



General Assembly

**Amendment**

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LCO No. 4644

**\*SB0024804644SD0\***

Offered by:

SEN. MUSTO, 22<sup>nd</sup> Dist.

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To: Subst. Senate Bill No. 248

File No. 517

Cal. No. 348

**"AN ACT CONCERNING PUBLIC WORKS PROJECTS AND THE THRESHOLD FOR COMPETITIVE BIDDING, SUBCONTRACTOR PREQUALIFICATION, CONSTRUCTION MANAGER AT-RISK PROJECT DELIVERY CONTRACTS, THE HIRING OF CONSULTANTS AND THE PURCHASING OF CERTAIN PROPERTY AND SERVICES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 10-29a of the 2014 supplement to  
4 the general statutes is amended by adding subdivisions (66) and (67)  
5 as follows (*Effective from passage*):

6 (NEW) (66) The Governor shall proclaim October thirtieth of each  
7 year to be Are You Dense? Breast Cancer Awareness Day to heighten  
8 public awareness of the associated presentation and available  
9 treatments for breast cancer. Suitable exercises shall be held in the  
10 State Capitol and elsewhere as the Governor designates for the  
11 observance of the day.

12 (NEW) (67) The Governor shall proclaim October ninth of each year  
13 to be Neurological Disorders Awareness Day to heighten public  
14 awareness of the associated presentation and available treatments for  
15 neurological disorders. Suitable exercises shall be held in the State  
16 Capitol and elsewhere as the Governor designates for the observance  
17 of the day.

18 Sec. 502. Subsection (b) of section 10-298 of the 2014 supplement to  
19 the general statutes is repealed and the following is substituted in lieu  
20 thereof (*Effective from passage*):

21 (b) The Commissioner of Rehabilitation Services may accept and  
22 receive any bequest or gift of money or personal property and, subject  
23 to the consent of the Governor and Attorney General as provided in  
24 section 4b-22, any devise or gift of real property made to the  
25 Commissioner of Rehabilitation Services, and may hold and use such  
26 money or property for the purposes, if any, specified in connection  
27 with such bequest, devise or gift.

28 Sec. 503. Subsection (n) of section 4a-60g of the 2014 supplement to  
29 the general statutes is repealed and the following is substituted in lieu  
30 thereof (*Effective October 1, 2014*):

31 (n) Nothing in this section shall be construed to apply to the  
32 janitorial or service contracts awarded pursuant to subsections (b) to  
33 (d), inclusive, of section 4a-82, as amended by this act.

34 Sec. 504. Section 4a-82 of the 2014 supplement to the general statutes  
35 is repealed and the following is substituted in lieu thereof (*Effective*  
36 *October 1, 2014*):

37 (a) For the purposes of this section:

38 (1) "Person with a disability" means any individual with a disability,  
39 excluding blindness, as such term is applied by the Department of  
40 Mental Health and Addiction Services, the Department of  
41 Developmental Services, the Department of Rehabilitation Services or

42 the Veterans' Administration and who is certified by the Department  
43 of Rehabilitation Services as qualified to participate in a qualified  
44 partnership, as described in subsections (e) to (l), inclusive, of this  
45 section;

46 (2) "Vocational rehabilitation service" means any goods and services  
47 necessary to render a person with a disability employable, in  
48 accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et  
49 seq., as amended from time to time;

50 (3) "Community rehabilitation program" means any entity or  
51 individual that provides directly for or facilitates the provision of  
52 vocational rehabilitation services to, or provides services in connection  
53 with, the recruiting, hiring or managing of the employment of persons  
54 with disabilities based on an individualized plan and budget for each  
55 worker with a disability;

56 (4) "Commercial [janitorial] contractor" means any for-profit  
57 proprietorship, partnership, joint venture, corporation, limited liability  
58 company, trust, association or other privately owned entity that  
59 employs persons to perform janitorial work or contractual services,  
60 and that enters into contracts to provide janitorial services or  
61 contractual services;

62 (5) "Janitorial work" means work performed in connection with the  
63 care or maintenance of buildings, including, but not limited to, work  
64 customarily performed by cleaners, porters, janitors and  
65 handypersons;

66 (6) "Janitorial contract" means a contract or subcontract to perform  
67 janitorial work for a department or agency of the state;

68 (7) "Person with a disadvantage" means any individual who is  
69 determined by the Labor Department, or its designee, to be eligible for  
70 employment services in accordance with the Workforce Investment  
71 Act or whose verified individual gross annual income during the  
72 previous calendar year was not greater than two hundred per cent of

73 the federal poverty level for a family of four; [and]

74 (8) "Awarding authority" means the Commissioner of  
75 Administrative Services, Chief Court Administrator of the Judicial  
76 Branch and president of the Board of Regents for Higher Education, as  
77 applicable; and

78 (9) "Contractual services" includes, but is not limited to, any and all  
79 laundry and cleaning services, mail supply room staffing, data entry,  
80 telephone call center staffing and other services specified by the  
81 Commissioner of Administrative Services under subsection (b) of this  
82 section.

