the commissioner's final
242 determination concerning a preliminary determination, a denial of
243 certification, a reduction in prequalification classification or aggregate
244 work capacity rating or a revocation or nonrenewal of certification
245 may appeal to the Superior Court in accordance with section 4-183.

246 Sec. 4. Section 4a-100 of the general statutes, as amended by section
247 22 of public act 06-134, is repealed and the following is substituted in
248 lieu thereof (*Effective October 1, 2007*):

249 (a) As used in this section: (1) "Prequalification" means
250 prequalification issued by the Commissioner of Administrative
251 Services to bid on a contract or perform work pursuant to a contract
252 for the construction, reconstruction, alteration, remodeling, repair or
253 demolition of any public building or any other public work [for work]
254 by the state or a municipality, except a public highway or bridge
255 project or any other construction project administered by the
256 Department of Transportation, or to perform work under such a
257 contract as a substantial subcontractor; (2) "subcontractor" means a
258 person who performs work with a value in excess of twenty-five
259 thousand dollars for a contractor pursuant to a contract for work for
260 the state or a municipality which is estimated to cost more than five
261 hundred thousand dollars; (3) "principals and key personnel" includes
262 officers, directors, shareholders, members, partners and managerial
263 employees; (4) "aggregate work capacity rating" means the maximum
264 amount of work an applicant is capable of undertaking for any and all

265 projects; (5) "single project limit" means the highest estimated cost of a
 266 single project that an applicant is capable of undertaking; [and] (6)
 267 "contract" means an agreement for work for the state or a municipality
 268 that is estimated to cost more than five hundred thousand dollars and
 269 is funded, in whole or in part, by state funds; and (7) "substantial
 270 subcontractor" means a person who performs work with a value in
 271 excess of five hundred thousand dollars for a contractor pursuant to a
 272 contract for work for the state or a municipality which is estimated to
 273 cost more than five hundred thousand dollars.

274 (b) (1) Any person may apply for prequalification to the Department
 275 of Administrative Services. Such application shall be made on such
 276 form as the Commissioner of Administrative Services prescribes and
 277 shall be accompanied by a nonrefundable application fee as set forth in
 278 subdivision (2) of this subsection. The application shall be signed
 279 under penalty of false statement.

280 (2) The application fee shall be as follows:

T9	Aggregate Work Capacity Rating	Fee
T10		
T11	\$5,000,000.00 or less	\$600.00
T12	\$5,000,000.01 - \$8,000,000.00	\$750.00
T13	\$8,000,000.01 - \$10,000,000.00	\$850.00
T14	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T15	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T16	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T17	\$40,000,000.01 or more	\$2,500.00

281 (c) The application form shall, at a minimum, require the applicant
 282 to supply information concerning:

283 (1) The applicant's form of organization;

284 (2) The applicant's principals and key personnel and any names
 285 under which the applicant, principals or key personnel conducted
 286 business during the past five years;

287 (3) Any legal or administrative proceedings pending or concluded
288 adversely against the applicant or any of the applicant's principals or
289 key personnel within the past five years which relate to the
290 procurement or performance of any public or private construction
291 contract and whether the applicant is aware of any investigation
292 pending against the applicant or any principal or key personnel;

293 (4) The nature of any financial, personal or familial relationship
294 between the applicant and any public or private construction project
295 owner listed on the application as constituting construction experience;

296 (5) A statement of whether (A) the applicant has been disqualified
297 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
298 the applicant is on the list distributed by the Labor Commissioner
299 pursuant to section 31-57a, (C) the applicant is disqualified or
300 prohibited from being awarded a contract pursuant to section 31-57b,
301 (D) the applicant has been disqualified by another state, (E) the
302 applicant has been disqualified by a federal agency or pursuant to
303 federal law, (F) the applicant's registration has been suspended or
304 revoked by the Department of Consumer Protection pursuant to
305 section 20-341gg, (G) the applicant has been disqualified by a
306 municipality, and (H) the matters that gave rise to any such
307 disqualification, suspension or revocation have been eliminated or
308 remedied; and

309 (6) Other information as the commissioner deems relevant to the
310 determination of the applicant's qualifications and responsibilities.

311 (d) The applicant shall include a statement of financial condition
312 prepared by a certified public accountant which includes information
313 concerning the applicant's assets and liabilities, plant and equipment,
314 bank and credit references, bonding company and maximum bonding
315 capacity, and other information as the commissioner deems relevant to
316 an evaluation of the applicant's financial capacity and responsibility.

317 (e) Information contained in the application shall be current as of
318 the time of filing except that the statement of financial condition shall

319 pertain to the applicant's most recently-completed fiscal year.

320 (f) The commissioner shall determine whether to prequalify an
321 applicant on the basis of the application and on relevant past
322 performance according to procedures and criteria set forth in
323 regulations which the commissioner shall adopt on or before October
324 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
325 minimum, the record of the applicant's performance, including, but
326 not limited to, written evaluations of the applicant's performance on
327 public or private projects, [for a period of not less than the past three
328 years,] the applicant's past experience on projects of various size and
329 type, the skill, ability and integrity of the applicant and any
330 subcontractors used by the applicant, the experience and qualifications
331 of supervisory personnel employed by the applicant, the maximum
332 amount of work the applicant is capable of undertaking as
333 demonstrated by the applicant's financial condition, bonding capacity,
334 size of past projects and present and anticipated work commitments,
335 and any other relevant criteria that the commissioner prescribes. Such
336 regulations shall also (1) provide that the criteria considered shall be
337 assigned separate designated numerical values and weights and that
338 the applicant shall be assigned an overall numerical rating on the basis
339 of all criteria, and (2) establish prequalification classifications,
340 aggregate work capacity ratings and single project limits. Such
341 prequalification classifications shall be used to establish the types of
342 work a contractor or substantial subcontractor is qualified to perform
343 and the aggregate work capacity ratings shall be used to establish the
344 maximum amount of work a contractor or substantial subcontractor is
345 capable of undertaking.

346 (g) (1) The applicant shall indicate the prequalification
347 classifications, aggregate work capacity ratings and single project
348 limits that are sought. The commissioner may issue a certificate of
349 prequalification to any applicant who meets the requirements of this
350 section. Such certificate shall be effective for one year from the date
351 issued and shall indicate the contractor's or substantial subcontractor's
352 prequalification classifications, aggregate work capacity ratings and

353 single project limits. The commissioner may cause the initial certificate
354 of prequalification to be effective for a period not to exceed two years
355 and may require the applicant to remit payment of the application fee,
356 as set forth in subsection (b) of this section, for the first twelve months
357 of certification as well as a prorated application fee, as described in
358 subdivision (3) of this subsection, for any additional period of
359 certification beyond the first twelve months.

