



General Assembly

February Session, 2018

***Raised Bill No. 5270***

LCO No. 1710



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT PROHIBITING BID SHOPPING.***

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

1 Section 1. (NEW) (*Effective October 1, 2018*) As used in this section,  
2 sections 2 and 3 of this act and sections 4b-91 to 4b-103, inclusive, of  
3 the general statutes, as amended by this act:

4 (1) "General contractor" means any contractor submitting a bid to an  
5 awarding authority, or to any construction manager at-risk pursuant to  
6 part II of chapter 60 of the general statutes;

7 (2) "Subcontractor" means any contractor that submits a bid to  
8 perform work for, or to supply materials to, a general contractor or  
9 another subcontractor in relation to a general contractor's bid on a  
10 construction project that is subject to any of the requirements  
11 established under part II of chapter 60 of the general statutes;

12 (3) "Bid submission" or "submit a bid" means, with respect to a  
13 general contractor, providing a bid package to an awarding authority

14 or construction manager at-risk, and with respect to a subcontractor,  
15 submitting a sub-bid;

16 (4) "Sub-bid" means the bid submission of a subcontractor, made by  
17 writing and signing a sub-bid on a form provided by the Department  
18 of Administrative Services and providing such form to a general  
19 contractor or another subcontractor pursuant to part II of chapter 60 of  
20 the general statutes;

21 (5) "Higher-tier subcontractor" means any subcontractor that  
22 contracts with a general contractor;

23 (6) "Lower-tier subcontractor" means any subcontractor that  
24 contracts with a higher-tier subcontractor;

25 (7) "Bid shopping" means any effort by a general contractor after bid  
26 submission to obtain a lower price from a subcontractor that such  
27 contractor has previously solicited bids from with respect to the project  
28 for which such bid was submitted, including using one subcontractor's  
29 bid to coerce lower bids from other subcontractors, but excluding the  
30 substitution of a contractor in accordance with section 2 of this act; and

31 (8) "Awarding authority" has the same meaning as provided in  
32 section 4b-91 of the general statutes, as amended by this act.

33 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) The Department of  
34 Administrative Services shall adopt regulations in accordance with the  
35 provisions of chapter 54 of the general statutes to set a threshold value  
36 for sub-bids and provide that any sub-bids that exceed such threshold  
37 value are required to be delineated in the bid submission of a general  
38 contractor. For purposes of this section, "threshold value" means the  
39 amount determined by the Department of Administrative Services  
40 under this subsection.

41 (b) On and after the date the regulations required under subsection  
42 (a) of this section are effective, every invitation to bid on a contract  
43 under part II of chapter 60 of the general statutes issued by an

44 awarding authority, including invitations issued by a construction  
45 manager at-risk, shall require bidders to: (1) List the name, location of  
46 the place of business and Connecticut business identification number  
47 of all subcontractors that are to perform any work on the project in an  
48 amount in excess of the threshold value; (2) list the dollar amount of  
49 each sub-bid; (3) submit the written sub-bids, signed by each  
50 subcontractor that is proposing to perform the work in an amount in  
51 excess of the threshold value, and if applicable, the subcontractor's  
52 prequalification certificate obtained in accordance with section 4a-100  
53 of the general statutes; (4) identify any portion of work in excess of the  
54 threshold value that the general contractor will self-perform and list  
55 such work in accordance with section 4b-95a of the general statutes, as  
56 amended by this act. The bid of any general contractor who fails to list  
57 a sub-bid in excess of the threshold value shall be rejected if the  
58 awarding authority or construction manager at-risk determines that it  
59 is unreasonable for such contractor to subcontract for less than the  
60 threshold value given the scope of the project and the bid  
61 specifications submitted in accordance with section 4b-93 or 4b-103 of  
62 the general statutes, as amended by this act.

63 (c) All subcontractors shall submit all sub-bids to the prospective  
64 general contractor, including any bids of lower-tier subcontractors to  
65 higher-tier subcontractors in excess of the threshold value, prior to the  
66 general contractor's bid submission. All subcontractors submitting  
67 sub-bids in excess of the threshold value, including lower-tier  
68 subcontractors, shall write and sign their bids on a form prescribed by  
69 the Department of Administrative Services. If a general contractor  
70 obtains bids from multiple subcontractors with respect to a single  
71 project, he or she may select among the various bids, provided the  
72 general contractor does not unilaterally pair any higher-tier and lower-  
73 tier sub-bids together unless they were originally submitted together  
74 by the respective subcontractors.

