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House Bill 6294, An Act Concerning Contracting Related Matters and the State Codes of Ethics

Government Administration and Elections Committee

February 2, 2009

CCIA Position: Support (section 3)

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of more than 350 members, including contractors, subcontractors, suppliers and affiliated organizations representing many sectors of the construction industry.

CCIA **supports** section 3 of House Bill 6294, An Act Concerning Contracting Related Matters and the State Codes of Ethics, and respectfully requests that the committee approve the provision. CCIA would like to thank the Committee for raising the bill and the Citizen's Ethics Advisory Board of the Office of State Ethics for its support. Also, we would like to commend the Office of State Ethics and its staff for the opportunity to work with them on this important issue and for all their efforts in working to improve the law.

Under section 3 of the bill, state contractors would be afforded a hearing before the Office of State Ethics prior to being deemed a non-responsible bidder for violating certain state ethics laws. CCIA is a proponent of the bill because, in its current form, the law can be easily misinterpreted to allow a state agency to find a contractor non-responsible for violating the four specified provisions of the ethics law without a hearing.

Section 3 of HB 6294 should be approved because it would provide fairness and due process for state contractors, there is significant support to amend the law, and the current law may inadvertently lead to significant collateral consequences for legitimate state contractors without due process.

It would be unfair for an agency to deem a contractor non-responsible for a violation of the law without the opportunity for a hearing before the Office of State Ethics and the right to appeal. A contractor deemed non-responsible by a state agency would be subject to severe consequences, including being eliminated from state contracting.

A similar amendment to Conn. Gen. Stat. §1-101nn was approved overwhelmingly by the legislature as part of contract reform legislation on two prior occasions but the bills were vetoed by the Governor for other reasons. During the 2008 legislative session, a similar provision was approved by the Government Administration and Elections Committee and



the state Senate; it was not acted on by the House, presumably for reasons unrelated to the provision. The change is not controversial and enjoys widespread support in the legislature.

For additional information, please contact Matthew Hallisey at CCIA at (860) 529-6855.