



General Assembly

Substitute Bill No. 6508

January Session, 2019



**AN ACT CONCERNING PUBLIC WORKS PROJECTS AND THE
EMPLOYMENT OF MINORITIES, RESIDENTS AND WOMEN.**

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

1 Section 1. Subsection (b) of section 4a-60 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) If the contract is a public works contract, municipal public works
5 contract or contract for a quasi-public agency project, the contractor
6 agrees and warrants that he or she will make good faith efforts to
7 employ (1) minority business enterprises as subcontractors and
8 suppliers of materials on such public works or quasi-public agency
9 project, and (2) a workforce comprised of not less than twenty-five per
10 cent minorities, as such term is defined in subsection (a) of section 32-
11 9n, not less than twenty-five per cent state residents and not less than
12 eight per cent women.

13 Sec. 2. Section 46a-68c of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2019*):

15 (a) In addition to the provisions of section 4a-60, as amended by this
16 act, each contractor with fifty or more employees awarded a public
17 works contract, municipal public works contract or contract for a

18 quasi-public agency project in excess of fifty thousand dollars in any
19 fiscal year, but not subject to the provisions of section 46a-68d, as
20 amended by this act, shall develop and file with the Commission on
21 Human Rights and Opportunities an affirmative action plan [which]
22 that shall (1) comply with regulations adopted by the commission, and
23 (2) include a statement that the contractor shall make good faith
24 efforts, as described in subsection (e) of section 4a-60, and determined
25 pursuant to subsection (b) of this section, to employ a workforce
26 comprised of not less than twenty-five per cent minorities, as such
27 term is defined in subsection (a) of section 32-9n, not less than twenty-
28 five per cent state residents and not less than eight per cent women.
29 Failure to develop an approved affirmative action plan pursuant to
30 this section shall act as a bar to bidding on or the award of future
31 contracts until such requirement has been met. When the commission
32 approves an affirmative action plan pursuant to this section, it shall
33 issue a certificate of compliance to the contractor. This certificate shall
34 be prima facie proof of the contractor's eligibility to bid or be awarded
35 contracts for a period of two years from the date of the certificate. Such
36 certificate shall not excuse the contractor from monitoring by the
37 commission or from the reporting and record-keeping requirements of
38 sections 46a-68e and 46a-68f. The commission may revoke the
39 certificate of a contractor if the contractor does not implement its
40 affirmative action plan in compliance with this section and sections 4a-
41 60, as amended by this act, 4a-60g, 4a-62, 46a-56, 46a-68b, 46a-68d, as
42 amended by this act, and 46a-68e to 46a-68k, inclusive.

43 (b) Determination of the contractor's good faith efforts shall include,
44 but not be limited to, the following factors: (1) The contractor's
45 employment and subcontracting policies, patterns and practices; (2)
46 affirmative advertising, recruitment and training; and (3) technical
47 assistance activities and such other reasonable activities or efforts as
48 the commission may prescribe that are designed to ensure the
49 employment of minorities, state residents and women in public works
50 projects. The contractor shall develop and maintain adequate
51 documentation, in a manner prescribed by the commission, of its good

52 faith efforts.

53 Sec. 3. Section 46a-68d of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2019*):

55 (a) In addition to the provisions of section 4a-60, as amended by this
56 act, every public works contract, municipal public works contract or
57 contract for a quasi-public agency project subject to the provisions of
58 part II of chapter 60 shall also be subject to the provisions of this
59 section. After a bid has been accepted but before a contract is awarded,
60 the successful bidder shall file with and have obtained the approval of
61 the commission for an affirmative action plan that shall include a
62 statement that the contractor shall make good faith efforts, as
63 described in subsection (e) of section 4a-60, and determined pursuant
64 to subsection (b) of this section, to (1) work in conjunction with
65 workforce development entities and construction employment job
66 training entities to refer eligible workers to such entities, and (2)
67 employ a workforce comprised of not less than twenty-five per cent
68 minorities, as such term is defined in subsection (a) of section 32-9n,
69 not less than twenty-five per cent state residents and not less than
70 eight per cent women. The commission may provide for conditional
71 acceptance of an affirmative action plan provided written assurances
72 are given by the contractor that it will amend its plan to conform to
73 affirmative action requirements. In the case of a public works contract,
74 the state shall withhold two per cent of the total contract price per
75 month from any payment made to such contractor until such time as
76 the contractor has developed an affirmative action plan, and received
77 the approval of the commission. In the case of a municipal public
78 works contract or contract for a quasi-public agency project, the
79 municipality or entity, as applicable, shall withhold two per cent of the
80 total contract price per month from any payment made to such
81 contractor until such time as the contractor has developed an
82 affirmative action plan and received the approval of the commission.
83 Notwithstanding the provisions of this section, a contractor subject to
84 the provisions of this section may file a plan in advance of or at the

85 same time as its bid. The commission shall review plans submitted
86 pursuant to this section within sixty days of receipt and either
87 approve, approve with conditions or reject such plan. When the
88 commission approves an affirmative action plan pursuant to this
89 section, it shall issue a certificate of compliance to the contractor as
90 provided in section 46a-68c, as amended by this act.

91 (b) Determination of the contractor's good faith efforts shall include,
92 but not be limited to, the following factors: (1) The contractor's
93 employment and subcontracting policies, patterns and practices; (2)
94 affirmative advertising, recruitment and training; and (3) technical
95 assistance activities and such other reasonable activities or efforts as
96 the commission may prescribe that are designed to ensure the
97 employment of minorities, state residents and women in public works
98 projects. The contractor shall develop and maintain adequate
99 documentation, in a manner prescribed by the commission, of its good
100 faith efforts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	4a-60(b)
Sec. 2	October 1, 2019	46a-68c
Sec. 3	October 1, 2019	46a-68d

LAB *Joint Favorable Subst.*