

**Proposed Substitute
Bill No. 5228**

LCO No. 2409

**AN ACT CONCERNING THE NOTIFICATION OF DEPARTMENT OF
ADMINISTRATIVE SERVICE PROJECTS AND THE DEFINITION OF
"PROJECT".**

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

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2 Section 1. Subsection (b) of section 4b-24b of the general statutes is
3 repealed and the following is substituted in lieu thereof (*Effective July*
4 *1, 2016*):

5 (b) The commissioner may designate projects to be accomplished on
6 a total cost basis for (1) new facilities to provide for the substantial
7 space needs of a requesting agency, (2) the installation of mechanical
8 or electrical equipment systems in existing state facilities, or (3) the
9 demolition of any state facility that the commissioner is authorized to
10 demolish under the general statutes. If the commissioner designates a
11 project as a designated total cost basis project, the commissioner may
12 enter into a single contract with a private developer which may
13 include such project elements as site acquisition, architectural design
14 and construction. The commissioner shall select a private developer
15 from among the developers who are selected and recommended by the
16 award panels established in this subdivision. All contracts for such
17 designated projects shall be based on competitive proposals received

18 by the commissioner, who shall give notice of such project, and
19 specifications for the project, by [advertising, at least once, in a
20 newspaper having a substantial circulation in the area in which such
21 project is to be located] posting notice on the State Contracting Portal.
22 No contract which includes the construction, reconstruction, alteration,
23 remodeling, repair or demolition of any public building for work by
24 the state for which the total cost is estimated to be more than five
25 hundred thousand dollars may be awarded to a person who is not
26 prequalified for the work in accordance with section 4a-100. The
27 commissioner shall determine all other requirements and conditions
28 for such proposals and awards and shall have sole responsibility for all
29 other aspects of such contracts. Such contracts shall state clearly the
30 responsibilities of the developer to deliver a completed and acceptable
31 product on a date certain, the maximum cost of the project and, as a
32 separate item, the cost of site acquisition, if applicable. No such
33 contract may be entered into by the commissioner without the prior
34 approval of the State Properties Review Board and unless funding has
35 been authorized pursuant to the general statutes or a public or special
36 act.

37 Sec. 2. Section 4b-55 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective July 1, 2016*):

39 As used in this section, section 4b-1, as amended by this act, and
40 sections 4b-56 to 4b-59, inclusive, unless the context clearly requires
41 otherwise:

42 [(a)] (1) "Commissioner" means the Commissioner of Administrative
43 Services;

44 [(b)] (2) "Consultant" means [(1)] (A) any architect, professional
45 engineer, landscape architect, land surveyor, accountant, interior
46 designer, environmental professional or construction administrator,
47 who is registered or licensed to practice such person's profession in
48 accordance with the applicable provisions of the general statutes, or
49 [(2)] (B) any planner or financial specialist;

50 [(c)] (3) "Consultant services" [shall include] includes those
51 professional services rendered by architects, professional engineers,
52 landscape architects, land surveyors, accountants, interior designers,
53 environmental professionals, construction administrators, planners or
54 financial specialists, as well as incidental services that members of
55 these professions and those in their employ are authorized to perform;

56 [(d)] "University of Connecticut library project" means a project to
57 renovate and improve the Homer Babbidge Library at The University
58 of Connecticut;]

59 [(e)] (4) "Firm" means any individual, partnership, corporation, joint
60 venture, association or other legal entity [(1)] (A) authorized by law to
61 practice the profession of architecture, landscape architecture,
62 engineering, land surveying, accounting, interior design,
63 environmental or construction administration, or [(2)] (B) practicing
64 the profession of planning or financial specialization;

65 [(f)] (5) "Priority higher education facility project" means any project
66 which is part of a state program to repair, renovate, enlarge, equip,
67 purchase or construct [(1)] (A) instructional facilities, [(2)] (B) academic
68 core facilities, including library, research and laboratory facilities, [(3)]
69 (C) student residential or related student dining facilities, or [(4)] (D)
70 utility systems related to such projects, which are or will be operated
71 under the jurisdiction of the board of trustees of any constituent unit of
72 the state system of higher education, except The University of
73 Connecticut provided the project is included in the comprehensive
74 facilities master plan of the constituent unit in the most recent state
75 facility plan of the Office of Policy and Management pursuant to
76 section 4b-23, as amended by this act;

77 [(g)] (6) "Project" means any state program requiring consultant
78 services if the cost of such services is estimated to exceed [three] five
79 hundred thousand dollars;

80 [(h)] (7) "Selection panel" or "panel" means the State Construction
81 Services Selection Panel established pursuant to subsection (a) of