75 (d) A general contractor executing a contract under part II of  
76 chapter 60 of the general statutes shall offer the listed higher-tier  
77 subcontractors a written subcontract not later than five business days

78 after execution, consistent with any other applicable requirements set  
79 forth in section 4b-96 of the general statutes, as amended by this act.  
80 All subcontractors executing a contract under part II of chapter 60 of  
81 the general statutes shall offer the listed lower-tier subcontractors a  
82 subcontract not later than five business days after execution. No listed  
83 subcontractor may commence performing work on a project prior to  
84 signing a subcontract and filing such contract with either the awarding  
85 authority or construction manager at-risk.

86 (e) A general contractor or higher-tier subcontractor may not  
87 substitute any listed subcontractors after the submission of a bid,  
88 unless: (1) The subcontractor refused to execute a written subcontract  
89 within five business days of being offered the subcontract; (2) the value  
90 of the contract with the proposed substitute subcontractor (A) does not  
91 differ by more than one-half of a per cent than the listed sub-bid, or (B)  
92 differs by more than one-half per cent but is less than the listed sub-  
93 bid, in which latter case the general contractor or higher-tier  
94 subcontractor, as applicable, shall agree, in writing, that the savings  
95 from the substitute subcontractor shall be paid to the state by the  
96 general contractor or higher-tier subcontractor by check payable to the  
97 State Treasurer not later than thirty days after the completion of the  
98 project; (3) the general contractor or higher-tier subcontractor has good  
99 cause, as defined in subsection (c) of section 4b-95 of the general  
100 statutes, as amended by this act, for requesting a substitute; (4) the  
101 general contractor or higher-tier subcontractor receives written  
102 permission from the awarding authority or construction manager at-  
103 risk to substitute a listed subcontractor; and (5) the general contractor  
104 or higher-tier subcontractor has otherwise met any applicable  
105 requirements set forth in section 4b-96 of the general statutes, as  
106 amended by this act.

107 (f) Any attempt by a general contractor to circumvent the  
108 requirements of this section by (1) listing another contractor who will  
109 subcontract portions of the contract in excess of the threshold value  
110 covered by the contract to an unlisted subcontractor, or (2) failing to  
111 comply with the requirements of subsection (e) of this section, shall

112 constitute a violation of this section and may result in the  
113 disqualification of the contractor from bidding on projects under  
114 chapter 60 of the general statutes for up to five years after the  
115 discovery of the violation. The Department of Administrative Services  
116 shall provide thirty days' written notice to each contractor alleged to  
117 have violated this section that such contractor is subject to  
118 disqualification. The contractor may request a hearing by the  
119 department to contest such disqualification, provided such request is  
120 made in writing not later than twenty days after receipt of such notice.

121       Sec. 3. (NEW) (*Effective October 1, 2018*) (a) No contractor shall  
122 engage in bid shopping on any contract for the construction,  
123 reconstruction, alteration, remodeling, repair or demolition of any  
124 public building or other public work by the state, a municipality or  
125 other political subdivision of the state.

126       (b) The Attorney General, in the case of state projects, or the  
127 municipality or political subdivision, as applicable, may institute a  
128 civil action to recover the difference in value between a higher-price  
129 sub-bid used by a contractor in establishing a bid and the lower-price  
130 subcontract that the contractor subsequently obtained through bid  
131 shopping, as well as reasonable attorneys' fees and costs.

132       (c) Any subcontractor aggrieved by the bid shopping of a general  
133 contractor may institute a civil action against the general contractor  
134 that engaged in bid shopping to recover damages equivalent to ten per  
135 cent of the submitted bid value, as well as reasonable attorneys' fees  
136 and costs. In any such action, the subcontractor shall have the burden  
137 to prove, by a preponderance of the evidence, that the contractor  
138 engaged in bid shopping.

139       (d) In addition to the civil remedies set forth in this section, the  
140 Commissioner of Consumer Protection shall fine a contractor found to  
141 have engaged in bid shopping up to twenty thousand dollars for each  
142 violation and not less than five thousand dollars per violation.

143       (e) Any civil action instituted under this section shall be initiated not

144 more than two years after the alleged bid shopping.

