



General Assembly

January Session, 2013

Raised Bill No. 977

LCO No. 3517



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION
SERVICE PANELS AND THE EVALUATION OF BIDDERS' PAST
PERFORMANCE.***

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 Section 4b-56 of the general statutes is repealed and the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 July 1, 2013*):

3 (a) There shall be established within the Department of
4 Construction Services state construction services selection panels
5 which (1) for projects valued at five million dollars or more, shall
6 consist of five members_z [. Four of such members shall be appointed by
7 the commissioner , shall serve only for deliberations involving the
8 project for which such members are appointed, and] four of whom
9 shall be current or retired employees of the Department of
10 Construction Services [. The remaining member] and one of whom
11 shall be appointed by the head or acting head of the user agency_z and
12 [shall serve only for deliberations involving the project for which such
13 member is appointed.] (2) for projects valued at less than five million

14 dollars, shall consist of three members, two of whom shall be current
15 or retired members of the Department of Construction Services
16 appointed by the commissioner and one of whom shall be appointed
17 by the head or acting head of the user agency. Each member of a
18 section panel, regardless of the appointing authority, shall serve only
19 for deliberations involving the project for which such member was
20 appointed.

21 (b) [The selection panels] A panel established pursuant to
22 subsection (a), (c) or (e) of this section shall not be deemed to be a
23 board or commission within the meaning of section 4-9a.

24 (c) There shall be established within the Department of Construction
25 Services Connecticut Health and Education Facilities Authority
26 construction services panels which shall consist of five members. Three
27 of such members shall be appointed by the Commissioner of
28 Construction Services, shall serve only for deliberations involving the
29 project for which such members are appointed and shall be current
30 employees of the Department of Construction Services. The remaining
31 members shall be appointed by the head or acting head of the user
32 agency and shall serve only for deliberations involving the project for
33 which such members are appointed.

34 (d) The panels established pursuant to subsection (c) of this section
35 shall [not be deemed to be a board or commission within the meaning
36 of section 4-9a. Such panels shall] be the selection panels only for
37 Connecticut Health and Education Facilities Authority projects
38 pursuant to section 10a-89b.

39 (e) There shall be established, within the Department of
40 Construction Services, a State Construction Services Selection Panel
41 that shall consist of [five] three members. Such members shall be
42 appointed by the commissioner, shall be current employees of the
43 Department of Construction Services or any agency for which
44 consultant services may be contracted, and shall serve only for

45 deliberations involving the selection of consultants under subsection
46 (d) of section 4b-51 for which the employees are appointed.

47 [(f) The panel established pursuant to subsection (e) of this section
48 shall not be deemed to be a board or commission within the meaning
49 of section 4-9a.]

50 Sec. 2. Subsection (a) of section 4b-100a of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective July*
52 *1, 2013*):

53 (a) The Department of Construction Services shall establish
54 construction services award panels which shall each consist of [six]
55 five members. Three of such members shall be appointed by the
56 Commissioner of Construction Services, shall be current employees of
57 the Department of Construction Services and shall serve only for
58 deliberations involving the project for which such members are
59 appointed. Two of such members shall be appointed by the
60 department head of the user agency. [and one member shall be a
61 neutral party appointed by the commissioner.]

62 Sec. 3. Section 4b-92 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective July 1, 2013*):

64 As used in this chapter and except as otherwise provided, [the
65 words] "lowest responsible and qualified bidder" [shall mean] means
66 the bidder who is prequalified pursuant to section 4a-100, and whose
67 bid is the lowest of those bidders possessing the skill, ability and
68 integrity necessary to faithful performance of the work based on
69 objective criteria considering past performance and information
70 contained in the update bid statement submitted pursuant to section
71 4b-91. Essential information in regard to such qualifications shall be
72 submitted with the bid in such form as the awarding authority may
73 require by specification in the bid documents and on the bid form.
74 Every general bid shall be accompanied by a bid bond or a certified
75 check in an amount which shall be ten per cent of the bid, provided no

76 such bid bond or certified check shall be required in relation to any
77 general bid in which the total estimated cost of labor and materials
78 under the contract with respect to which such general bid is submitted
79 is less than fifty thousand dollars. Failure to execute a contract
80 awarded as specified and bid shall result in the forfeiture of such bid
81 bond or certified check. In considering past performance the awarding
82 authority shall evaluate the skill, ability and integrity of bidders in
83 terms of the bidders' fulfillment of contract obligations and of the
84 bidders' experience or lack of experience with projects of the nature
85 and scope of the project for which the bids are submitted. In
86 considering integrity, the awarding authority shall evaluate the
87 bidder's past performance with regard to change orders and past
88 assertions of unsubstantiated claims and the bidder's overall
89 performance regarding project completion within the budget
90 established for the project. The awarding authority shall also consider
91 the past performance and integrity of each of the subcontractors listed
92 in the general bid or trade bid.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	4b-56
Sec. 2	<i>July 1, 2013</i>	4b-100a(a)
Sec. 3	<i>July 1, 2013</i>	4b-92

Statement of Purpose:

To modify the membership of certain state construction services selection or award panels and to require awarding authorities to consider a bidder's change orders and assertions of unsubstantiated claims and the subcontractors' past performance and integrity when determining the lowest responsible bidder.

[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.]