82 section 4b-56 or, in the case of a Connecticut Health and Education
83 Facilities Authority project pursuant to section 10a-186a, means the
84 Connecticut Health and Education Facilities Authority Construction
85 Services Panel established pursuant to subsection (c) of section 4b-56;

86 [(i)] (8) "User agency" means the state department or agency
87 requesting the project or the agency for which such project is being
88 undertaken pursuant to law;

89 [(j)] (9) "Community court project" means [(1)] (A) any project to
90 renovate and improve a facility designated for the community court
91 established pursuant to section 51-181c, and [(2)] (B) the renovation
92 and improvement of other state facilities required for the relocation of
93 any state agency resulting from the placement of the community court;

94 [(k)] (10) "Connecticut Juvenile Training School project" means a
95 project [(1)] (A) to develop on a designated site new facilities for a
96 Connecticut Juvenile Training School in Middletown including, but
97 not limited to, preparing a feasibility study for, designing,
98 constructing, reconstructing, improving or equipping said facility for
99 use by the Department of Children and Families, which is an
100 emergency project because there is an immediate need for completion
101 of said project to remedy overcrowding at Long Lane School; said
102 school shall have an annual average daily population of not more than
103 two hundred forty residents; or [(2)] (B) to develop a separate facility
104 for girls including, but not limited to, acquiring of land or buildings,
105 designing, constructing, reconstructing, improving or equipping said
106 facility for use by the Department of Children and Families;

107 [(l)] (11) "Downtown Hartford higher education center project"
108 means a project to develop a higher education center, as defined in
109 subparagraph (B) of subdivision (2) of section 32-600, and as described
110 in subsection (a) of section 32-612, for the regional community-
111 technical college system;

112 [(m)] (12) "Correctional facility project" means any project [(1)] (A)
113 which is part of a state program to repair, renovate, enlarge or

114 construct facilities which are or will be operated by the Department of
115 Correction, and [(2)] (B) for which there is an immediate need for
116 completion in order to remedy prison and jail overcrowding; and

117 [(n)] (13) "Juvenile detention center project" means any project [(1)]
118 (A) which is part of a state program to repair, renovate, enlarge or
119 construct juvenile detention centers which are or will be operated by
120 the Judicial Department, and [(2)] (B) for which there is an immediate
121 need for completion in order to remedy overcrowding.

122 Sec. 3. Subsection (a) of section 4b-57 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective July*
124 *1, 2016*):

125 (a) Whenever consultant services are required by the commissioner
126 in fulfilling the responsibilities under section 4b-1, as amended by this
127 act, and in the case of each project, the commissioner shall invite
128 responses from such firms by [advertisements inserted at least once in
129 one or more newspapers having a circulation in each county in the
130 state] posting notice on the State Contracting Portal, except that the
131 commissioner may receive consultant services under a contract entered
132 into pursuant to subsection (d) of section 4b-51. The commissioner
133 shall prescribe, by regulations adopted in accordance with chapter 54,
134 the advance notice required for, the manner of submission, and
135 conditions and requirements of, such responses.

136 Sec. 4. Section 4b-1 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective July 1, 2016*):

138 The Commissioner of Administrative Services shall (1) be
139 responsible for the administrative functions of construction and
140 planning of all capital improvements undertaken by the state, except
141 (A) highway and bridge construction, the construction and planning of
142 capital improvements related to mass transit, marine and aviation
143 transportation, (B) the Connecticut Marketing Authority, (C) planning
144 and construction of capital improvements to the State Capitol building
145 or the Legislative Office Building and related facilities by the Joint

146 Committee on Legislative Management, (D) any project as defined in
147 subdivision (16) of section 10a-109c, undertaken by The University of
148 Connecticut, and (E) construction and planning of capital
149 improvements related to the Judicial Department if such construction
150 and planning do not constitute a project within the meaning of
151 [subsection (g)] subdivision (6) of section 4b-55, as amended by this
152 act, including the preparation of preliminary plans, estimates of cost,
153 development of designs, working plans and specifications, award of
154 contracts and supervision and inspection. For the purposes of this
155 subparagraph (E), the term "Judicial Department" does not include the
156 courts of probate, the Division of Criminal Justice and the Public
157 Defender Services Commission, except where such agencies share
158 facilities in state-maintained courts; (2) select consultant firms in
159 accordance with the provisions of sections 4b-56 to 4b-59, inclusive, to
160 assist in the development of plans and specifications when in the
161 commissioner's judgment such assistance is desirable; (3) render
162 technical advice and service to all state agencies in the preparation and
163 correlation of plans for necessary improvement of their physical
164 plants; and (4) cooperate with those charged with fiscal programming
165 and budget formulation in the development of a capital program and a
166 capital budget for the state.