145 Sec. 4. Subsection (b) of section 4b-91 of the general statutes is  
146 repealed and the following is substituted in lieu thereof (*Effective*  
147 *October 1, 2018*):

148 (b) The awarding authority shall determine the manner of  
149 submission and the conditions and requirements of such bids, and the  
150 time within which the bids shall be submitted, consistent with the  
151 provisions of this section, [and] sections 4b-92 to 4b-96, inclusive and  
152 section 2 of this act. Such award shall be made not later than ninety  
153 days after the opening of such bids. If the general bidder selected as  
154 the general contractor fails to perform the general contractor's  
155 agreement to execute a contract in accordance with the terms of the  
156 general contractor's general bid and furnish a performance bond and  
157 also a labor and materials or payment bond to the amount specified in  
158 the general bid form, an award shall be made to the next lowest  
159 responsible and qualified general bidder, or, in the case of a contract  
160 awarded by the Department of Administrative Services under  
161 subdivision (5) of subsection (a) of this section, to the bidder  
162 determined in accordance with said subdivision if fewer than three  
163 bids are received. No employee of an awarding authority with  
164 decision-making authority concerning the award of a contract and no  
165 public official, as defined in section 1-79, may communicate with any  
166 bidder prior to the award of the contract if the communication results  
167 in the bidder receiving information about the contract that is not  
168 available to other bidders, except that if the lowest responsible and  
169 qualified bidder's price submitted is in excess of funds available to  
170 make an award, the awarding authority may negotiate with such  
171 bidder and award the contract on the basis of the funds available,  
172 without change in the contract specifications, plans and other  
173 requirements. If the award of a contract on such basis is refused by  
174 such bidder, the awarding authority may negotiate with other  
175 contractors who submitted bids in ascending order of bid prices  
176 without change in the contract, specifications, plans and other  
177 requirements. In the event of negotiation with general bidders as

178 provided in this section, the general bidder involved may negotiate  
179 with subcontractors on the same basis, provided such general bidder  
180 shall negotiate only with subcontractors named on such general  
181 bidder's general bid form.

182 Sec. 5. Subsection (a) of section 4b-93 of the 2018 supplement to the  
183 general statutes is repealed and the following is substituted in lieu  
184 thereof (*Effective October 1, 2018*):

185 (a) Every contract subject to this chapter shall include plans and  
186 specifications detailing all labor and materials to be furnished  
187 thereunder. Such specifications shall have a separate section for each of  
188 the following classes of work if, in the estimate of the awarding  
189 authority, the class of work will exceed one hundred thousand dollars:  
190 (1) Masonry work; (2) electrical work; (3) plumbing; and (4) heating,  
191 ventilating and air conditioning work. Such specifications shall include  
192 a table of contents, chart or other means of identifying the portion of  
193 work, if any, comprising each class of work identified in the  
194 Department of Administrative Service's prequalification classifications  
195 determined in accordance with section 4a-100, that are expected to  
196 exceed the threshold value, as defined in section 2 of this act, in the  
197 estimate of the awarding authority. Such specifications shall also have  
198 a separate section for each other class of work for which the awarding  
199 authority deems it necessary or convenient.

200 Sec. 6. Section 4b-94 of the general statutes is repealed and the  
201 following is substituted in lieu thereof (*Effective October 1, 2018*):

202 In inviting bids, the awarding authority shall reserve the right to  
203 reject any or all such general bids, if (1) the awarding authority  
204 determines that the general bidder or bidders involved are not  
205 competent to perform the work as specified, based on objective criteria  
206 established for making such determinations, including past  
207 performance and financial responsibility, (2) the low bid price exceeds  
208 the amount of money available for the project, (3) the awarding  
209 authority determines that the project shall not go forward, (4) the

210 general bidder fails to comply with the requirements of section 2 of  
211 this act, or [(4)] (5) the awarding authority finds cause to reject such  
212 bids. If the awarding authority rejects any or all bids pursuant to this  
213 section, it shall notify each affected bidder, in writing, of the reasons  
214 for such rejection.