360 (2) A prequalified contractor or substantial subcontractor may apply
361 at any time for additional prequalification classifications, aggregate
362 work capacity ratings or single project limits by submitting the
363 applicable increase in fee, a completed update statement [,] and other
364 information the commissioner requires.

365 (3) The commissioner may renew a prequalification certificate upon
366 receipt of a completed update statement, any other material the
367 commissioner requires and a nonrefundable fee in an amount not less
368 than one-half of the application fee for the applicable aggregate work
369 capacity rating as set forth in subsection (b) of this section.

370 (h) Not later than sixty days after receiving a completed application,
371 the commissioner shall mail or send by electronic mail a notice to the
372 applicant concerning the commissioner's preliminary determination
373 regarding the conditions of the prequalification certification, a denial
374 of certification, a reduction in the level of certification sought or
375 nonrenewal of certification. Any applicant aggrieved by the
376 commissioner's preliminary determination may request copies of the
377 information upon which the commissioner relied in making the
378 preliminary determination, provided such request is made not later
379 than ten days after the date the notice was mailed or sent by electronic
380 mail to the applicant. Not later than twenty days after the date the
381 notice was mailed or sent by electronic mail, the applicant may submit
382 additional information to the commissioner with a request for
383 reconsideration. The commissioner shall issue a final determination
384 regarding the application not later than ninety days after the date the
385 commissioner mailed or sent by electronic mail the notice of the

386 preliminary determination, which ninety-day period may be extended
387 for an additional period not to exceed ninety days if (1) the
388 commissioner gives written notice to the applicant that the
389 commissioner requires additional time, and (2) such notice is mailed or
390 sent by electronic mail during the initial ninety-day period.

391 (i) The commissioner may not issue or renew a prequalification
392 certificate to any contractor or substantial subcontractor (1) who is
393 disqualified pursuant to section 31-57c or 31-57d, or (2) who has a
394 principal or key personnel who, within the past five years, has a
395 conviction or has entered a plea of guilty or nolo contendere for or has
396 admitted to commission of an act or omission that reasonably could
397 have resulted in disqualification pursuant to any provision of
398 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57c or
399 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57d, as
400 determined by the commissioner.

401 (j) The commissioner may revoke a contractor's or substantial
402 subcontractor's prequalification or reduce the contractor's or
403 substantial subcontractor's prequalification classification or aggregate
404 work capacity ratings, after an opportunity for a hearing, if the
405 commissioner receives additional information that supports such
406 revocation or reduction. During the course of such hearing process, the
407 commissioner may suspend a contractor's prequalification certificate if
408 the commissioner determines that there is probable cause to believe
409 that such contractor engaged in conduct that significantly undermines
410 the skill, ability or integrity of such contractor. Any such suspension
411 shall not exceed a period of three months and shall be accompanied by
412 a written decision of the commissioner that sets forth the reasons for
413 and duration of such suspension. The commissioner shall send
414 notification of any such suspension to such contractor by certified mail,
415 return receipt requested.

416 (k) (1) Any substantial evidence indicating fraud in obtaining or
417 maintaining prequalification or any materially false statement in the
418 application [or any] update statement or update bid statement may, in

419 the discretion of the awarding authority, result in termination of any
420 contract awarded the applicant by the awarding authority. The
421 awarding authority shall provide written notice to the commissioner of
422 such false statement not later than thirty days after discovering such
423 false statement. The commissioner shall provide written notice of such
424 false statement to the Commissioner of Public Works, [and] the
425 Commissioner of Consumer Protection and the chair of the
426 construction management oversight committee at The University of
427 Connecticut not later than thirty days after discovering such false
428 statement or receiving such notice.

429 (2) The commissioner shall deny or revoke the prequalification of
430 any person [, after an opportunity for hearing,] if the commissioner
431 finds that the person has included any materially false statement in
432 such application, [or] update statement or update bid statement, has
433 been convicted of a crime related to the procurement or performance
434 of any public or private construction contract or, within the past five
435 years, [or] has otherwise engaged in fraud in obtaining or maintaining
436 prequalification. Any revocation made pursuant to this subsection
437 shall be made only after an opportunity for a hearing. Any person
438 whose prequalification has been revoked pursuant to this subsection
439 shall be disqualified for a period of two years after which the person
440 may reapply for prequalification, except that a person whose
441 prequalification has been revoked on the basis of conviction of a crime
442 or engaging in fraud shall be disqualified for a period of five years
443 after which the person may reapply for prequalification. The
444 commissioner shall not prequalify a person whose prequalification has
445 been revoked pursuant to this subdivision until the expiration of said
446 two-year, five-year, or other applicable disqualification period and the
447 commissioner is satisfied that the matters that gave rise to the
448 revocation have been eliminated or remedied.

449 (l) The commissioner shall provide written notice of any revocation,
450 disqualification, reduction in classification or capacity rating or
451 reinstated prequalification to the Commissioner of Public Works, [and]
452 the Commissioner of Consumer Protection and the chairperson of the

453 construction management oversight committee at The University of
454 Connecticut not later than thirty days after any final determination.

455 (m) The provisions of this section and section 4a-101 shall not apply
456 to subcontractors who are not substantial subcontractors.

457 (n) The commissioner shall establish an update statement for use by
458 bidders and substantial subcontractors for purposes of renewing or
459 upgrading a prequalification certificate and an update bid statement
460 for purposes of submitting a bid pursuant to section 4b-91, as amended
461 by this act.

462 (o) Any applicant aggrieved by the commissioner's final
463 determination concerning a preliminary determination, a denial of
464 certification, a reduction in prequalification classification or aggregate
465 work capacity rating or a revocation or nonrenewal of certification
466 may appeal to the Superior Court in accordance with section 4-183.

467 [(p) The commissioner shall adopt regulations, in accordance with
468 chapter 54, to establish a schedule of application fees for substantial
469 contractors.]

470 Sec. 5. Subsection (c) of section 4a-101 of the general statutes is
471 repealed and the following is substituted in lieu thereof (*Effective from*
472 *passage*):

473 (c) As used in this section, "public agency" means a public agency,
474 as defined in section 1-200, "contract" means an agreement for work for
475 the state or a municipality that is estimated to cost more than five
476 hundred thousand dollars and is funded, in whole or in part, by state
477 funds and "subcontractor" means a person who performs work with a
478 value in excess of twenty-five thousand dollars for a contractor
479 pursuant to a contract. [for work for the state or a municipality which
480 is estimated to cost more than five hundred thousand dollars.]