83 (b) (1) The Commissioner of Administrative Services shall establish  
84 a program to create and expand janitorial work job opportunities for  
85 persons with a disability and persons with a disadvantage. The  
86 program shall create full-time jobs or full-time equivalents at standard  
87 wage rates for persons with disabilities and persons with  
88 disadvantages. The Judicial Branch and Board of Regents for Higher  
89 Education may participate in such program.

90 (2) The Commissioner of Administrative Services may expand such  
91 program to include contractual services that the commissioner deems  
92 appropriate and shall post a list of such services on the department's  
93 Internet web site.

94 (c) Notwithstanding any other provision of the general statutes,  
95 under such program, the awarding authority may award janitorial  
96 contracts or contracts for contractual services pursuant to the following  
97 procedures: (1) Upon receipt of a request for janitorial services or a  
98 contractual service that the Commissioner of Administrative Services  
99 has deemed appropriate for inclusion in the program by an agency or  
100 department of the state, the awarding authority shall notify each  
101 qualified partnership, as described in subsections (e) to (l), inclusive, of  
102 this section, of such request and invite each qualified partnership in  
103 good standing to submit a bid proposal for such janitorial contract or  
104 service contract to the awarding authority in a manner and form as

105 prescribed by the awarding authority; (2) in the event that only one  
106 such qualified partnership submits a bid or proposal for such janitorial  
107 or service contract, the awarding authority shall award such contract  
108 to such qualified partnership, provided such bid or proposal does not  
109 exceed the fair market value for such contract, as determined by the  
110 awarding authority; (3) if more than one qualified partnership submits  
111 a bid or proposal, the awarding authority shall award the contract to  
112 the lowest responsible qualified bidder or most advantageous  
113 proposer, as described in section 4a-59; and (4) in the event that a  
114 qualified partnership does not submit a bid or proposal or is not  
115 awarded such contract, the awarding authority shall award such  
116 contract in accordance with the provisions of sections 4a-59, 17b-656,  
117 as amended by this act, 4a-52a and 10a-151b or title 51, as applicable.  
118 No awarding authority shall award a contract under the provisions of  
119 this subsection at a site where employees are employed pursuant to an  
120 existing collective bargaining agreement or where a contract has been  
121 awarded pursuant to section 17b-656, as amended by this act, unless a  
122 contract has been previously awarded to a qualified partnership  
123 pursuant to this section at such site.

124 (d) Notwithstanding any other provision of the general statutes, the  
125 responsibilities of the Commissioner of Administrative Services, Chief  
126 Court Administrator or president of the Board of Regents for Higher  
127 Education as established in subsections (b) and (c) of this section, may  
128 not be delegated to an outside vendor.

129 (e) The Connecticut Community Providers Association shall  
130 designate a commercial [janitorial] contractor and a community  
131 rehabilitation program as a "qualified partnership" whenever the  
132 following criteria have been established: (1) Such commercial  
133 [janitorial] contractor has entered into a binding agreement with such  
134 community rehabilitation program in which such contractor agrees to  
135 fill not less than one-third of the jobs from a successful bid for a  
136 janitorial or service contract under the program established in  
137 subsections (b) to (d), inclusive, of this section with persons with  
138 disabilities and not less than one-third of such jobs with persons with a

139 disadvantage; (2) such contractor employs not less than two hundred  
140 persons who perform janitorial work or contractual services in the  
141 state; and (3) such contractor certifies, in writing, that it will pay the  
142 standard wage to employees, including persons with disabilities,  
143 under such janitorial or service contract. Any partnership between a  
144 commercial [janitorial] contractor and a community rehabilitation  
145 program that has been denied designation as a qualified partnership  
146 may appeal such denial, in writing, to the Commissioner of  
147 Administrative Services and said commissioner may, after review of  
148 such appeal, designate such program as a qualified partnership.