167 Sec. 5. Subsection (i) of section 4b-23 of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective July*
169 *1, 2016*):

170 (i) As used in this subsection, (1) "project" means any state program,
171 except the downtown Hartford higher education center project, as
172 defined in [subsection (l) of] section 4b-55, as amended by this act,
173 requiring consultant services if the cost of such services is estimated to
174 exceed one hundred thousand dollars or, in the case of a constituent
175 unit of the state system of higher education, the cost of such services is
176 estimated to exceed three hundred thousand dollars, or in the case of a
177 building or premises under the supervision of the Office of the Chief
178 Court Administrator or property where the Judicial Department is the
179 primary occupant, the cost of such services is estimated to exceed three

180 hundred thousand dollars; (2) "consultant" means "consultant" as
181 defined in section 4b-55, as amended by this act; and (3) "consultant
182 services" means "consultant services" as defined in section 4b-55, as
183 amended by this act. Any contracts entered into by the Commissioner
184 of Administrative Services with any consultants for employment (A)
185 for any project under the provisions of this section, (B) in connection
186 with a list established under subsection (d) of section 4b-51, or (C) by
187 task letter issued by the Commissioner of Administrative Services to
188 any consultant on such list pursuant to which the consultant will
189 provide services valued in excess of one hundred thousand dollars,
190 shall be subject to the approval of the Properties Review Board prior to
191 the employment of such consultant or consultants by the
192 commissioner. The Properties Review Board shall, not later than thirty
193 days after receipt of such selection of or contract with any consultant,
194 approve or disapprove the selection of or contract with any consultant
195 made by the Commissioner of Administrative Services pursuant to
196 sections 4b-1, as amended by this act, and 4b-55 to 4b-59, inclusive, as
197 amended by this act. If upon the expiration of the thirty-day period a
198 decision has not been made, the Properties Review Board shall be
199 deemed to have approved such selection or contract.

200 Sec. 6. Section 4b-55a of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2016*):

202 Notwithstanding any [provisions] provision of this chapter, [to the
203 contrary,] the Commissioner of Administrative Services may select and
204 interview at least three responsible and qualified environmental
205 professionals, and may negotiate with any one of such professionals a
206 contract which is both fair and reasonable to the state in order to
207 conduct the evaluations required by section 22a-1b for a priority
208 higher education facility project, as defined in [subsection (f) of]
209 section 4b-55, as amended by this act.

210 Sec. 7. Subdivision (1) of subsection (a) of section 4b-91 of the
211 general statutes is repealed and the following is substituted in lieu
212 thereof (*Effective July 1, 2016*):

213 (a) (1) As used in this section, "prequalification classification" means
214 the prequalification classifications established by the Commissioner of
215 Administrative Services pursuant to section 4a-100, "public agency"
216 has the same meaning as provided in section 1-200, [and] "awarding
217 authority" means the Department of Administrative Services, except
218 "awarding authority" means (A) the Joint Committee on Legislative
219 Management, in the case of a contract for the construction of or work
220 on a building or other public work under the supervision and control
221 of the joint committee, or (B) the constituent unit of the state system of
222 higher education, in the case of a contract for the construction of or
223 work on a building or other public work under the supervision and
224 control of such constituent unit and "community court project",
225 "downtown Hartford higher education center project", "correctional
226 facility project", "juvenile detention center project" and "priority higher
227 education facility project" have the same meanings as provided in
228 section 4b-55, as amended by this act.

229 Sec. 8. Subdivision (3) of subsection (a) of section 4b-91 of the
230 general statutes is repealed and the following is substituted in lieu
231 thereof (*Effective July 1, 2016*):

232 (3) The requirements set forth in subdivision (2) of this subsection
233 shall not apply to (A) a public highway or bridge project or any other
234 construction project administered by the Department of
235 Transportation, or (B) a contract awarded by the Commissioner of
236 Administrative Services for (i) any public building or other public
237 works project administered by the Department of Administrative
238 Services that is estimated to cost one million five hundred thousand
239 dollars or less, (ii) a community court project, [as defined in subsection
240 (j) of section 4b-55,] (iii) the downtown Hartford higher education
241 center project, [as defined in subsection (l) of section 4b-55,] (iv) a
242 correctional facility project, [as defined in subsection (m) of section 4b-
243 55,] (v) a juvenile detention center project, [as defined in subsection (n)
244 of section 4b-55,] or (vi) a student residential facility for the
245 Connecticut State University System that is a priority higher education
246 facility project, [as defined in subsection (f) of section 4b-55.]