481 Sec. 6. Subsection (c) of section 4a-101 of the general statutes, as
482 amended by section 23 of public act 06-134, is repealed and the

483 following is substituted in lieu thereof (*Effective October 1, 2007*):

484 (c) As used in this section, "public agency" means a public agency,
485 as defined in section 1-200, "contract" means an agreement for work for
486 the state or a municipality that is estimated to cost more than five
487 hundred thousand dollars and is funded, in whole or in part, by state
488 funds, "subcontractor" means a person who performs work with a
489 value in excess of twenty-five thousand dollars for a contractor
490 pursuant to a contract [for work for the state or a municipality which is
491 estimated to cost more than five hundred thousand dollars] and
492 "substantial subcontractor" means a substantial subcontractor, as
493 defined in section 4a-100, as amended by this act.

494 Sec. 7. Section 4b-91 of the general statutes is repealed and the
495 following is substituted in lieu thereof (*Effective from passage*):

496 (a) Every contract for the construction, reconstruction, alteration,
497 remodeling, repair or demolition of any public building [for] or any
498 other public work by the state except a public highway or bridge
499 project or any other construction project administered by the
500 Department of Transportation, which is estimated to cost more than
501 five hundred thousand dollars, except a contract awarded by the
502 Commissioner of Public Works for (1) a community court project, as
503 defined in subsection (j) of section 4b-55, (2) the downtown Hartford
504 higher education center project, as defined in subsection (l) of section
505 4b-55, (3) a correctional facility project, as defined in subsection (m) of
506 section 4b-55, (4) a juvenile detention center project, as defined in
507 subsection (n) of section 4b-55, or (5) a student residential facility for
508 the Connecticut State University system that is a priority higher
509 education facility project, as defined in subsection (f) of section 4b-55,
510 shall be awarded to the lowest responsible and qualified general
511 bidder who is prequalified pursuant to section 4a-100, as amended by
512 this act, on the basis of competitive bids in accordance with the
513 procedures set forth in this chapter, after the Commissioner of Public
514 Works or, in the case of a contract for the construction of or work on a
515 building under the supervision and control of the Joint Committee on

516 Legislative Management of the General Assembly, the joint committee
517 or, in the case of a contract for the construction of or work on a
518 building under the supervision and control of one of the constituent
519 units of the state system of higher education, the constituent unit, has
520 invited such bids by advertisements inserted at least once in one or
521 more newspapers having a circulation in each county in the state. The
522 Commissioner of Public Works, the joint committee or the constituent
523 unit, as the case may be, shall indicate the prequalification
524 classification required for the contract in such advertisement. As used
525 in this section, "prequalification classification" means the
526 prequalification classifications established by the Commissioner of
527 Administrative Services pursuant to section 4a-100, as amended by this
528 act.

529 (b) The Commissioner of Public Works, the joint committee or the
530 constituent unit, as the case may be, shall determine the manner of
531 submission and the conditions and requirements of such bids, and the
532 time within which the bids shall be submitted, consistent with the
533 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be
534 made within sixty days after the opening of such bids. If the general
535 bidder selected as the general contractor fails to perform the general
536 contractor's agreement to execute a contract in accordance with the
537 terms of the general contractor's general bid and furnish a performance
538 bond and also a labor and materials or payment bond to the amount
539 specified in the general bid form, an award shall be made to the next
540 lowest responsible and qualified general bidder. No employee of the
541 Department of Public Works, the joint committee or a constituent unit
542 with decision-making authority concerning the award of a contract
543 and no public official, as defined in section 1-79, may communicate
544 with any bidder prior to the award of the contract if the
545 communication results in the bidder receiving information about the
546 contract that is not available to other bidders, except that if the lowest
547 responsible and qualified bidder's price submitted is in excess of funds
548 available to make an award, the Commissioner of Public Works, the
549 Joint Committee on Legislative Management or the constituent unit, as

550 the case may be, may negotiate with such bidder and award the
551 contract on the basis of the funds available, without change in the
552 contract specifications, plans and other requirements. If the award of a
553 contract on said basis is refused by such bidder, the Commissioner of
554 Public Works, the Joint Committee on Legislative Management or the
555 constituent unit, as the case may be, may negotiate with other
556 contractors who submitted bids in ascending order of bid prices
557 without change in the contract, specifications, plans and other
558 requirements. In the event of negotiation with general bidders as
559 provided in this section, the general bidder involved may negotiate
560 with subcontractors on the same basis, provided such general bidder
561 shall negotiate only with subcontractors named on such general
562 bidder's general bid form.

563 (c) [On and after October 1, 2004, no] No person may bid on a
564 contract or perform work pursuant to a contract for the construction,
565 reconstruction, alteration, remodeling, repair or demolition of any
566 public building for work by the state or a municipality, which is
567 estimated to cost more than five hundred thousand dollars and is paid
568 for, in whole or in part, with state funds, unless the person is
569 prequalified in accordance with section 4a-100, as amended by this act.

570 (d) [On and after October 1, 2004, each] Each bid submitted for a
571 contract described in subsection (c) of this section shall include a copy
572 of a prequalification certificate issued by the Commissioner of
573 Administrative Services. The bid shall also be accompanied by an
574 update bid statement in such form as the Commissioner of
575 Administrative Services prescribes. The form for such update bid
576 statement shall provide space for information regarding all projects
577 completed by the bidder since the date the bidder's prequalification
578 certificate was issued or renewed, all projects the bidder currently has
579 under contract, including the percentage of work on such projects not
580 completed, the names and qualifications of the personnel who will
581 have supervisory responsibility for the performance of the contract,
582 any significant changes in the bidder's financial position or corporate
583 structure since the date the certificate was issued or renewed, any

584 change in the contractor's qualification status as determined by the
585 provisions of subdivision (6) of subsection (c) of section 4a-100, as
586 amended by this act, and such other relevant information as the
587 Commissioner of Administrative Services prescribes. Any bid
588 submitted without a copy of the prequalification certificate and an
589 update bid statement shall be invalid. Any public agency that accepts a
590 bid submitted without a copy of such prequalification certificate and
591 an update bid statement, as required by this section, may become
592 ineligible for the receipt of funds related to such bid.

593 (e) Any person who bids on a contract described in subsection (c) of
594 this section shall certify under penalty of false statement at the
595 conclusion of the bidding process that the information in the bid is
596 true, that there has been no substantial change in the bidder's financial
597 position or corporate structure since the bidder's most recent
598 prequalification certificate was issued or renewed, other than those
599 changes noted in the update bid statement, and that the bid was made
600 without fraud or collusion with any person.

