



Senate

General Assembly

File No. 558

January Session, 2011

Senate Bill No. 278

Senate, April 18, 2011

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING CONSULTANT SERVICES FROM STATE CONSTRUCTION SERVICES PANELS FOR HIGHER EDUCATION PROJECTS.

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

1 Section 1. Section 4b-56 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) There shall be established within the Department of Public
4 Works state construction services selection panels which shall consist
5 of five members. Four of such members shall be appointed by the
6 commissioner, shall serve only for deliberations involving the project,
7 a priority higher education facility project or a project, as defined in
8 subdivision (16) of section 10a-109c, undertaken by The University of
9 Connecticut, for which such members are appointed, and shall be
10 current or retired employees of the Department of Public Works. The
11 remaining member shall be appointed by the head or acting head of
12 the user agency and shall serve only for deliberations involving the

13 project, the priority higher education facility project or a project, as
14 defined in subdivision (16) of section 10a-109c, undertaken by The
15 University of Connecticut, for which such member is appointed.

16 (b) The selection panels shall not be deemed to be a board or
17 commission within the meaning of section 4-9a.

18 (c) There shall be established within the Department of Public
19 Works Connecticut Health and Education Facilities Authority
20 construction services panels which shall consist of five members. Three
21 of such members shall be appointed by the Commissioner of Public
22 Works, shall serve only for deliberations involving the project for
23 which such members are appointed and shall be current employees of
24 the Department of Public Works. The remaining members shall be
25 appointed by the head or acting head of the user agency and shall
26 serve only for deliberations involving the project for which such
27 members are appointed.

28 (d) The panels established pursuant to subsection (c) of this section
29 shall not be deemed to be a board or commission within the meaning
30 of section 4-9a. Such panels shall be the selection panels only for
31 Connecticut Health and Education Facilities Authority projects
32 pursuant to section 10a-89b.

33 (e) There shall be established, within the Department of Public
34 Works, a State Construction Services Selection Panel that shall consist
35 of five members. Such members shall be appointed by the
36 commissioner, shall be current employees of the Department of Public
37 Works or any agency for which consultant services may be contracted,
38 and shall serve only for deliberations involving the selection of
39 consultants under subsection (d) of section 4b-51 for which the
40 employees are appointed.

41 (f) The panel established pursuant to subsection (e) of this section
42 shall not be deemed to be a board or commission within the meaning
43 of section 4-9a.

44 Sec. 2. Section 4b-58 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2011*):

46 (a) (1) Except in the case of a project, [a priority higher education
47 facility project, a project, as defined in subdivision (16) of section 10a-
48 109c, undertaken by The University of Connecticut,] a community
49 court project, a correctional facility project [,] and a juvenile detention
50 center project, [and the downtown Hartford higher education center
51 project,] the commissioner shall negotiate a contract for consultant
52 services with the firm most qualified, in the commissioner's judgment,
53 at compensation which the commissioner determines is both fair and
54 reasonable to the state. (2) In the case of a project, a priority higher
55 education facility project or a project, as defined in subdivision (16) of
56 section 10a-109c, undertaken by The University of Connecticut, the
57 commissioner shall negotiate a contract for such services with the most
58 qualified firm from among the list of firms submitted by the panel at
59 compensation which the commissioner determines in writing to be fair
60 and reasonable to the state. If the commissioner is unable to conclude a
61 contract with any of the firms recommended by the panel, the
62 commissioner shall, after issuing written findings of fact documenting
63 the reasons for such inability, negotiate with those firms which the
64 commissioner determines to be most qualified, at fair and reasonable
65 compensation, to render the particular consultant services under
66 consideration. (3) Whenever consultant services are required for a
67 [priority higher education facility project, a] project involving the
68 construction, repair or alteration of a building or premises under the
69 supervision of the Office of the Chief Court Administrator or property
70 where the Judicial Department is the primary occupant, a community
71 court project, a correctional facility project [,] or a juvenile detention
72 center project, [or the downtown Hartford higher education center
73 project,] the commissioner shall select and interview at least three
74 consultants or firms and shall negotiate a contract for consultant
75 services with the firm most qualified, in the commissioner's judgment,
76 at compensation which the commissioner determines is both fair and
77 reasonable to the state, except that if, in the opinion of the
78 commissioner, the Connecticut Juvenile Training School project needs

79 to be expedited in order to meet the needs of the Department of
 80 Children and Families, the commissioner may waive such selection
 81 requirement. Except for the downtown Hartford higher education
 82 center project, the commissioner shall notify the State Properties
 83 Review Board of the commissioner's action not later than five business
 84 days after such action for its approval or disapproval in accordance
 85 with subsection (i) of section 4b-23, except that if, not later than fifteen
 86 days after such notice, a decision has not been made, the board shall be
 87 deemed to have approved such contract.

