

**Commission on
Human Rights and
Opportunities**

Memo

To: Government Administration and Elections Committee
From: Tanya A. Hughes, Executive Director
Date: March 2, 2015
Re: **HB 6906, AN ACT RAISING THE THRESHOLD FOR STATE
CONSTRUCTION CONTRACTS REQUIRING THE APPROVAL OF THE
DEPARTMENT OF ADMINISTRATIVE SERVICES AND COMPETITIVE
BIDDING**

The Commission on Human Rights and Opportunities **opposes** HB 6906 as written and **urges the adoption of an amendment** to this bill.

This bill amends section 4b-52 to double the amount, from \$500,000 to \$1 million, for construction contracts that are exempted from approval of the Commissioner of Construction Services. This means that for projects up to \$1 million state will not be required to comply with the antidiscrimination oversight provided by the Commission on Human Rights and Opportunities pursuant to subsection (b) of section 4b-95 as it pertains to section 46a-68d.

Many small, women and minority owned business can only compete for projects that do not require substantial amounts of liquidity. Often these companies are subcontractors in the smaller public works projects. At present CHRO is the only check on whether contractors are attaining or working to attain the state's set-aside goals. To raise the bidding threshold amount to \$1 million without the antidiscrimination oversight pursuant to 46a-68d would open the door to conscious or subconscious exclusion of many Connecticut businesses based on their owners' respective gender, race and disability.

The Commission presents and asks for your support of an amendment to section 4b-95 of the Connecticut General Statutes which will allow for the changes proposed in HB 6906 and still protect small, women and minority owned enterprises.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 4b-95 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The awarding authority shall furnish to every person applying therefor a form for general bid.

(b) Every general bid submitted for a contract subject to this chapter shall be submitted on a form furnished by the awarding authority. The form provided by the awarding authority shall provide a place for listing the names and prices of subcontractors for the four classes of work specified in subsection (a) of section 4b-93, and for each other class of work included by the awarding authority pursuant to said subsection and state that: (1) The undersigned agrees that if selected as general contractor, he shall, within five days, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the awarding authority, execute a contract in accordance with the terms of the general bid; (2) the undersigned agrees and warrants that he has made good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials under such contract and shall provide the Commission on Human Rights and Opportunities with such information as is requested by the commission concerning his employment practices and procedures as they relate to the provisions of the general statutes governing contract requirements; [and (3)] (3) any contract entered into between five hundred thousand and one million dollars absent the approval of the Commissioner of Construction Services shall comply with the provisions of subdivision (2) of subsection (b) of section 4b-95 and section 46a-68d of the Connecticut General Statutes; and (4) the undersigned agrees that each of the subcontractors listed on the bid form will be used for the work indicated at the amount stated, unless a substitution is permitted by the awarding authority. The awarding authority may require in the bid form that the general contractor agree to perform a stated, minimum percentage of work with his own forces.