



General Assembly

January Session, 2009

Raised Bill No. 6295

LCO No. 2618

02618 _____ GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT EXTENDING THE TIME PERIOD FOR DEBARMENT OF CERTAIN STATE CONTRACTORS.

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

1 Section 1. Subsection (e) of section 4b-95 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (e) Any general contractor who violates any provision of this section
5 shall be disqualified from bidding on other contracts that are subject to
6 the provisions of this chapter for a period not to exceed [twenty-four
7 months] five years, commencing from the date on which the violation
8 is discovered, for each violation. The awarding authority shall
9 periodically review the general contractor's subcontracts to insure
10 compliance with such provisions, and shall after each such review
11 prepare a written report setting forth its findings and conclusions.

12 Sec. 2. Subsection (c) of section 31-57c of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective*
14 *October 1, 2009*):

15 (c) The Commissioner of Public Works may disqualify any
16 contractor, for up to [two] five years, from bidding on, applying for, or
17 participating as a subcontractor under, contracts with the state, acting
18 through any of its departments, commissions or other agencies, except
19 the Department of Administrative Services, the Department of
20 Transportation and the constituent units of the state system of higher
21 education, for one or more causes set forth under subsection (d) of this
22 section. The commissioner may initiate a disqualification proceeding
23 only after consulting with the contract awarding agency, if any, and
24 the Attorney General and shall provide notice and an opportunity for a
25 hearing to the contractor who is the subject of the proceeding. The
26 hearing shall be conducted in accordance with the contested case
27 procedures set forth in chapter 54. The commissioner shall issue a
28 written decision within ninety days of the last date of such hearing and
29 state in the decision the reasons for the action taken and, if the
30 contractor is being disqualified, the period of such disqualification.
31 The existence of a cause for disqualification shall not be the sole factor
32 to be considered in determining whether the contractor shall be
33 disqualified. In determining whether to disqualify a contractor, the
34 commissioner shall consider the seriousness of the contractor's acts or
35 omissions and any mitigating factors. The commissioner shall send the
36 decision to the contractor by certified mail, return receipt requested.
37 The written decision shall be a final decision for the purposes of
38 sections 4-180 and 4-183.

39 Sec. 3. Subsection (c) of section 31-57d of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2009*):

42 (c) The Commissioner of Transportation may disqualify any
43 contractor, for up to [two] five years, from bidding on, applying for, or
44 participating as a subcontractor under, contracts with the state, acting
45 through the Department of Transportation, for one or more causes set
46 forth under subsection (d) of this section. The commissioner may
47 initiate a disqualification proceeding only after consulting with the

48 Attorney General and shall provide notice and an opportunity for a
49 hearing to the contractor who is the subject of the proceeding. The
50 hearing shall be conducted in accordance with the contested case
51 procedures set forth in chapter 54. The commissioner shall issue a
52 written decision within ninety days of the last date of such hearing and
53 state in the decision the reasons for the action taken and, if the
54 contractor is being disqualified, the period of such disqualification.
55 The existence of a cause for disqualification does not require that the
56 contractor be disqualified. In determining whether to disqualify a
57 contractor, the commissioner shall consider the seriousness of the
58 contractor's acts or omissions and any mitigating factors. The
59 commissioner shall send the decision to the contractor by certified
60 mail, return receipt requested. The written decision shall be a final
61 decision for the purposes of sections 4-180 and 4-183.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	4b-95(e)
Sec. 2	<i>October 1, 2009</i>	31-57c(c)
Sec. 3	<i>October 1, 2009</i>	31-57d(c)

Statement of Purpose:

To increase the time period for disqualifying a state contractor from bidding on contracts from two years to five years.

[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.]