215       Sec. 7. Section 4b-95 of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective October 1, 2018*):

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

219       (b) Every general bid submitted for a contract subject to this chapter  
220 shall be submitted on a form furnished by the awarding authority. The  
221 form provided by the awarding authority shall provide a place for  
222 listing the names and prices of subcontractors (1) for the four classes of  
223 work specified in subsection (a) of section 4b-93, as amended by this  
224 act, [and] (2) for each other class of work included by the awarding  
225 authority pursuant to said subsection, and (3) in accordance with  
226 section 2 of this act, and state that: [(1)] (A) The undersigned agrees  
227 that if selected as general contractor, he shall, within five days,  
228 Saturdays, Sundays and legal holidays excluded, after presentation  
229 thereof by the awarding authority, execute a contract in accordance  
230 with the terms of the general bid; [(2)] (B) the undersigned agrees and  
231 warrants that he has made good faith efforts to employ minority  
232 business enterprises as subcontractors and suppliers of materials  
233 under such contract and shall provide the Commission on Human  
234 Rights and Opportunities with such information as is requested by the  
235 commission concerning his employment practices and procedures as  
236 they relate to the provisions of the general statutes governing contract  
237 requirements; and [(3)] (C) the undersigned agrees that each of the  
238 subcontractors listed on the bid form will be used for the work  
239 indicated at the amount stated, unless a substitution is permitted by  
240 the awarding authority. The awarding authority may require in the bid  
241 form that the general contractor agree to perform a stated, minimum  
242 percentage of work with his own forces.



243 (c) General bids shall be for the complete work as specified and shall  
244 include the names of any subcontractors required to be listed under  
245 section 2 of this act and for the four classes of work specified in  
246 subsection (a) of section 4b-93, as amended by this act, and for each  
247 other class of work for which the awarding authority has required a  
248 separate section pursuant to said subsection and the dollar amounts of  
249 their subcontracts, and the general contractor shall be selected on the  
250 basis of such general bids. [It shall be presumed that the general bidder  
251 intends to perform with its own employees all work in such four  
252 classes and such other classes, for which no subcontractor is named.  
253 The] Where a general bidder indicates that he or she proposes to  
254 perform any portion of work with his or her own forces, the general  
255 bidder's qualifications for performing such work shall be subject to  
256 review under section 4b-92. Every general bid which is conditional or  
257 obscure, or which contains any addition not called for, shall be invalid;  
258 and the awarding authority shall reject every such general bid. The  
259 awarding authority shall be authorized to waive minor irregularities  
260 which [he] the awarding authority considers in the best interest of the  
261 state, provided the reasons for any such waiver are stated in writing by  
262 the awarding authority and made a part of the contract file. No such  
263 general bid shall be rejected because of the failure to submit prices for,  
264 or information relating to, any item or items for which no specific  
265 space is provided in the general bid form furnished by the awarding  
266 authority, but this sentence shall not be applicable to any failure to  
267 furnish prices or information required by this section or section 2 of  
268 this act to be furnished in the form provided by the awarding  
269 authority. General bids shall be publicly opened and read by the  
270 awarding authority forthwith. The awarding authority shall not permit  
271 substitution of a subcontractor for one named in accordance with the  
272 provisions of this section or substitution of a subcontractor for any  
273 designated subtrade work bid to be performed by the general  
274 contractor's own forces, except for good cause or pursuant to  
275 subsection (e) of section 2 of this act. The term "good cause" includes  
276 but is not limited to a subcontractor's or, where appropriate, a general  
277 contractor's: (1) Death or physical disability, if the listed subcontractor

278 is an individual; (2) dissolution, if a corporation or partnership; (3)  
279 bankruptcy; (4) inability to furnish any performance and payment  
280 bond shown on the bid form; (5) inability to obtain, or loss of, a license  
281 necessary for the performance of the particular category of work; (6)  
282 failure or inability to comply with a requirement of law applicable to  
283 contractors, subcontractors, or construction, alteration, or repair  
284 projects; (7) failure to perform his agreement to execute a subcontract  
285 under section 4b-96, as amended by this act.

286 (d) The general bid price shall be the price set forth in the space  
287 provided on the general bid form. No general bid shall be rejected (1)  
288 because of error in setting forth the name of a subcontractor as long as  
289 the subcontractor or subcontractors designated are clearly identifiable,  
290 or (2) because the plans and specifications do not accompany the bid or  
291 are not submitted with the bid. Failure to correctly state a  
292 subcontractor's price shall be cause for rejection of the general bidder's  
293 bid.

294 (e) Any general contractor who violates any provision of this section  
295 shall be disqualified from bidding on other contracts that are subject to  
296 the provisions of this chapter for a period not to exceed twenty-four  
297 months, commencing from the date on which the violation is  
298 discovered, for each violation. The awarding authority shall  
299 periodically review the general contractor's subcontracts to insure  
300 compliance with such provisions, and shall after each such review  
301 prepare a written report setting forth its findings and conclusions.

