



General Assembly

January Session, 2011

Committee Bill No. 278

LCO No. 5096

05096SB00278GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

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 Section 4b-56 of the general statutes is repealed and the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	October 1, 2011	4b-56
Sec. 2	October 1, 2011	4b-58

Statement of Purpose:

To require consultants for higher education projects to be selected from the list compiled by the state construction services selection panels.

[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.]

Co-Sponsors: SEN. LOONEY, 11th Dist.

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