



General Assembly

Amendment

February Session, 2008

LCO No. 6069

HB0580006069HDO

Offered by:

REP. FELTMAN, 6th Dist.
REP. MCCRORY, 7th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. KIRKLEY-BEY, 5th Dist.
REP. MORIN, 28th Dist.
REP. GENGA, 10th Dist.
REP. CLEMONS, 124th Dist.
REP. GREEN, 1st Dist.
REP. GONZALEZ, 3rd Dist.

REP. CHRIST, 11th Dist.
REP. HEWETT, 39th Dist.
REP. WALKER, 93rd Dist.
SEN. COLEMAN, 2nd Dist.
SEN. FASANO, 34th Dist.
SEN. HARRIS, 5th Dist.
SEN. GOMES, 23rd Dist.
SEN. FONFARA, 1st Dist.

To: Subst. House Bill No. 5800

File No. 348

Cal. No. 214

"AN ACT CONCERNING THE CHARTER OF THE METROPOLITAN DISTRICT OF HARTFORD COUNTY."

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

3 "Section 1. Section 39 of number 511 of the special acts of 1929, as
4 amended by special act 80-14 and special act 90-14, is amended to read as
5 follows (*Effective from passage*):

6 (a) As used in this section:

7 (1) "Lowest qualified bidder" means the bidder whose bid is the

8 lowest of those bidders possessing the skill, ability and integrity
9 necessary to faithful performance of the work based on objective
10 criteria considering past performance and financial responsibility;

11 (2) "Minority business enterprise" means any small contractor (A) of
12 which twenty-five per cent of the employees are members of a
13 minority, (B) in which fifty-one per cent or more of the capital stock, if
14 any, or assets of which are owned by a person or persons who (i) are
15 active in the daily affairs of the enterprise, (ii) have the power to direct
16 the management and policies of the enterprise, and (iii) are members
17 of a minority, and (C) that has a certificate of eligibility issued by the
18 Department of Administrative Services under regulations adopted
19 under section 4a-60h of the general statutes;

20 (3) "Minority" means (A) Black Americans, including all persons
21 having origins in any of the black African racial groups not of Hispanic
22 origin, (B) Hispanic Americans, including all persons of Mexican,
23 Puerto Rican, Cuban, Central or South American or other Spanish
24 culture or origin, regardless of race, (C) Asian Pacific Americans and
25 Pacific Islanders, or (D) American Indians and persons having origins
26 in any of the original peoples of North America and maintaining
27 identifiable tribal affiliations through membership and participation or
28 community identification;

29 (4) "Responsible" means the ability to perform a contract for the
30 amount specified in a submitted bid; and

31 (5) "Small contractor" means any contractor, subcontractor,
32 manufacturer or service company (A) that has been doing business
33 under the same ownership or management and has maintained its
34 principal place of business in the state for a period of at least one year
35 immediately prior to the date of application for certification under
36 regulations adopted under section 4a-60h of the general statutes, (B)
37 that had gross revenues not exceeding ten million dollars in the most
38 recently completed fiscal year prior to such application, (C) of which at
39 least fifty-one per cent of the ownership is held by a person or persons

40 who exercise operational authority over the daily affairs of the
41 business, and (D) has the authority to direct the management and
42 policies and receive the beneficial interests of the business.
43 Notwithstanding the provisions of this subdivision, a nonprofit
44 corporation shall be construed to be a small contractor if such
45 nonprofit corporation meets the requirements of subparagraphs (A)
46 and (B) of this subdivision.

47 (b) Whenever any work shall be necessary to execute or perfect any
48 public work or improvement, or whenever any supplies for the district
49 shall be needed for any particular purpose and such work or supplies
50 shall involve the expenditure of more than [ten] twenty-five thousand
51 dollars, except in the case of an emergency to be determined by the
52 district board, a written contract for such work or supplies shall be made
53 under such regulations or ordinances as the district board may establish,
54 which contract shall be based on sealed bids. [made in compliance with
55 public notice, duly advertised by publication, in a daily newspaper
56 published in said district, at least five days before the time fixed for
57 opening such bids or proposals.] At least ten calendar days prior to the
58 time designated for opening competitive bids or proposals, the district
59 shall solicit competitive bids or proposals by (1) publishing notice in
60 daily and weekly newspapers servicing the member municipalities, and
61 (2) posting notice on the Internet web site of the district. The district may
62 send such notice to trade associations or other groups active in the
63 business or service solicited. Each contract awarded by the district shall
64 be awarded to the lowest qualified bidder with bid requirements, except
65 as provided in this subsection.

