



General Assembly

February Session, 2008

**Raised Bill No. 646**

LCO No. 2936

\*02936 \_\_\_\_\_ ED\_\*

Referred to Committee on Education

Introduced by:

(ED)

**AN ACT CONCERNING ARCHITECTURAL OR CONSTRUCTION  
MANAGEMENT SERVICES AND CONCERNING GIFTS AND  
CAMPAIGN CONTRIBUTIONS MADE TO ELECTED AND APPOINTED  
MUNICIPAL OFFICIALS.**

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

1 Section 1. Subsection (b) of section 10-287 of the 2008 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2008*):

4 (b) (1) All orders and contracts for school building construction  
5 receiving state assistance under this chapter, including orders and  
6 contracts for architectural or construction management services, shall  
7 be awarded to the lowest responsible qualified bidder, as defined in  
8 section 4a-59 of the general statutes, prequalified pursuant to  
9 subdivision (2) of this subsection, only after a public invitation to bid,  
10 which shall be advertised in a newspaper having circulation in the  
11 town in which construction is to take place, except for [(1)] (A) school  
12 building projects for which the town or regional school district is using  
13 a state contract pursuant to subsection (d) of section 10-292, and [(2)]  
14 (B) change orders, those contracts or orders costing less than ten

15 thousand dollars and those of an emergency nature, as determined by  
16 the Commissioner of Education, in which cases the contractor or  
17 vendor may be selected by negotiation, provided no local fiscal  
18 regulations, ordinances or charter provisions conflict.

19 (2) Bidders pursuant to subdivision (1) of this subsection shall be  
20 prequalified under section 4a-100 of the 2008 supplement to the  
21 general statutes or prequalified by the town or regional school district  
22 awarding the order or contract in the same manner as set forth  
23 pursuant to said section 4a-100.

24 Sec. 2. (NEW) (*Effective July 1, 2008*) As used in this section and  
25 section 3 of this act:

26 (1) "Gift" means anything of value, including entertainment, food,  
27 beverage, travel and lodging given or paid to a public official or public  
28 employee to the extent that consideration of equal or greater value is  
29 not received. A gift does not include:

30 (A) A political contribution otherwise reported as required by law  
31 or a donation or payment as described in subdivision (9) or (11) of  
32 subsection (b) of section 9-601a of the general statutes;

33 (B) Services provided by persons volunteering their time for a  
34 political campaign;

35 (C) A commercially reasonable loan made on terms not more  
36 favorable than loans made in the ordinary course of business;

37 (D) A gift received from (i) an individual's spouse, fiance or fiancée,  
38 (ii) the parent, brother or sister of such spouse or such individual, or  
39 (iii) the child of such individual or the spouse of such child;

40 (E) Goods or services which are provided to the municipality or  
41 district and facilitate governmental action or functions;

42 (F) A certificate, plaque or other ceremonial award costing less than

43 one hundred dollars;

44 (G) A rebate or discount on the price of anything of value given in  
45 the ordinary course of business without regard to the recipient's status;

46 (H) Printed or recorded informational material germane to  
47 governmental action or functions;

48 (I) Items of nominal value, not to exceed ten dollars, containing or  
49 displaying promotional material;

50 (J) An honorary degree bestowed upon a public official or public  
51 employee by a public or private university or college;

52 (K) A meal provided at an event or the registration or entrance fee  
53 to attend such an event, in which the public employee or public official  
54 participates in said person's official capacity;

55 (L) A meal provided in the home by an individual who resides in  
56 the municipality or district; or

57 (M) Gifts in-kind of nominal value not to exceed twenty-five dollars  
58 tendered on gift-giving occasions generally recognized by the public  
59 including Christmas, Hanukkah, birthdays, the birth or adoption of a  
60 child, weddings, confirmations or bar or bat mitzvahs, provided the  
61 total value of such gifts in any calendar year do not exceed fifty  
62 dollars.

63 (2) "Immediate family" means any spouse, child or dependent  
64 relative who resides in the individual's household.

65 (3) "Individual" means a natural person.

66 (4) "Municipality" means a town, city or borough.

67 (5) "Person" means an individual, sole proprietorship, trust,  
68 corporation, union, association, firm, partnership, committee, club or  
69 other organization or group of persons.

70 (6) "Public official" means an elected or appointed official, whether  
71 paid or unpaid or full or part time, of a municipality or political  
72 subdivision thereof, or a district, including candidates for the office  
73 and shall also include a district officer elected pursuant to section 7-327  
74 of the general statutes.

75 (7) "District" means a district established pursuant to section 7-324  
76 of the general statutes.

77 (8) "Contribution" means contribution as defined in section 9-601a of  
78 the general statutes.

79 Sec. 3. (NEW) (*Effective July 1, 2008*) (a) No public official shall solicit  
80 or accept any gift from any person that, to the official's knowledge, is  
81 doing business with the municipality.

82 (b) No public official shall solicit or accept any gift from any  
83 individual who is in the immediate family of a person that, to the  
84 official's knowledge, is doing business with the municipality.

85 (c) No public official shall solicit or accept any gift from an  
86 individual who is an employee of a person that, to the official's  
87 knowledge, is doing business with the municipality.

88 (d) No public official shall solicit or accept a campaign contribution  
89 of more than fifty dollars in any one election cycle from: (1) A person  
90 that, to the official's knowledge, is doing business with the  
91 municipality, (2) an individual in the immediate family of such a  
92 person doing business with the municipality, or (3) an individual who  
93 is an employee of a person that is doing business with the  
94 municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	10-287(b)
Sec. 2	<i>July 1, 2008</i>	New section

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Sec. 3	July 1, 2008	New section
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**Statement of Purpose:**

To define lowest responsible qualified bidder for orders and contracts for architectural or construction management services, to require such bidders be prequalified, and to limit gifts and campaign contributions made to elected and appointed municipal officials by persons doing business with the municipality.

*[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.]*