149 (f) The requirement established in subsection (e) of this section to fill  
150 not less than one-third of the jobs from a successful bid for a janitorial  
151 or service contract with persons with disabilities and one-third with  
152 persons with a disadvantage shall be met whenever such [janitorial]  
153 contractor employs the requisite number of persons with disabilities  
154 and persons with a disadvantage throughout the entirety of its  
155 operations in the state provided any persons with disabilities  
156 employed by such [janitorial] contractor prior to the commencement  
157 date of any such contract shall not be counted for the purpose of  
158 determining the number of persons with disabilities employed by such  
159 [janitorial] contractor.

160 (g) The number of persons with disabilities and the number of  
161 persons with a disadvantage that such [janitorial] contractor is  
162 required to employ pursuant to the provisions of subsection (e) of this  
163 section shall be employed not later than six months after the  
164 commencement of janitorial work or the contractual service under the  
165 terms of any contract awarded pursuant to the provisions of  
166 subsections (b) to (d), inclusive, of this section, provided such  
167 contractor shall fill any vacancy for janitorial work or contractual  
168 service that arises during the first six months of any such contract with  
169 persons with disabilities and persons with disadvantages.

170 (h) The Connecticut Community Providers Association shall  
171 develop an application process and submit a list of employees who

172 have applied to participate in a partnership to the Department of  
173 Rehabilitation Services for certification. Such association shall maintain  
174 a list of certified employees who are persons with disabilities and  
175 community rehabilitation programs.

176 (i) Any qualified partnership awarded a janitorial or service contract  
177 pursuant to the provisions of subsections (b) to (d), inclusive, of this  
178 section shall provide to the Connecticut Community Providers  
179 Association, not later than six months after the commencement date of  
180 such contract and annually thereafter, a list of the persons with  
181 disabilities and persons with a disadvantage employed by such  
182 contractor that includes the date of hire and employment location for  
183 each such person. Such association shall certify annually to the  
184 Department of Administrative Services, the Judicial Branch or the  
185 Board of Regents for Higher Education, as applicable, in such manner  
186 and form as prescribed by the Commissioner of Administrative  
187 Services, Chief Court Administrator or the president of the Board of  
188 Regents for Higher Education, that the requisite number of persons  
189 with disabilities for such contract continue to be employed by such  
190 contractor in positions equivalent to those created under such  
191 [janitorial] contract and have been integrated into the general  
192 workforce of such contractor.

193 (j) Notwithstanding any other provision of the general statutes, the  
194 responsibilities of the Department of Rehabilitation Services, as  
195 established in subsections (e) to (l), inclusive, of this section, may not  
196 be delegated to an outside vendor.

197 (k) The Commissioner of Rehabilitation Services may adopt  
198 regulations, in accordance with the provisions of chapter 54, to  
199 undertake the certification requirements established pursuant to  
200 subsections (e) to (l), inclusive, of this section.

201 (l) Notwithstanding the provisions of subsection (e) of this section,  
202 the Commissioner of Administrative Services shall authorize certified  
203 small and minority businesses to participate in such program.

204 (m) The joint standing committee of the General Assembly having  
205 cognizance of matters relating to government administration shall  
206 study the effectiveness of such program, including, but not limited to,  
207 the effectiveness of such program to create integrated work settings for  
208 persons with disabilities. Additionally, said committee shall study  
209 ways to provide incentives for municipalities and businesses to utilize  
210 such program if such program is determined by the committee to be  
211 effective.

212 (n) Each exclusive contract awarded prior to October 1, 2013,  
213 pursuant to section 17b-656, as amended by this act, shall remain in  
214 effect until such time as either party terminates the contract in such  
215 party's own best interest, with not less than sixty days written notice.  
216 Each such contract may be amended to include updated terms and  
217 conditions, but shall not allow for any price increases except statutory  
218 or mandated increases to the minimum wage and standard wage. If  
219 either party exercises his or her right to terminate any such contract,  
220 the next contract solicitation may be awarded pursuant to this section  
221 or sections 4a-59 and 17b-656, as amended by this act. Additionally,  
222 any new janitorial contract awarded pursuant to section 17b-656, as  
223 amended by this act, shall be limited to not more than four full-time  
224 employees per contract.