601 (f) Any person who receives information from a state employee or
602 public official that is not available to the general public concerning any
603 construction, reconstruction, alteration, remodeling, repair or
604 demolition project on a public building prior to the date that an
605 advertisement for bids on the project is published shall be disqualified
606 from bidding on the project.

607 (g) Notwithstanding the provisions of this chapter regarding
608 competitive bidding procedures, the commissioner may select and
609 interview at least three responsible and qualified general contractors
610 who are prequalified pursuant to section 4a-100, as amended by this
611 act, and submit the three selected contractors to the construction
612 services award panels process described in section 4b-100a and any
613 regulation adopted by the commissioner. The commissioner may
614 negotiate with the successful bidder a contract which is both fair and
615 reasonable to the state for a community court project, as defined in
616 subsection (j) of section 4b-55, the downtown Hartford higher

617 education center project, as defined in subsection (l) of section 4b-55, a
618 correctional facility project, as defined in subsection (m) of section 4b-
619 55, a juvenile detention center project, as defined in subsection (n) of
620 section 4b-55, or a student residential facility for the Connecticut State
621 University system that is a priority higher education facility project, as
622 defined in subsection (f) of section 4b-55. The Commissioner of Public
623 Works, prior to entering any such contract or performing any work on
624 such project, shall submit such contract to the State Properties Review
625 Board for review and approval or disapproval by the board, pursuant
626 to subsection (i) of this section. Any general contractor awarded a
627 contract pursuant to this subsection shall be subject to the same
628 requirements concerning the furnishing of bonds as a contractor
629 awarded a contract pursuant to subsection (b) of this section.

630 (h) [On and after October 1, 2004, any] Any agency that seeks to
631 have a project awarded without being subject to competitive bidding
632 procedures shall certify to the joint committee of the General Assembly
633 having cognizance of matters relating to government administration
634 and elections that the project is of such an emergency nature that an
635 exception to the competitive bidding procedures of this section is
636 required. Such certification shall include input from all affected
637 agencies, detail the need for the exception and include any relevant
638 documentation.

639 (i) In the event that the General Assembly approves legislation
640 authorizing an exception to the competitive bidding process for a
641 project, the State Properties Review Board shall complete a review of
642 the contract for such project and approve or disapprove such contract
643 no later than thirty days after the Commissioner of Public Works
644 submits such contract to the board. Such review shall be conducted in
645 accordance with the provisions of section 4b-3. In the event that such
646 review does not occur within the thirty-day period prescribed by this
647 subsection, such contract shall be deemed to be approved.

648 Sec. 8. Section 4b-92 of the general statutes is repealed and the
649 following is substituted in lieu thereof (*Effective from passage*):

650 As used in this chapter and except as otherwise provided, the words
651 "lowest responsible and qualified bidder" shall mean the bidder who is
652 prequalified pursuant to section 4a-100, as amended by this act, and
653 whose bid is the lowest of those bidders possessing the skill, ability
654 and integrity necessary to faithful performance of the work based on
655 objective criteria considering past performance and information
656 contained in the update bid statement submitted pursuant to section
657 4b-91, as amended by this act. Essential information in regard to such
658 qualifications shall be submitted with the bid in such form as the
659 awarding authority may require by specification in the bid documents
660 and on the bid form. Every general bid shall be accompanied by a bid
661 bond or a certified check in an amount which shall be ten per cent of
662 the bid, provided no such bid bond or certified check shall be required
663 in relation to any general bid in which the total estimated cost of labor
664 and materials under the contract with respect to which such general
665 bid is submitted is less than fifty thousand dollars. Failure to execute a
666 contract awarded as specified and bid shall result in the forfeiture of
667 such bid bond or certified check. In considering past performance the
668 awarding authority shall evaluate the skill, ability and integrity of
669 bidders in terms of the bidders' fulfillment of contract obligations and
670 of the bidders' experience or lack of experience with projects of the
671 nature and scope of the project for which the bids are submitted.

672 Sec. 9. Subdivision (2) of subsection (g) of section 9-612 of the
673 general statutes, as amended by section 1 of public act 07-1, is repealed
674 and the following is substituted in lieu thereof (*Effective from passage*):

675 (2) On and after December 31, 2006:

676 (A) No state contractor, prospective state contractor, principal of a
677 state contractor or principal of a prospective state contractor, with
678 regard to a state contract solicitation with or from a state agency in the
679 executive branch or a quasi-public agency or a holder, or principal of a
680 holder of a valid prequalification certificate, shall make a contribution
681 to, or solicit contributions on behalf of (i) an exploratory committee or
682 candidate committee established by a candidate for nomination or

683 election to the office of Governor, Lieutenant Governor, Attorney
684 General, State Comptroller, Secretary of the State or State Treasurer,
685 (ii) a political committee authorized to make contributions or
686 expenditures to or for the benefit of such candidates, or (iii) a party
687 committee;

688 (B) No state contractor, prospective state contractor, principal of a
689 state contractor or principal of a prospective state contractor, with
690 regard to a state contract solicitation with or from the General
691 Assembly or a holder, or principal of a holder, of a valid
692 prequalification certificate, shall make a contribution to, or solicit
693 contributions on behalf of (i) an exploratory committee or candidate
694 committee established by a candidate for nomination or election to the
695 office of state senator or state representative, (ii) a political committee
696 authorized to make contributions or expenditures to or for the benefit
697 of such candidates, or (iii) a party committee;

698 (C) If a state contractor or principal of a state contractor makes or
699 solicits a contribution prohibited under subparagraph (A) or (B) of this
700 subdivision, as determined by the State Elections Enforcement
701 Commission, the contracting state agency or quasi-public agency may,
702 in the case of a state contract executed on or after the effective date of
703 this section void the existing contract with said contractor, and no state
704 agency or quasi-public agency shall award the state contractor a state
705 contract or an extension or an amendment to a state contract for one
706 year after the election for which such contribution is made or solicited
707 unless the commission determines that mitigating circumstances exist
708 concerning such violation. No violation of the prohibitions contained
709 in subparagraph (A) or (B) of this subdivision shall be deemed to have
710 occurred if, and only if, the improper contribution is returned to the
711 principal by the later of thirty days after receipt of such contribution
712 by the recipient committee treasurer or the filing date that corresponds
713 with the reporting period in which such contribution was made; and

714 (D) If a prospective state contractor or principal of a prospective
715 state contractor makes or solicits a contribution prohibited under

716 subparagraph (A) or (B) of this subdivision, as determined by the State
717 Elections Enforcement Commission, no state agency or quasi-public
718 agency shall award the prospective state contractor the contract
719 described in the state contract solicitation or any other state contract
720 for one year after the election for which such contribution is made or
721 solicited unless the commission determines that mitigating
722 circumstances exist concerning such violation. The Commissioner of
723 Administrative Services shall notify applicants of the provisions of this
724 subparagraph and subparagraphs (A) and (B) of this subdivision
725 during the prequalification application process.