88 (b) In determining fair and reasonable compensation to be paid in
 89 accordance with subsection (a) of this section, the commissioner shall
 90 consider, in the following order of importance, the professional
 91 competence of the consultant, the technical merits of the proposal, the
 92 ability of the firm to perform the required services within the time and
 93 budgetary limits of the contract and the price for which the services are
 94 to be rendered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	4b-56
Sec. 2	<i>October 1, 2011</i>	4b-58

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Treasurer, Debt Serv.	GF - None

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Public Works (DPW) will require four project manager positions to establish the construction services panel¹ mentioned in the bill. This has no cost impact because it is assumed that the positions would be funded out of existing General Obligation bond funds previously authorized for the UConn 2000 infrastructure renewal program, as indicated in the table below.

Bond Funds Remaining in Phase 3¹ of the UConn Infrastructure Program	
<u>Fiscal Year</u>	<u>Amount</u>
FY 12	123,100,000
FY 13	114,500,000
FY 14	111,500,000
FY 15	100,000,000
FY 16	90,900,000
¹ PA 02-3 (MSS) authorized Phase 3. PA 07-7 (JSS) reduced the annual amounts from FY 08 to FY 15 and extended the program by one year (to FY 16)	

The Out Years

There is no outyear fiscal impact.

Sources: Department of Public Works

OLR Bill Analysis**SB 278*****AN ACT REQUIRING CONSULTANT SERVICES FROM STATE CONSTRUCTION SERVICES PANELS FOR HIGHER EDUCATION PROJECTS.***

This bill requires the Department of Public Works (DPW) commissioner to select consultants for UConn 2000 projects from a list of consultants approved by a state construction services panel. These panels are within DPW and are charged with evaluating and recommending consultants for construction projects. This requirement conflicts with several statutes, unchanged by the bill, that give UConn full authority over UConn 2000 construction projects (see COMMENT). The bill also subjects the commissioner's selections for UConn 2000 projects to approval by the State Properties Review Board.

The bill requires the DPW commissioner to select consultants for priority higher education facility projects from a construction services panel's list. Under current law, the commissioner must select and interview at least three consultants or firms before negotiating a contract for such projects but is not required to select from a list developed by a construction services panel. With respect to the downtown Hartford higher education center project, the bill eliminates the requirement for the DPW commissioner to select and interview at least three consultants or firms before negotiating a contract. Instead, it allows the commissioner to negotiate with the firm he or she determines is most qualified.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

¹ The panels consist of five members. It is assumed that the fifth member of the panel will be provided from existing UConn staff.

Construction Services Panel

By law, the construction services panels consist of five members. For each project requiring consultant services, the DPW commissioner advertises the project and, from the firms responding to the advertisement, a panel selects a list of at least three firms which it determines are most qualified to perform the required services. With certain exceptions, the DPW commissioner must select a consultant from this list. If the commissioner cannot agree to a contract with a listed firm, he or she must (1) issue written findings of fact explaining why there was no agreement and (2) negotiate with firms that he or she decides are most qualified at fair and reasonable compensation.

Consultant services include professional services rendered by architects, professional engineers, landscape architects, land surveyors, accountants, interior designers, environmental professionals, construction administrators, planners, or financial specialists. If a project requires consultant services provided by an architect or engineer, the selection panel must consider (1) the firm's knowledge of the state's fire and building codes and (2) the firm's geographic location in relation to the project's location.

Priority Higher Education Facility Project

A priority higher education facility project is any project that is part of a state program to repair, renovate, enlarge, equip, purchase, or construct (1) instructional, academic core, residential, or dining facilities or (2) utility systems related to such facilities. The projects must be (1) operated by a board of trustees of a constituent unit of higher education, except UConn, and (2) included in either the state facility plan or the constituent unit's comprehensive facilities master plan (CGS 4b-55(f)).

COMMENT**Conflict with Existing Law**

The bill conflicts with several statutes that (1) give UConn full authority over all UConn 2000 projects and (2) explicitly exclude UConn 2000 projects from the DPW commissioner's authority (e.g.,

CGS §§ 4b-1, 4b-51, 10a-109d and 10a-109n).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (03/30/2011)