247 Sec. 9. Subsection (g) of section 4b-91 of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective July*
249 *1, 2016*):

250 (g) Notwithstanding the provisions of this chapter regarding
251 competitive bidding procedures, the commissioner may select and
252 interview at least three responsible and qualified general contractors
253 who are prequalified pursuant to section 4a-100 and submit the three
254 selected contractors to the construction services award panels process
255 described in section 4b-100a and any regulation adopted by the
256 commissioner. The commissioner may negotiate with the successful
257 bidder a contract which is both fair and reasonable to the state for a
258 community court project, [as defined in subsection (j) of section 4b-55,]
259 the downtown Hartford higher education center project, [as defined in
260 subsection (l) of section 4b-55,] a correctional facility project, [as
261 defined in subsection (m) of section 4b-55,] a juvenile detention center
262 project, [as defined in subsection (n) of section 4b-55,] or a student
263 residential facility for the Connecticut State University System that is a
264 priority higher education facility project. [, as defined in subsection (f)
265 of section 4b-55.] The Commissioner of Administrative Services, prior
266 to entering any such contract or performing any work on such project,
267 shall submit such contract to the State Properties Review Board for
268 review and approval or disapproval by the board, pursuant to
269 subsection (i) of this section. Any general contractor awarded a
270 contract pursuant to this subsection shall be subject to the same
271 requirements concerning the furnishing of bonds as a contractor
272 awarded a contract pursuant to subsection (b) of this section.

273 Sec. 10. Subsection (j) of section 4b-91 of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective July*
275 *1, 2016*):

276 (j) No person whose subcontract exceeds five hundred thousand
277 dollars in value may perform work as a subcontractor on a project for
278 the construction, reconstruction, alteration, remodeling, repair or
279 demolition of any public building or any other public work by the state

280 or a municipality, except a public highway or bridge project or any
281 other construction project administered by the Department of
282 Transportation, which project is estimated to cost more than five
283 hundred thousand dollars and is paid for, in whole or in part, with
284 state funds, unless, at the time of the bid submission, the person is
285 prequalified in accordance with section 4a-100. The provisions of this
286 subsection shall not apply to the downtown Hartford higher education
287 center project. [as defined in subsection (l) of section 4b-55.]

288 Sec. 11. Section 17a-27b of the general statutes is repealed and the
289 following is substituted in lieu thereof (*Effective July 1, 2016*):

290 Notwithstanding any provision of the general statutes or
291 regulations adopted thereunder or any public or special act, the
292 Connecticut Juvenile Training School project, as defined in [subsection
293 (k) of] section 4b-55, as amended by this act, shall be exempt from the
294 provisions of subsections (b) to (i), inclusive, of section 4b-21, sections
295 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12, 22a-14 to 22a-
296 20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

297 Sec. 12. Section 17a-27d of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective July 1, 2016*):

299 The Commissioner of Administrative Services may negotiate a sole
300 source contract for the architectural services and design for the
301 Connecticut Juvenile Training School project, as defined in [subsection
302 (k) of] section 4b-55, as amended by this act.

303 Sec. 13. Subsections (b) and (c) of section 22a-1f of the general
304 statutes are repealed and the following is substituted in lieu thereof
305 (*Effective July 1, 2016*):

306 (b) Environmental impact evaluations shall not be required for the
307 Connecticut Juvenile Training School project, as defined in [subsection
308 (k) of] section 4b-55, as amended by this act, and the extension of such
309 project otherwise known as the Connecticut River Interceptor Sewer
310 Project, or a project, as defined in subdivision (16) of section 10a-109c,

311 which involves the conversion of an existing structure for educational
312 rather than office or commercial use.

313 (c) A constituent unit of the state system of higher education may
314 provide for environmental impact evaluations for any priority higher
315 education facility project, as defined in [subsection (f) of] section 4b-55,
316 as amended by this act, or for any higher education project involving
317 an expenditure of not more than two million dollars, by (1) reviewing
318 and filing the evaluation for such project with the Office of Policy and
319 Management for its review pursuant to section 22a-1e, or (2) including
320 such project in a cumulative environmental impact evaluation
321 approved by the Office of Policy and Management.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	4b-24b(b)
Sec. 2	<i>July 1, 2016</i>	4b-55
Sec. 3	<i>July 1, 2016</i>	4b-57(a)
Sec. 4	<i>July 1, 2016</i>	4b-1
Sec. 5	<i>July 1, 2016</i>	4b-23(i)
Sec. 6	<i>July 1, 2016</i>	4b-55a
Sec. 7	<i>July 1, 2016</i>	4b-91(a)(1)
Sec. 8	<i>July 1, 2016</i>	4b-91(a)(3)
Sec. 9	<i>July 1, 2016</i>	4b-91(g)
Sec. 10	<i>July 1, 2016</i>	4b-91(j)
Sec. 11	<i>July 1, 2016</i>	17a-27b
Sec. 12	<i>July 1, 2016</i>	17a-27d
Sec. 13	<i>July 1, 2016</i>	22a-1f(b) and (c)