



General Assembly

January Session, 2011

Raised Bill No. 6286

LCO No. 2928

02928 _____ CE_

Referred to Committee on Commerce

Introduced by:

(CE)

**AN ACT CONCERNING A SMALL CONTRACTOR AND MINORITY
BUSINESS ENTERPRISE SET ASIDE PROGRAM IN THE
METROPOLITAN DISTRICT COMMISSION.**

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

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

4 (a) Whenever any work shall be necessary to execute or perfect any
5 public work or improvement, or whenever any supplies for the district
6 shall be needed for any particular purpose and such work or supplies
7 shall involve the expenditure of more than ten thousand dollars,
8 except in the case of an emergency to be determined by the district
9 board, a written contract for such work or supplies shall be made
10 under such regulations as the district board may establish, which
11 contract shall be based on sealed bids made in compliance with public
12 notice, duly advertized by publication, in a daily newspaper published
13 in said district, at least five days before the time fixed for opening such
14 bids or proposals. The district board shall not award any contract
15 except to the responsible qualified bidder submitting the lowest bid in

16 compliance with bid requirements.

17 (b) (1) As used in this section:

18 (A) "Minority business enterprise" means any small contractor (i) in
19 which fifty-one per cent or more of the capital stock, if any, or assets of
20 which are owned by a person or persons who (I) are active in the daily
21 affairs of the enterprise, (II) have the power to direct the management
22 and policies of the enterprise, and (III) are members of a minority as
23 defined in section 32-9n of the general statutes, and (ii) who has a
24 certificate of eligibility issued by the Department of Administrative
25 Services pursuant to subsection (k) of section 4a-60g of the general
26 statutes.

27 (B) "Small contractor" means any contractor, subcontractor,
28 manufacturer or service company (i) that has been doing business
29 under the same ownership or management and has maintained its
30 principal place of business in the state for a period of at least one year
31 immediately prior to the date of submission of a bid for a contract
32 under this section, (ii) that had gross revenues not exceeding fifteen
33 million dollars in the most recently completed fiscal year prior to such
34 submission, and (iii) at least fifty-one per cent of the ownership of
35 which is held by a person or persons who exercise operational
36 authority over the daily affairs of the business and have the power to
37 direct the management and policies and receive the beneficial interests
38 of the business, except that a nonprofit corporation shall be construed
39 to be a small contractor if such nonprofit corporation meets the
40 requirements of clauses (i) and (ii) of this subparagraph.

41 (2) Notwithstanding the provisions of subsection (a) of this section,
42 the district shall establish a program to set aside, in each fiscal year, for
43 award to small contractors or minority-owned enterprises, on the basis
44 of competitive bidding procedures, contracts or portions of contracts
45 for work or the purchase of goods or services. The total value of such
46 contracts or portions thereof to be set aside shall be at least twenty-five
47 per cent of the total value of all contracts let by the district in each

48 fiscal year. A contract that may not be set aside due to a conflict with
49 federal law or regulation shall not be included in such program.

50 (3) On or before July 1, 2012, and semiannually thereafter, the
51 district shall submit, in accordance with the provisions of section 11-4a
52 of the general statutes, to the joint standing committees of the General
53 Assembly having cognizance of matters relating to planning and
54 development and commerce, the Commission on Human Rights and
55 Opportunities and the Office of Workforce Competitiveness, a written
56 report that describes the extent of small contractors and minority
57 business enterprises contracting with the district.

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

Statement of Purpose:

To require the Metropolitan District Commission to set aside twenty-five per cent of all contracts or portions of contracts for bidding by small contractors and minority business enterprises.

[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.]