726 (E) The State Elections Enforcement Commission shall make
727 available to each state agency and quasi-public agency a written notice
728 advising state contractors and prospective state contractors of the
729 contribution and solicitation prohibitions contained in subparagraphs
730 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state
731 contractor and prospective state contractor to inform each individual
732 described in subparagraph (F) of subdivision (1) of this subsection,
733 with regard to said state contractor or prospective state contractor,
734 about the provisions of subparagraph (A) or (B) of this subdivision,
735 whichever is applicable, and this subparagraph; (ii) inform each state
736 contractor and prospective state contractor of the civil and criminal
737 penalties that could be imposed for violations of such prohibitions if
738 any such contribution is made or solicited; (iii) inform each state
739 contractor and prospective state contractor that, in the case of a state
740 contractor, if any such contribution is made or solicited, the contract
741 may be voided; (iv) inform each state contractor and prospective state
742 contractor that, in the case of a prospective state contractor, if any such
743 contribution is made or solicited, the contract described in the state
744 contract solicitation shall not be awarded, unless the commission
745 determines that mitigating circumstances exist concerning such
746 violation; and (v) inform each state contractor and prospective state
747 contractor that the state will not award any other state contract to
748 anyone found in violation of such prohibitions for a period of one year
749 after the election for which such contribution is made or solicited,

750 unless the commission determines that mitigating circumstances exist
751 concerning such violation. Each state agency and quasi-public agency
752 shall distribute such notice to the chief executive officer of its
753 contractors and prospective state contractors, or an authorized
754 signatory to a state contract, and shall obtain a written
755 acknowledgement of the receipt of such notice.

756 Sec. 10. Section 49-41 of the general statutes is amended by adding
757 subsection (f) as follows (*Effective from passage*):

758 (NEW) (f) Whenever a surety bond is required in connection with a
759 contract for the construction, reconstruction, alteration, remodeling,
760 repair or demolition of any public building for work by the state or a
761 municipality, that is estimated to cost more than five hundred
762 thousand dollars and is paid for, in whole or in part, with state funds,
763 the surety contract between the contractor named as principal in the
764 bond and the surety that issues such bond shall contain the following
765 provision: "In the event that the surety assumes the contract or obtains
766 a bid or bids for completion of the contract, the surety shall ensure that
767 the contractor chosen to complete the contract is prequalified pursuant
768 to section 4a-100 of the Connecticut general statutes in the requisite
769 classification and has the aggregate work capacity rating and single
770 project limit necessary to complete the contract".

771 Sec. 11. Subdivision (1) of subsection (b) of section 1-206 of the
772 general statutes is repealed and the following is substituted in lieu
773 thereof (*Effective from passage*):

774 (b) (1) Any person denied the right to inspect or copy records under
775 section 1-210 or wrongfully denied the right to attend any meeting of a
776 public agency or denied any other right conferred by the Freedom of
777 Information Act may appeal therefrom to the Freedom of Information
778 Commission, by filing a notice of appeal with said commission. A
779 notice of appeal shall be filed [within] not later than thirty days after
780 such denial, except in the case of an unnoticed or secret meeting, in
781 which case the appeal shall be filed [within] not later than thirty days

782 after the person filing the appeal receives notice in fact that such
783 meeting was held. For purposes of this subsection, such notice of
784 appeal shall be deemed to be filed on the date it is received by said
785 commission or on the date it is postmarked, if received more than
786 thirty days after the date of the denial from which such appeal is taken.
787 Upon receipt of such notice, the commission shall serve upon all
788 parties, by certified or registered mail, a copy of such notice together
789 with any other notice or order of such commission. In the case of the
790 denial of a request to inspect or copy records contained in a public
791 employee's personnel or medical file or similar file under subsection
792 (c) of section 1-214, the commission shall include with its notice or
793 order an order requiring the public agency to notify any employee
794 whose records are the subject of an appeal, and the employee's
795 collective bargaining representative, if any, of the commission's
796 proceedings and, if any such employee or collective bargaining
797 representative has filed an objection under said subsection (c), the
798 agency shall provide the required notice to such employee and
799 collective bargaining representative by certified mail, return receipt
800 requested or by hand delivery with a signed receipt. A public
801 employee whose personnel or medical file or similar file is the subject
802 of an appeal under this subsection may intervene as a party in the
803 proceedings on the matter before the commission. Said commission
804 shall, after due notice to the parties, hear and decide the appeal within
805 one year after the filing of the notice of appeal. The commission shall
806 adopt regulations in accordance with chapter 54, establishing criteria
807 for those appeals which shall be privileged in their assignment for
808 hearing. Any such appeal shall be heard [within] not later than thirty
809 days after receipt of a notice of appeal and decided [within] not later
810 than sixty days after the hearing. If a notice of appeal concerns an
811 announced agency decision to meet in executive session or an ongoing
812 agency practice of meeting in executive sessions, for a stated purpose,
813 the commission or a member or members of the commission
814 designated by its chairperson shall serve notice upon the parties in
815 accordance with this section and hold a preliminary hearing on the
816 appeal [within] not later than seventy-two hours after receipt of the

817 notice, provided such notice shall be given to the parties at least forty-
818 eight hours prior to such hearing. During such preliminary hearing,
819 the commission shall take evidence and receive testimony from the
820 parties. If after the preliminary hearing the commission finds probable
821 cause to believe that the agency decision or practice is in violation of
822 sections 1-200 and 1-225, the agency shall not meet in executive session
823 for such purpose until the commission decides the appeal. If probable
824 cause is found by the commission, it shall conduct a final hearing on
825 the appeal and render its decision [within] not later than five days [of]
826 after the completion of the preliminary hearing. Such decision shall
827 specify the commission's findings of fact and conclusions of law.