66 (c) Pursuant to the provisions of a minority business disparity study
67 conducted by the district, the district may waive the provisions of
68 subsection (b) of this section concerning selection of the lowest qualified
69 bidder if a responsible qualified bid is submitted by a minority business
70 enterprise or by a nonminority business enterprise in association with a
71 responsible qualified bid with a minority business enterprise. In the case
72 of a bid submitted by a nonminority business enterprise in association
73 with a responsible qualified bid with a minority business enterprise, the

74 district shall give priority to such bid in an amount equal to the
75 proportion of participation by a minority business enterprise in the
76 responsible qualified bid.

77 (d) Pursuant to the provisions of a minority business disparity study
78 conducted by the district, in awarding a contract, a bid shall be
79 considered to be the same as the lowest qualified bid if such bid is not
80 more than five per cent greater than the amount of the lowest qualified
81 bid and the responsible contractor that submitted the bid agrees to
82 perform the contract for the amount of the lowest qualified bid. Such
83 bids shall be considered in the following order of priority: (1) A minority
84 business enterprise whose principal place of business is located in a
85 member municipality of the district, (2) a minority business enterprise
86 whose principal place of business is located in a member municipality of
87 the district, participating with a nonminority business enterprise whose
88 principal place of business is located in a member municipality of the
89 district, (3) a minority business enterprise whose principal place of
90 business is located in a member municipality of the district, participating
91 with a nonminority business enterprise, and (4) a minority business
92 enterprise whose principal place of business is not located in a member
93 municipality of the district.

94 (e) If a bid selected includes participation by a minority business
95 enterprise, the contract or subcontract shall be performed with at least
96 the same proportion of minority business enterprise participation as the
97 priority that was given by the district to the general contractor or
98 subcontractor in evaluating the bid. If more than one minority business
99 enterprise submit bids that are not more than five per cent greater than
100 the lowest qualified responsible bid and such bids are in the same
101 priority category established in subsection (d) of this section, then the
102 contract shall be awarded to the minority business enterprise submitting
103 the lowest responsible qualified bid whose original bid was lower.

104 (f) If a contract or subcontract awarded to a nonminority business
105 enterprise includes participation by a minority business enterprise, the
106 general contractor or subcontractor shall submit to the district every

107 thirty days after the date the work has commenced under the contract or
108 subcontract a report which describes the extent of minority business
109 enterprise participation in performance of the contract or subcontract.
110 Such report shall identify all subcontracts and the dollar value of the
111 contract between the general contractor and the subcontractor. If the
112 extent of minority business enterprise participation in such contract is
113 less than the amount of priority that was committed at the time of the
114 award, the district may (1) claim any retainage payable under the terms
115 of the contract, and (2) disqualify the bidder from any future contracts.

116 (g) The district may waive the provisions of subsection (b) of this
117 section to apply, by regulation or ordinance, the procedures described
118 in the Federal Acquisition Regulation System, as amended, to
119 implement construction delivery systems, acquisition policies and
120 procedures, or to increase contract participation by small contractors,
121 minority business enterprises and businesses located in member
122 municipalities of the district.

123 (h) The district shall establish a program to assist potential minority
124 business enterprises in obtaining technical assistance or bonds to ensure
125 performance completion in contracts awarded by the authority. The
126 district shall make a grant in the amount of two hundred thousand
127 dollars to an entity, that the district determines to be qualified, for the
128 purpose of training residents of member municipalities to qualify for
129 employment in projects of the district.

130 (i) The district may adopt regulations or ordinances to implement
131 the provisions of this section. The district shall send a copy of such
132 regulations or ordinances to the joint standing committees of the
133 General Assembly having cognizance of matters relating to planning
134 and development and to commerce, and to the Office of Workforce
135 Competitiveness.

136 (j) Subject to regulations adopted by the Commissioner of
137 Environmental Protection under section 22a-482 of the general statutes
138 and the provisions of the general statutes, the (1) district shall pay any

139 uncontested sum due any contractor under a contract awarded by the
 140 district not later than sixty days after its completion and acceptance.
 141 After such sixty-day period, interest shall begin to run in favor of the
 142 contractor at the rate of six per cent per annum on the unpaid balance.

143 (2) Each contractor awarded a contract by the district shall pay any
 144 uncontested amounts due any subcontractor not later than thirty days
 145 after the date the contractor receives payment from the district for the
 146 labor performed or materials furnished by such subcontractor. After
 147 such thirty-day period, interest shall begin to run in favor of the
 148 subcontractor at the rate of six per cent per annum on the unpaid
 149 balance."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 511 of the special acts of 1929, Sec. 39