302 Sec. 8. Section 4b-95a of the general statutes is repealed and the  
303 following is substituted in lieu thereof (*Effective October 1, 2018*):

304 If a general bidder customarily performs any class of work valued  
305 in excess of the threshold value, as defined in section 2 of this act, any  
306 of the four classes of work specified in subsection (a) of section 4b-93,  
307 as amended by this act, or any other class of work included by the  
308 awarding authority pursuant to said subsection, the general bidder  
309 may list himself as a subcontractor together with his price in the space

310 provided in the bid form. A listed sub-bid so submitted by the general  
311 bidder shall be considered on a par with other listed sub-bids, and no  
312 such sub-bid by a general bidder shall be considered unless the general  
313 bidder can show to the satisfaction of the awarding authority, based on  
314 objective criteria established for such purpose, that he customarily  
315 performs such subtrade work and is qualified to do the character of  
316 work required by the applicable section of the specifications.

317 Sec. 9. Section 4b-96 of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective October 1, 2018*):

319 (a) Within five days after being notified of the award of a general  
320 contract by the awarding authority, or, in the case of an approval of a  
321 substitute subcontractor by the awarding authority, within five  
322 business days after being notified of such approval, the general bidder  
323 shall present to each listed or substitute subcontractor responsible for  
324 the four classes of work specified in subsection (a) of section 4b-93, as  
325 amended by this act, or any other separate section identified by the  
326 awarding authority: (1) [a] A subcontract in the form set forth in this  
327 section, and (2) a notice of the time limit under this section for  
328 executing a subcontract. If a listed subcontractor fails within five  
329 business days, [Saturdays, Sundays and legal holidays excluded,] after  
330 presentation of a subcontract by the general bidder selected as a  
331 general contractor, to perform his agreement to execute a subcontract  
332 in the form hereinafter set forth with such general bidder, contingent  
333 upon the execution of the general contract, the general contractor shall  
334 select another subcontractor, with the approval of the awarding  
335 authority and in accordance with the requirements of section 2 of this  
336 act. When seeking approval for a substitute subcontractor, the general  
337 bidder shall provide the awarding authority with all documents  
338 showing (A) the general bidder's proper presentation of a subcontract  
339 to the listed subcontractor and (B) communications to or from such  
340 subcontractor after such presentation. The awarding authority shall  
341 adjust the contract price to reflect the difference between the amount of  
342 the price of the new subcontractor and the amount of the price of the  
343 listed subcontractor if the new subcontractor's price is lower and may

344 adjust such contract price if the new subcontractor's price is higher,  
345 consistent with the general contractor's obligations under section 2 of  
346 this act to pay any savings to the state. The general bidder shall, with  
347 respect to each listed subcontractor or approved substitute  
348 subcontractor, file with the awarding authority a copy of each  
349 executed subcontract within ten days, Saturdays, Sundays and legal  
350 holidays excluded, of presentation of a subcontract to such  
351 subcontractor.

352 (b) The subcontract shall be in the following form:

353 SUBCONTRACT

354 THIS AGREEMENT made this .... of 20., by and between .... a  
355 corporation organized and existing under the laws of .... a partnership  
356 consisting of .... an individual doing business as .... hereinafter called  
357 the "Contractor" and .... a corporation organized and existing under the  
358 laws of .... a partnership consisting of .... an individual doing business  
359 as .... hereinafter called the "Subcontractor",

360 WITNESSETH that the Contractor and the Subcontractor for the  
361 considerations hereafter named, agree as follows:

362 1. The Subcontractor agrees to furnish all labor and materials  
363 required for the completion of all work specified in Section No. .... of  
364 the specifications for .... (Name of Subtrade) .... and the plans referred  
365 to therein and addenda No. ...., and .... for the (Complete title of project  
366 and the project number taken from the title page of the specifications)  
367 .... all as prepared by .... (Name of Architect or Engineer) .... for the sum  
368 of .... (\$....) and the Contractor agrees to pay the Subcontractor said  
369 sum for said work. This price includes the following alternates:

370 Supplemental No. (s) ....., ....., ....., ....., ....., ....., ....., .....

371 (a) The Subcontractor agrees to be bound to the Contractor by the  
372 terms of the hereinbefore described plans, specifications (including all  
373 general conditions stated therein which apply to his trade) and

374 addenda No. ...., ...., ...., and ...., and ...., and to assume to the  
375 Contractor all the obligations and responsibilities that the Contractor  
376 by those documents assumes to the ... (Awarding Authority) ....,  
377 hereinafter called the "Awarding Authority", except to the extent that  
378 provisions contained therein are by their terms or by law applicable  
379 only to the Contractor.

