
OLR Bill Analysis

sSB 889 (File 482, as amended by Senate "A")*

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.

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.

By law, a construction manager at-risk (CMR) for a UConn project must 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. The bill additionally 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.

*Senate Amendment "A" (1) eliminates the repeal of newspaper advertising requirements for UConn construction projects, (2) adds certain other agricultural products to the competitive bidding exemption and purchase preference, (3) eliminates the provision that

limited disclosure of certain UConn Health Center employees' residential addresses, and (4) makes technical changes.

EFFECTIVE DATE: July 1, 2013

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 the competitive proposal submitted by the design-builder that is selected by the university. 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.

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, farm-raised seafood, beef, pork, lamb, eggs, fruits, vegetables, or other farm products.

The bill additionally requires public higher education institutions to give preference to dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits, vegetables, or other farm products grown or produced in Connecticut when their cost is comparable to those grown or produced outside the state. The law already requires DAS to give a similar preference.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/26/2013)

Government Administration and Elections Committee

Joint Favorable

Yea 8 Nay 2 (04/29/2013)