828 Sec. 12. Section 1-210 of the general statutes is repealed and the
829 following is substituted in lieu thereof (*Effective October 1, 2007*):

830 (a) Except as otherwise provided by any federal law or state statute,
831 all records maintained or kept on file by any public agency, whether or
832 not such records are required by any law or by any rule or regulation,
833 shall be public records and every person shall have the right to (1)
834 inspect such records promptly during regular office or business hours,
835 (2) copy such records in accordance with subsection (g) of section 1-
836 212, or (3) receive a copy of such records in accordance with section 1-
837 212. Any agency rule or regulation, or part thereof, that conflicts with
838 the provisions of this subsection or diminishes or curtails in any way
839 the rights granted by this subsection shall be void. Each such agency
840 shall keep and maintain all public records in its custody at its regular
841 office or place of business in an accessible place and, if there is no such
842 office or place of business, the public records pertaining to such agency
843 shall be kept in the office of the clerk of the political subdivision in
844 which such public agency is located or of the Secretary of the State, as
845 the case may be. Any certified record hereunder attested as a true copy
846 by the clerk, chief or deputy of such agency or by such other person
847 designated or empowered by law to so act, shall be competent
848 evidence in any court of this state of the facts contained therein. Each
849 such agency shall make, keep and maintain a record of the proceedings
850 of its meetings.

851 (b) Nothing in the Freedom of Information Act shall be construed to
852 require disclosure of:

853 (1) Preliminary drafts or notes provided the public agency has
854 determined that the public interest in withholding such documents
855 clearly outweighs the public interest in disclosure;

856 (2) Personnel or medical files and similar files the disclosure of
857 which would constitute an invasion of personal privacy;

858 (3) Records of law enforcement agencies not otherwise available to
859 the public which records were compiled in connection with the
860 detection or investigation of crime, if the disclosure of said records
861 would not be in the public interest because it would result in the
862 disclosure of (A) the identity of informants not otherwise known or the
863 identity of witnesses not otherwise known whose safety would be
864 endangered or who would be subject to threat or intimidation if their
865 identity was made known, (B) signed statements of witnesses, (C)
866 information to be used in a prospective law enforcement action if
867 prejudicial to such action, (D) investigatory techniques not otherwise
868 known to the general public, (E) arrest records of a juvenile, which
869 shall also include any investigatory files, concerning the arrest of such
870 juvenile, compiled for law enforcement purposes, (F) the name and
871 address of the victim of a sexual assault under section 53a-70, 53a-70a,
872 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
873 impairing of morals under section 53-21, or of an attempt thereof, or
874 (G) uncorroborated allegations subject to destruction pursuant to
875 section 1-216;

876 (4) Records pertaining to strategy and negotiations with respect to
877 pending claims or pending litigation to which the public agency is a
878 party until such litigation or claim has been finally adjudicated or
879 otherwise settled;

880 (5) (A) Trade secrets, which for purposes of the Freedom of
881 Information Act, are defined as information, including formulas,
882 patterns, compilations, programs, devices, methods, techniques,

883 processes, drawings, cost data, or customer lists that (i) derive
884 independent economic value, actual or potential, from not being
885 generally known to, and not being readily ascertainable by proper
886 means by, other persons who can obtain economic value from their
887 disclosure or use, and (ii) are the subject of efforts that are reasonable
888 under the circumstances to maintain secrecy; and

889 (B) Commercial or financial information given in confidence, not
890 required by statute;

891 (6) Test questions, scoring keys and other examination data used to
892 administer a licensing examination, examination for employment or
893 academic examinations;

894 (7) The contents of real estate appraisals, engineering or feasibility
895 estimates and evaluations made for or by an agency relative to the
896 acquisition of property or to prospective public supply and
897 construction contracts, until such time as all of the property has been
898 acquired or all proceedings or transactions have been terminated or
899 abandoned, provided the law of eminent domain shall not be affected
900 by this provision;

901 (8) Statements of personal worth or personal financial data required
902 by a licensing agency and filed by an applicant with such licensing
903 agency to establish the applicant's personal qualification for the
904 license, certificate or permit applied for;

905 (9) Records, reports and statements of strategy or negotiations with
906 respect to collective bargaining;

907 (10) Records, tax returns, reports and statements exempted by
908 federal law or state statutes or communications privileged by the
909 attorney-client relationship;

910 (11) Names or addresses of students enrolled in any public school or
911 college without the consent of each student whose name or address is
912 to be disclosed who is eighteen years of age or older and a parent or

913 guardian of each such student who is younger than eighteen years of
914 age, provided this subdivision shall not be construed as prohibiting the
915 disclosure of the names or addresses of students enrolled in any public
916 school in a regional school district to the board of selectmen or town
917 board of finance, as the case may be, of the town wherein the student
918 resides for the purpose of verifying tuition payments made to such
919 school;

920 (12) Any information obtained by the use of illegal means;

921 (13) Records of an investigation or the name of an employee
922 providing information under the provisions of section 4-61dd;

923 (14) Adoption records and information provided for in sections 45a-
924 746, 45a-750 and 45a-751;

925 (15) Any page of a primary petition, nominating petition,
926 referendum petition or petition for a town meeting submitted under
927 any provision of the general statutes or of any special act, municipal
928 charter or ordinance, until the required processing and certification of
929 such page has been completed by the official or officials charged with
930 such duty after which time disclosure of such page shall be required;

931 (16) Records of complaints, including information compiled in the
932 investigation thereof, brought to a municipal health authority pursuant
933 to chapter 368e or a district department of health pursuant to chapter
934 368f, until such time as the investigation is concluded or thirty days
935 from the date of receipt of the complaint, whichever occurs first;

936 (17) Educational records which are not subject to disclosure under
937 the Family Educational Rights and Privacy Act, 20 USC 1232g;

938 (18) Records, the disclosure of which the Commissioner of
939 Correction, or as it applies to Whiting Forensic Division facilities of the
940 Connecticut Valley Hospital, the Commissioner of Mental Health and
941 Addiction Services, has reasonable grounds to believe may result in a
942 safety risk, including the risk of harm to any person or the risk of an

943 escape from, or a disorder in, a correctional institution or facility under
944 the supervision of the Department of Correction or Whiting Forensic
945 Division facilities. Such records shall include, but are not limited to:

946 (A) Security manuals, including emergency plans contained or
947 referred to in such security manuals;

948 (B) Engineering and architectural drawings of correctional
949 institutions or facilities or Whiting Forensic Division facilities;

950 (C) Operational specifications of security systems utilized by the
951 Department of Correction at any correctional institution or facility or
952 Whiting Forensic Division facilities, except that a general description
953 of any such security system and the cost and quality of such system
954 may be disclosed;

