



Senate

General Assembly

File No. 108

January Session, 2019

Substitute Senate Bill No. 916

Senate, March 21, 2019

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Subsection (c) of section 4a-100 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (c) The application form shall, at a minimum, require the applicant
5 to supply information concerning:

6 (1) The applicant's form of organization;

7 (2) The applicant's principals and key personnel and any names
8 under which the applicant, principals or key personnel conducted
9 business during the past five years;

10 (3) Any legal or administrative proceedings [pending or] concluded
11 adversely against the applicant or any of the applicant's principals or
12 key personnel within the past five years which relate to the
13 procurement or performance of any public or private construction

14 contract; [and whether the applicant is aware of any investigation
15 pending against the applicant or any principal or key personnel;]

16 (4) Any legal or administrative proceedings settled or concluded
17 adversely against the applicant or any of the applicant's principals or
18 key personnel within the past five years which relate to the
19 nonpayment or underpayment of wages or benefits to the applicant's,
20 principal's or key personnel's employees during the performance of
21 any public or private construction contract;

22 [(4)] (5) The nature of any financial, personal or familial relationship
23 between the applicant and any public or private construction project
24 owner listed on the application as constituting construction experience;

25 [(5)] (6) A statement of whether (A) the applicant has been
26 disqualified pursuant to section 4b-95, this section or section 31-57c or
27 31-57d, (B) the applicant is disqualified or prohibited from being
28 awarded a contract pursuant to section 31-57b, (C) the applicant has
29 been disqualified by another state, (D) the applicant has been
30 disqualified by a federal agency or pursuant to federal law, (E) the
31 applicant's registration has been suspended or revoked by the
32 Department of Consumer Protection pursuant to section 20-341gg, (F)
33 the applicant has been disqualified by a municipality, and (G) the
34 matters that gave rise to any such disqualification, suspension or
35 revocation have been eliminated or remedied; and

36 [(6)] (7) Other information as the commissioner deems relevant to
37 the determination of the applicant's qualifications and responsibilities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	4a-100(c)

GAE Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which requires the Department of Administrative Services to modify the criteria in their prequalification application forms for state public works contractors, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 916*****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 settled or 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).

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)