225 (o) Any person employed under a janitorial contract let: (1) On or  
226 before October 1, 2006, or thereafter if such contract constitutes a  
227 successor contract to such janitorial contract let on or before October 1,  
228 2006, and (2) pursuant to section 4a-57, as amended by this act, or 10a-  
229 151b or by the judicial or legislative departments or pursuant to  
230 subsections (b) to (d), inclusive, of this section shall have the same  
231 rights conferred upon an employee by section 31-57g for the duration  
232 of the program described in subsections (b) to (d), inclusive, of this  
233 section. The provisions of this subsection shall not apply to any new  
234 janitorial contract with not more than four full-time employees per  
235 contract, as described in subsection (n) of this section.

236 (p) If a position is not available at a job site for a janitorial or service

237 contract awarded pursuant to subsection (c) of this section and a  
238 person with a disability or a person with a disadvantage is placed at an  
239 alternate job site in the operations of the [janitorial] contractor  
240 pursuant to subsection (f) of this section, such person with a disability  
241 or person with a disadvantage shall be paid the wage applicable at  
242 such alternate site, provided when a position at the job site for a  
243 janitorial or service contract awarded pursuant to subsection (c) of this  
244 section becomes available, such person with a disability or person with  
245 a disadvantage shall be transferred to the job site for a janitorial or  
246 service contract awarded pursuant to subsection (c) of this section and  
247 shall be paid the applicable standard wage for such site.

248 (q) If a person with a disability or a person with a disadvantage is  
249 transferred pursuant to subsection (p) of this section and such person  
250 subsequently leaves such position, the position shall be filled with  
251 another person with a disability or person with a disadvantage.

252 Sec. 505. Subsection (f) of section 4a-57 of the 2014 supplement to  
253 the general statutes is repealed and the following is substituted in lieu  
254 thereof (*Effective October 1, 2014*):

255 (f) Nothing in this section shall be construed to apply to the award  
256 of janitorial or service contracts pursuant to the provisions of  
257 subsections (b) to (d), inclusive, of section 4a-82, as amended by this  
258 act.

259 Sec. 506. Section 17b-656 of the 2014 supplement to the general  
260 statutes is repealed and the following is substituted in lieu thereof  
261 (*Effective October 1, 2014*):

262 Whenever any products made or manufactured by or services  
263 provided by persons with disabilities through community  
264 rehabilitation programs described in subsection (b) of section 17b-655  
265 or in any workshop established, operated or funded by nonprofit and  
266 nonsectarian organizations for the purpose of providing persons with  
267 disabilities training and employment suited to their abilities meet the  
268 requirements of any department, institution or agency supported in

269 whole or in part by the state as to quantity, quality and price such  
270 products shall have preference over products or services from other  
271 providers, except (1) articles produced or manufactured by  
272 Department of Correction industries as provided in section 18-88, (2)  
273 emergency purchases made under section 4-98, and (3) janitorial or  
274 contractual services provided by a qualified partnership, pursuant to  
275 the provisions of subsections (b) to (d), inclusive, of section 4a-82, as  
276 amended by this act. All departments, institutions and agencies  
277 supported in whole or in part by the state shall purchase such articles  
278 made or manufactured and services provided by persons with  
279 disabilities from the Department of Rehabilitation Services. Any  
280 political subdivision of the state may purchase such articles and  
281 services through the Department of Rehabilitation Services. A list  
282 describing styles, designs, sizes and varieties of all such articles made  
283 by persons with disabilities and describing all available services  
284 provided by such persons shall be prepared by the Connecticut  
285 Community Providers Association.

286 Sec. 507. Section 4b-4 of the 2014 supplement to the general statutes  
287 is repealed and the following is substituted in lieu thereof (*Effective*  
288 *from passage*):

289 [(a) No] Each nonclerical employee in the unit in the Department of  
290 Administrative Services that is responsible for acquiring, leasing and  
291 selling real property on behalf of the state [shall be directly involved in  
292 any enterprise that does business with the state or be directly or  
293 indirectly involved in any enterprise concerned with real estate  
294 acquisition or development. Each] and each member of the State  
295 Properties Review Board [and each such employee of the Department  
296 of Administrative Services] shall file, with the Office of State Ethics, a  
297 statement of financial interests pursuant to the provisions of section 1-  
298 83.

299 [(b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to  
300 any alleged violation of this section.]"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	10-29a(a)
Sec. 502	<i>from passage</i>	10-298(b)
Sec. 503	<i>October 1, 2014</i>	4a-60g(n)
Sec. 504	<i>October 1, 2014</i>	4a-82
Sec. 505	<i>October 1, 2014</i>	4a-57(f)
Sec. 506	<i>October 1, 2014</i>	17b-656
Sec. 507	<i>from passage</i>	4b-4