955 (D) Training manuals prepared for correctional institutions and
956 facilities or Whiting Forensic Division facilities that describe, in any
957 manner, security procedures, emergency plans or security equipment;

958 (E) Internal security audits of correctional institutions and facilities
959 or Whiting Forensic Division facilities;

960 (F) Minutes or recordings of staff meetings of the Department of
961 Correction or Whiting Forensic Division facilities, or portions of such
962 minutes or recordings, that contain or reveal information relating to
963 security or other records otherwise exempt from disclosure under this
964 subdivision;

965 (G) Logs or other documents that contain information on the
966 movement or assignment of inmates or staff at correctional institutions
967 or facilities; and

968 (H) Records that contain information on contacts between inmates,
969 as defined in section 18-84, and law enforcement officers;

970 (19) Records when there are reasonable grounds to believe
971 disclosure may result in a safety risk, including the risk of harm to any

972 person, any government-owned or leased institution or facility or any
973 fixture or appurtenance and equipment attached to, or contained in,
974 such institution or facility, except that such records shall be disclosed
975 to a law enforcement agency upon the request of the law enforcement
976 agency. Such reasonable grounds shall be determined (A) (i) by the
977 Commissioner of Public Works, after consultation with the chief
978 executive officer of an executive branch state agency, with respect to
979 records concerning such agency; and (ii) by the Commissioner of
980 Emergency Management and Homeland Security, after consultation
981 with the chief executive officer of a municipal, district or regional
982 agency, with respect to records concerning [any executive branch
983 agency of the state or any municipal, district or regional agency, by the
984 Commissioner of Public Works, after consultation with the chief
985 executive officer of the] such agency; (B) by the Chief Court
986 Administrator with respect to records concerning the Judicial
987 Department; [facilities, by the Chief Court Administrator;] and (C) by
988 the executive director of the Joint Committee on Legislative
989 Management, with respect to records concerning the Legislative
990 Department. [, by the executive director of the Joint Committee on
991 Legislative Management.] As used in this section, "government-owned
992 or leased institution or facility" includes, but is not limited to, an
993 institution or facility owned or leased by a public service company, as
994 defined in section 16-1, a certified telecommunications provider, as
995 defined in section 16-1, a water company, as defined in section 25-32a,
996 or a municipal utility that furnishes electric, gas or water service, but
997 does not include an institution or facility owned or leased by the
998 federal government, and "chief executive officer" includes, but is not
999 limited to, an agency head, department head, executive director or
1000 chief executive officer. Such records include, but are not limited to:

1001 (i) Security manuals or reports;

1002 (ii) Engineering and architectural drawings of government-owned
1003 or leased institutions or facilities;

1004 (iii) Operational specifications of security systems utilized at any

1005 government-owned or leased institution or facility, except that a
1006 general description of any such security system and the cost and
1007 quality of such system, may be disclosed;

1008 (iv) Training manuals prepared for government-owned or leased
1009 institutions or facilities that describe, in any manner, security
1010 procedures, emergency plans or security equipment;

1011 (v) Internal security audits of government-owned or leased
1012 institutions or facilities;

1013 (vi) Minutes or records of meetings, or portions of such minutes or
1014 records, that contain or reveal information relating to security or other
1015 records otherwise exempt from disclosure under this subdivision;

1016 (vii) Logs or other documents that contain information on the
1017 movement or assignment of security personnel; [at government-owned
1018 or leased institutions or facilities;]

1019 (viii) Emergency plans and emergency [recovery or response plans]
1020 preparedness, response, recovery and mitigation plans, including
1021 plans provided by a person to a state agency or a local emergency
1022 management agency or official; and

1023 (ix) With respect to a water company, as defined in section 25-32a,
1024 that provides water service: Vulnerability assessments and risk
1025 management plans, operational plans, portions of water supply plans
1026 submitted pursuant to section 25-32d that contain or reveal
1027 information the disclosure of which may result in a security risk to a
1028 water company, inspection reports, technical specifications and other
1029 materials that depict or specifically describe critical water company
1030 operating facilities, collection and distribution systems or sources of
1031 supply;

1032 (20) Records of standards, procedures, processes, software and
1033 codes, not otherwise available to the public, the disclosure of which
1034 would compromise the security or integrity of an information

1035 technology system;

1036 (21) The residential, work or school address of any participant in the
1037 address confidentiality program established pursuant to sections 54-
1038 240 to 54-240o, inclusive;

1039 (22) The electronic mail address of any person that is obtained by
1040 the Department of Transportation in connection with the
1041 implementation or administration of any plan to inform individuals
1042 about significant highway or railway incidents.

1043 (c) Whenever a public agency receives a request from any person
1044 confined in a correctional institution or facility or a Whiting Forensic
1045 Division facility, for disclosure of any public record under the
1046 Freedom of Information Act, the public agency shall promptly notify
1047 the Commissioner of Correction or the Commissioner of Mental Health
1048 and Addiction Services in the case of a person confined in a Whiting
1049 Forensic Division facility of such request, in the manner prescribed by
1050 the commissioner, before complying with the request as required by
1051 the Freedom of Information Act. If the commissioner believes the
1052 requested record is exempt from disclosure pursuant to subdivision
1053 (18) of subsection (b) of this section, the commissioner may withhold
1054 such record from such person when the record is delivered to the
1055 person's correctional institution or facility or Whiting Forensic
1056 Division facility.

1057 (d) Whenever a public agency, except the Judicial Department or
1058 Legislative Department, receives a request from any person for
1059 disclosure of any records described in subdivision (19) of subsection
1060 (b) of this section under the Freedom of Information Act, the public
1061 agency shall promptly notify the Commissioner of Public Works or the
1062 Commissioner of Emergency Management and Homeland Security, as
1063 applicable, of such request, in the manner prescribed by [the] such
1064 commissioner, before complying with the request as required by the
1065 Freedom of Information Act and for information related to a water
1066 company, as defined in section 25-32a, the public agency shall

1067 promptly notify the water company before complying with the request
1068 as required by the Freedom of Information Act. If the [commissioner]
1069 commissioners, after consultation with the chief executive officer of the
1070 applicable agency or after consultation with the chief executive officer
1071 of the applicable water company for information related to a water
1072 company, as defined in section 25-32a, [believes] believe the requested
1073 record is exempt from disclosure pursuant to subdivision (19) of
1074 subsection (b) of this section, the [commissioner] commissioners may
1075 direct the agency to withhold such record from such person. In any
1076 appeal brought under the provisions of section 1-206 of the Freedom of
1077 Information Act for denial of access to records for any of the reasons
1078 described in subdivision (19) of subsection (b) of this section, such
1079 appeal shall be against the [Commissioner of Public Works]
1080 commissioner of the state agency that issued the directive to withhold
1081 such record pursuant to this subsection, exclusively, or, in the case of
1082 records concerning Judicial Department facilities, the Chief Court
1083 Administrator or, in the case of records concerning the Legislative
1084 Department, the executive director of the Joint Committee on
1085 Legislative Management.

