AN ACT CONCERNING ADVERTISEMENTS FOR THE UNIVERSITY OF CONNECTICUT'S CONSTRUCTION PROJECTS.

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

Section 1. Subsection (c) of section 10a-109n of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2013):

(c) (1) Any construction contract to which the university is a party may include a provision that the design professional who designed the project, or an architect or professional engineer or construction manager retained or employed specifically for the purpose of supervision, may supervise the work to be performed through to completion and ensure that the materials furnished and the work performed are in accordance with the drawings, plans, specifications and contracts therefor.

(2) (A) Except as provided in subparagraph (B) of this subdivision, any total cost basis contract or other contract for the construction of a
university project which is estimated to cost more than five hundred thousand dollars, shall be publicly let by the university. The university shall give notice to contractors interested in prequalifying to submit a project proposal or bid, by [advertising, at least once, in one or more newspapers having general circulation in the state and by] posting on the Internet [the advertisement on the university web site.] The notice to prequalify shall contain the requirement that contractors be prequalified pursuant to section 4a-100, a statement of the time and place where the responses shall be received and such additional information as the university deems appropriate. Upon receipt of such responses, the university shall select each contractor who has been prequalified pursuant to section 4a-100 and has shown itself able to post surety bonds required by such contract and has demonstrated that it possesses the financial, managerial and technical ability and the integrity necessary and without conflict of interest for faithful and efficient performance of the work provided for therein. The university shall evaluate whether each such contractor is responsible and qualified based on its experience with projects similar to that for which the bid or proposal is to be submitted and based on objective written criteria included in the application to request prequalification with respect to such contract. The university shall also consider whether a contractor, and any subcontractor on the contractor's previous projects, has been in compliance with the provisions of part III of chapter 557 and chapter 558 during the previous five calendar years.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the board of trustees may approve a total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars that has not been publicly let pursuant to the provisions of said subparagraph (A), provided the board deems the contract to address an emergency.

(3) The university shall thereafter give notice to those so prequalified by the university pursuant to subdivision (2) of this
section of the time and place where the public letting shall occur and
shall include in such notice such information of the work required as
appropriate. Each bid or proposal shall be kept sealed until opened
publicly at the time and place as set forth in the notice soliciting such
bid or proposal. The university shall not award any construction
contract, including, but not limited to, any total cost basis contract,
after public letting, except to the responsible qualified contractor,
submitting the lowest bid or proposal in compliance with the bid or
proposal requirements of the solicitation document. The university
may, however, waive any informality in a bid or proposal, and may
either reject all bids or proposals and again advertise for bids or
proposals or interview at least three responsible qualified contractors
and negotiate and enter into with any one of such contractors that
construction contract which is both fair and reasonable to the
university.

(4) The notice to each contractor prequalified to submit a proposal
or bid and the construction contract, including each total cost basis
contract, awarded by the university shall contain such other terms and
conditions, and such provisions for penalties as the university may
deem appropriate.

(5) No payments shall be made by the university on account of any
contract for the project awarded by or for the university until the bills
or estimates presented for such payment shall have been duly certified
to be correct by the university. No payments shall be made from any
other fund on account of any contract for any project awarded by or
for the university until the bills or estimates presented for such
payment shall have been duly certified to be correct by the university.

(6) Provision shall be made in each contract to the effect that
payment is limited to the amount provided therein and that no liability
of the university or state shall and may be incurred beyond such
amount.
(7) The university shall require, for the protection of the state and the university, such deposits, bonds and security in connection with the submission of bids or proposals, the award of construction contracts and the performance of work as the university shall determine to be appropriate and in the public interest of the state.

(8) Any contract awarded by the university shall be a contract with the state acting through the university.

(9) The university shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction which shall be determined not later than the time of the receipt and approval by the university of the trade contractor bids. Each construction manager at-risk shall invite bids and give notice of opportunities to bid on project elements, by [advertising, at least once, in one or more newspapers having general circulation in the state] posting on the Internet. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the university, award any related contracts for project elements to the responsible qualified contractor, who shall be prequalified pursuant to section 4a-100, submitting the lowest bid in compliance with the bid requirements, provided (A) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (B) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | July 1, 2013 | 10a-109n(c) |
Statement of Purpose:
To conform the UConn 2000 statutes with Department of Administrative Services' current practices and statutory framework regarding advertising for competitive bids and proposals for goods and services.

[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.]