

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 13-177—sSB 889**

*Higher Education and Employment Advancement Committee  
Government Administration and Elections Committee*

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

**SUMMARY:** This act 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 act exempts from competitive bidding requirements purchases of \$50,000 or less of certain agricultural products by 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 out of state.

Under existing 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 act 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.

EFFECTIVE DATE: July 1, 2013

**DESIGN-BUILD CONTRACTS**

The act 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.

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:

1. include such project elements as site acquisition, permitting, engineering design, and construction;

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2. be based on the competitive proposal submitted by the design-builder that is selected by the university; and
3. clearly state (a) the design-builder's responsibility to deliver a complete and acceptable project on a particular date; (b) the project's maximum cost; and (c) 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.

Under existing 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 act 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 act 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 act 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 they are comparable in cost to those grown or produced outside the state. The law already requires DAS to give a similar preference.

### BACKGROUND

#### *Related Act*

PA 13-72 requires the DAS commissioner to give preference to beef, pork, lamb, and farm-raised fish produced or grown in Connecticut if they are comparable in cost to those produced or grown out of state. Existing law requires the commissioner to give preference to Connecticut-grown or -produced dairy products, poultry, eggs, fruits, and vegetables.

OLR Tracking: TA:JKL:VR:ts/eh