
OLR Bill Analysis

sSB 916 (File 108, as amended by Senate "A")*

AN ACT CONCERNING APPLICATIONS FOR PREQUALIFICATION BY CONTRACTORS AND SUBSTANTIAL SUBCONTRACTORS.

SUMMARY

This bill modifies the required contents of the application form used by the Department of Administrative Services (DAS) to prequalify state public works contractors. Specifically, it removes information related to pending matters and adds information concerning the nonpayment of wages or benefits. By law, state public works contracts that exceed \$500,000 (or \$1.5 million for DAS-administered projects), generally, must be awarded to a contractor that is prequalified by DAS (CGS § 4b-91).

By law, prequalification applicants must provide information concerning any legal or administrative proceedings pending or concluded adversely against them, or their principals or key personnel, within the preceding five years, concerning the procurement or performance of any public or private construction contract. Currently, applicants must disclose knowledge of any pending investigation.

The bill removes the requirement for applicants to provide information on pending investigations and proceedings, thus conforming with current DAS practice and constitutional due process requirements.

Under the bill, applicants must additionally provide information concerning any legal or administrative proceedings concluded adversely against them, or their principals or key personnel, within the last five years, concerning the nonpayment or underpayment of employee wages or benefits during the performance of any public or private construction contract. By law, public works contractors generally must pay their workers the prevailing wage (see

BACKGROUND).

*Senate Amendment "A" eliminates the requirement that prequalification applicants provide information on legal or administrative proceedings that were settled in the past five years concerning the nonpayment or underpayment of employee wages or benefits during the performance of any public or private construction contract.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Prevailing Wage Law

Connecticut's prevailing wage law requires the state, its political subdivisions, and their agents to require the contractors on public works construction projects that exceed certain thresholds to pay their workers the prevailing wage (i.e., wages and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town). To meet this requirement, the public agency issuing the contract must include specific language in the contract requiring the contractor to pay the prevailing wage to mechanics, laborers, and workers employed on the project. To confirm their compliance, contractors must meet certain recordkeeping requirements, such as filing certified payrolls with the contracting agency. The law subjects non-compliant contractors and subcontractors to certain civil and criminal penalties.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 1 (03/06/2019)