



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC WORKS
165 Capitol Avenue, Hartford, Connecticut 06106-1606

RAEANNE V. CURTIS
Commissioner

TESTIMONY OF DEPARTMENT OF PUBLIC WORKS BEFORE THE
GENERAL LAW COMMITTEE

FEBRUARY 13, 2009

S.B. No. 785 (Raised) An Act Concerning Construction Change Orders.

The Department of Public Works (DPW) is not in support of S.B. No. 785, the repealing of the general statutes in order to limit the amount of unapproved change order work imposed on contractors and subcontractors in its current form.

DPW is working with the industry to have all subcontractors properly and promptly paid on our DPW construction projects. We have taken the following steps: a) Contractor Payment Process posters in each project job trailer; b) the payments the subcontractors are considered in the DAS Contractor Evaluation, and c) considered in the DPW Objective Criteria used in the award decision for each project's general contractor. If a subcontractor has a problem they should document the problem to the DPW and Department of Administrative Services (DAS).

The Change Order process requires cost back up materials that includes the subcontractor's costs and signature in the package. Therefore, the subcontractor knows the Change Order costs as submitted to the owner. And, in the project trailer and office, DPW maintains the monthly contractor invoices on file and available for review by the subcontractors. This record shows what work, and or Change Orders have been paid to date.

DPW desires that all contractors and subcontractors be paid for all work completed in a timely fashion. Also, DPW desires to have the total value of all change orders on any project total to less than 5 percent of the construction projects contract amount. From the perspective of DPW; current contracting laws were written to protect the public interest, not the special interest of the contractors as in the proposed language.

This language has the potential to cause significant delays to other trades and cause an overall delay in the completions of public projects. This wording is apparently written around both the general contractor's overall contract for the project and also for the subcontractor's contract with the general contractors. When viewed from the perspective of a specific subcontract a 5 percent change in that subcontract value could be a very small change to the overall contract. For example; if there was a building addition that included the installation of 18 new windows. The addition of one additional window could trigger this clause.

The Department of Public Works, if requested, is available to meet to discuss the information contained in this testimony. Please contact Doug Moore, DPW Chief of Staff, at (860) 713-5800 with any further questions.