1086 (e) Notwithstanding the provisions of subdivisions (1) and (16) of
1087 subsection (b) of this section, disclosure shall be required of:

1088 (1) Interagency or intra-agency memoranda or letters, advisory
1089 opinions, recommendations or any report comprising part of the
1090 process by which governmental decisions and policies are formulated,
1091 except disclosure shall not be required of a preliminary draft of a
1092 memorandum, prepared by a member of the staff of a public agency,
1093 which is subject to revision prior to submission to or discussion among
1094 the members of such agency;

1095 (2) All records of investigation conducted with respect to any
1096 tenement house, lodging house or boarding house as defined in section
1097 19a-355, or any nursing home, residential care home or rest home, as
1098 defined in section 19a-490, by any municipal building department or
1099 housing code inspection department, any local or district health

1100 department, or any other department charged with the enforcement of
1101 ordinances or laws regulating the erection, construction, alteration,
1102 maintenance, sanitation, ventilation or occupancy of such buildings;
1103 and

1104 (3) The names of firms obtaining bid documents from any state
1105 agency.

1106 Sec. 13. Section 1-205 of the general statutes is repealed and the
1107 following is substituted in lieu thereof (*Effective from passage*):

1108 (a) There shall be a Freedom of Information Commission consisting
1109 of five members appointed by the Governor, with the advice and
1110 consent of either house of the General Assembly, who shall serve for
1111 terms of four years from the July first of the year of their appointment,
1112 except that of the members appointed prior to and serving on July 1,
1113 1977, one shall serve for a period of six years from July 1, 1975, one
1114 shall serve for a period of four years from July 1, 1975, and one shall
1115 serve for a period of six years from July 1, 1977. Of the two new
1116 members first appointed after July 1, 1977, one shall serve from the
1117 date of such appointment until June 30, 1980, and one shall serve from
1118 the date of such appointment until June 30, 1982. No more than three
1119 members shall be members of the same political party.

1120 (b) Each member shall receive two hundred dollars per day for each
1121 day such member is present at a commission hearing or meeting, and
1122 shall be entitled to reimbursement for actual and necessary expenses
1123 incurred in connection therewith, in accordance with the provisions of
1124 section 4-1.

1125 (c) The Governor shall select one of its members as a chairman. The
1126 commission shall maintain a permanent office at Hartford in such
1127 suitable space as the Commissioner of Public Works provides. All
1128 papers required to be filed with the commission shall be delivered to
1129 such office.

1130 (d) The commission shall, subject to the provisions of the Freedom

1131 of Information Act promptly review the alleged violation of said
1132 Freedom of Information Act and issue an order pertaining to the same.
1133 Said commission shall have the power to investigate all alleged
1134 violations of said Freedom of Information Act and may for the purpose
1135 of investigating any violation hold a hearing, administer oaths,
1136 examine witnesses, receive oral and documentary evidence, have the
1137 power to subpoena witnesses under procedural rules adopted by the
1138 commission to compel attendance and to require the production for
1139 examination of any books and papers which the commission deems
1140 relevant in any matter under investigation or in question. In case of a
1141 refusal to comply with any such subpoena or to testify with respect to
1142 any matter upon which that person may be lawfully interrogated, the
1143 superior court for the judicial district of Hartford, on application of the
1144 commission, may issue an order requiring such person to comply with
1145 such subpoena and to testify; failure to obey any such order of the
1146 court may be punished by the court as a contempt thereof.

1147 (e) The Freedom of Information Commission, and the Department
1148 of Information Technology with respect to access to and disclosure of
1149 computer-stored public records, shall conduct training sessions, at
1150 least annually, for members of public agencies for the purpose of
1151 educating such members as to the requirements of sections 1-7 to 1-14,
1152 inclusive, 1-16 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, 1-206,
1153 1-210 to 1-217, inclusive, 1-225 to 1-232, inclusive, 1-240, 1-241 and 19a-
1154 342.

1155 (f) Not later than December 31, 2001, the Freedom of Information
1156 Commission shall create, publish and provide to the chief elected
1157 official of each municipality a model ordinance concerning the
1158 establishment by any municipality of a municipal freedom of
1159 information advisory board to facilitate the informed and efficient
1160 exchange of information between the commission and such
1161 municipality. The commission may amend the model ordinance from
1162 time to time.

1163 (g) When the General Assembly is in session, the Governor shall

1164 have the authority to fill any vacancy on the commission, with the
 1165 advice and consent of either house of the General Assembly. When the
 1166 General Assembly is not in session any vacancy shall be filled
 1167 pursuant to the provisions of section 4-19. A vacancy in the
 1168 commission shall not impair the right of the remaining members to
 1169 exercise all the powers of the commission and three members of the
 1170 commission shall constitute a quorum.

1171 (h) The commission shall, subject to the provisions of chapter 67,
 1172 employ such employees as may be necessary to carry out the
 1173 provisions of this chapter. The commission may enter into such
 1174 contractual agreements as may be necessary for the discharge of its
 1175 duties, within the limits of its appropriated funds and in accordance
 1176 with established procedures.

1177 [(i) The commission shall make available to the public the printed
 1178 reports of its decisions, opinions and related materials at a reasonable
 1179 cost not to exceed the actual cost thereof to said commission but not
 1180 less than twenty-eight dollars per item.]

1181 [(j)] (i) The Freedom of Information Commission shall not be
 1182 construed to be a commission or board within the meaning of section
 1183 4-9a."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4a-63(a)
Sec. 3	<i>from passage</i>	4a-100
Sec. 4	<i>October 1, 2007</i>	4a-100
Sec. 5	<i>from passage</i>	4a-101(c)
Sec. 6	<i>October 1, 2007</i>	4a-101(c)
Sec. 7	<i>from passage</i>	4b-91
Sec. 8	<i>from passage</i>	4b-92
Sec. 9	<i>from passage</i>	9-612(g)(2)
Sec. 10	<i>from passage</i>	49-41
Sec. 11	<i>from passage</i>	1-206(b)(1)

Sec. 12	<i>October 1, 2007</i>	1-210
Sec. 13	<i>from passage</i>	1-205