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## OLR Bill Analysis

### sSB 889

#### ***AN ACT CONCERNING THE UNIVERSITY OF CONNECTICUT AND COMPETITIVE BIDDING FOR AGRICULTURAL PURCHASES BY THE CONSTITUENT UNITS OF HIGHER EDUCATION.***

#### **SUMMARY:**

This bill allows UConn to administer construction projects using the design-build method, an approach where the owner (in this case, UConn) contracts with a single entity that both designs and builds the project. It establishes criteria the university must follow when using this approach. It eliminates a requirement that UConn and certain general contractors administering UConn construction projects advertise project bidding opportunities in newspapers.

The bill exempts purchases of \$50,000 or less of certain agricultural products from competitive bidding requirements for public higher education institutions. It also requires these institutions to give preference to specified agricultural products grown or produced in Connecticut when they are comparable in cost to those produced outside the state.

Lastly, the bill limits disclosure, under the Freedom of Information Act (FOIA), of certain UConn Health Center (UCHC) employees' residential addresses.

EFFECTIVE DATE: July 1, 2013

#### **UCONN CONTRACTING**

##### ***Design-Build Contracts***

The bill allows UConn to enter into a single contract with a design-builder, whom it may select from a selection panel's recommendations. UConn must advertise the project and its specifications on the Internet.

The contract must (1) include such project elements as site acquisition, permitting, engineering design and construction and (2) be based on competitive proposals. UConn must award the contract based on a predetermined "metric" (measurement) provided to design-build contractors before they develop technical proposals. This metric may be unique to a project, but must consist of a score combining the (1) proposer's qualifications and past performance, (2) proposal's technical merit, and (3) cost. UConn must establish a selection panel for each project to score the first two elements according to the applicable metric.

UConn must determine all criteria, requirements, and conditions for the proposals and award, and is solely responsible for other aspects of the contract. The contract must clearly state (1) the design-builder's responsibility to deliver a complete and acceptable project on a particular date; (2) the project's maximum cost; and (3) if applicable, the cost of acquiring the property as a separate item.

As with other UConn-administered construction projects, the design-builder must be prequalified by the Department of Administrative Services (DAS) if the project is estimated to cost more than \$500,000. UConn must also prequalify design-builders based on their (1) financial, technical, and managerial ability; (2) ability to post surety bonds; (3) integrity; (4) experience in similar projects; and (5) compliance record in the past five years with state wage and hour laws and those relating to state contracts.

By law, UConn must award a contract to the responsible qualified contractor submitting the lowest bid or proposal in compliance with the bid or proposal requirements and may award contracts without public bidding in an emergency. The bill extends these provisions to design-build contracts.

### ***Advertisements***

The bill eliminates a requirement that UConn advertise, in one or more newspapers having general circulation in the state, bidding opportunities for construction projects that are estimated to cost more

than \$500,000. It continues to require that such opportunities be posted online (the law requires that they appear on the State Contracting Portal), but eliminates a requirement that they appear on the UConn website specifically.

The bill similarly eliminates a requirement that a construction manager at-risk (CMR) for a UConn project advertise, in one or more newspapers having general circulation in the state, bidding opportunities for project elements (i.e., trade packages) of a CMR project. It instead requires that such opportunities be posted online (presumably on the State Contracting Portal). In a CMR project, the owner (in this case UConn) generally contracts with a construction manager who works with the designer and provides labor, material, and project management during construction.

#### **PURCHASES OF AGRICULTURAL PRODUCTS**

By law, most goods and services purchases of more than \$10,000 by public higher education institutions must be made through competitive bidding. The bill exempts purchases of \$50,000 or less of certain agricultural products from this requirement. The exemption applies to dairy products, poultry, seafood, beef, eggs, fruits, vegetables, or other farm products.

The bill additionally requires public higher education institutions to give preference to dairy products, poultry, eggs, fruits, or vegetables grown or produced in Connecticut (but not other farm products, beef, or seafood) when their cost is comparable to those grown or produced outside the state. The law already requires DAS to give this preference.

#### **FOIA**

The bill prohibits UConn from disclosing from personnel, medical, or similar files, under FOIA, the residential address of any UCHC employee who provides (1) direct patient care to inmates in Department of Correction custody or (2) psychiatric or mental health inpatient or outpatient services to the general public. It allows these employees to request, in writing, address confidentiality from other public agencies.

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/26/2013)