380 (b) The Contractor agrees to be bound to the Subcontractor by the  
381 terms of the hereinbefore described documents and to assume to the  
382 Subcontractor all the obligations and responsibilities that the  
383 Awarding Authority by the terms of the hereinbefore described  
384 documents assumes to the Contractor, except to the extent that  
385 provisions contained therein are by their terms or by law applicable  
386 only to the Awarding Authority.

387 2. The Contractor agrees to begin, prosecute and complete the entire  
388 work specified by the Awarding Authority in an orderly manner so  
389 that the Subcontractor will be able to begin, prosecute and complete  
390 the work described in this subcontract; and, in consideration thereof,  
391 upon notice from the Contractor, either oral or in writing, the  
392 Subcontractor agrees to begin, prosecute and complete the work  
393 described in this Subcontract in an orderly manner in accordance with  
394 completion schedules prescribed by the general contractor for each  
395 subcontract work item, based on consideration to the date or time  
396 specified by the Awarding Authority for the completion of the entire  
397 work.

398 3. The Subcontractor agrees to furnish to the Contractor, within a  
399 reasonable time after the execution of this subcontract, evidence of  
400 workers' compensation insurance as required by law and evidence of  
401 public liability and property damage insurance of the type and in  
402 limits required to be furnished to the Awarding Authority by the  
403 Contractor.

404 4. The Contractor agrees that no claim for services rendered or  
405 materials furnished by the Contractor to the Subcontractor shall be

406 valid unless written notice thereof is given by the Contractor to the  
407 Subcontractor during the first forty (40) days following the calendar  
408 month in which the claim originated.

409 5. This agreement is contingent upon the execution of a general  
410 contract between the Contractor and the Awarding Authority for the  
411 complete work.

412 IN WITNESS WHEREOF, the parties hereto have executed this  
413 agreement the day and year first above-written.

T1 SEAL

T2 ATTEST

T3 .... (Name of Subcontractor) ....

T4 By: ....

T5 SEAL

T6 ATTEST

T7 .... (Name of Subcontractor) ....

T8 By: ....

414 Sec. 10. Subsection (b) of section 4b-103 of the general statutes is  
415 repealed and the following is substituted in lieu thereof (*Effective*  
416 *October 1, 2018*):

417 (b) Except as provided in subsections (c) and (d) of this section, the  
418 Commissioner of Administrative Services shall not enter into a  
419 construction manager at-risk project delivery contract that does not  
420 provide for a maximum guaranteed price for the cost of construction  
421 that shall be determined not later than the time of the receipt and  
422 approval by the commissioner of the trade contractor bids. Each  
423 construction manager at-risk shall invite bids and give notice of  
424 opportunities to bid on project elements on the State Contracting  
425 Portal. Such invitation to bid shall also include a table of contents,  
426 chart or other means of identifying the portion of work identified in  
427 the Department of Administrative Services' prequalification  
428 classifications determined in accordance with section 4a-100, that the

429 construction manager at-risk estimates will exceed the threshold value,  
 430 as defined in section 2 of this act. Each bid shall be kept sealed until  
 431 opened publicly at the time and place as set forth in the notice  
 432 soliciting such bid. The construction manager at-risk shall, after  
 433 consultation with and approval by the commissioner, award any  
 434 related contracts for project elements to the responsible qualified  
 435 contractor submitting the lowest bid in compliance with the bid  
 436 requirements, provided (1) the construction manager at-risk shall not  
 437 be eligible to submit a bid for any such project element, and (2)  
 438 construction shall not begin prior to the determination of the  
 439 maximum guaranteed price, except for the project elements of site  
 440 preparation and demolition that have been previously put out to bid  
 441 and awarded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>October 1, 2018</i>	New section
Sec. 4	<i>October 1, 2018</i>	4b-91(b)
Sec. 5	<i>October 1, 2018</i>	4b-93(a)
Sec. 6	<i>October 1, 2018</i>	4b-94
Sec. 7	<i>October 1, 2018</i>	4b-95
Sec. 8	<i>October 1, 2018</i>	4b-95a
Sec. 9	<i>October 1, 2018</i>	4b-96
Sec. 10	<i>October 1, 2018</i>	4b-103(b)

**Statement of Purpose:**

To prohibit bid shopping, to institute new requirements for the listing of subcontractor bids for state contracts and to require that any savings obtained by substituting a subcontractor be paid to the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*