



General Assembly

January Session, 2019

***Raised Bill No. 1076***

LCO No. 5888



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING COOPERATIVE PURCHASING CONTRACTS.***

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

1 Section 1. Subsection (b) of section 10-287 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2019*):

4 (b) (1) All orders and contracts for school building construction  
5 receiving state assistance under this chapter, except as provided in  
6 subdivision (2) of this subsection, shall be awarded through a  
7 cooperative purchasing contract available through a regional  
8 educational service center or regional council of governments, or to the  
9 lowest responsible qualified bidder only after a public invitation to  
10 bid, which shall be advertised on the Internet web site of the  
11 Department of Administrative Services or in a newspaper having  
12 general circulation in the [town in which construction is to take place,]  
13 state, except for (A) school building projects for which the town or  
14 regional school district is using a state contract pursuant to subsection  
15 (d) of section 10-292, and (B) change orders, those contracts or orders  
16 costing less than ten thousand dollars and those of an emergency

17 nature, as determined by the Commissioner of Administrative  
18 Services, in which cases the contractor or vendor may be selected by  
19 negotiation, provided no local fiscal regulations, ordinances or charter  
20 provisions conflict.

21 (2) All orders and contracts for architectural or construction  
22 management services shall be awarded from a pool of not more than  
23 the four most responsible qualified proposers after a public selection  
24 process. Such process shall, at a minimum, involve requests for  
25 qualifications, followed by requests for proposals, including fees, from  
26 the proposers meeting the qualifications criteria of the request for  
27 qualifications process. Public advertisements shall be required in a  
28 newspaper having circulation in the town in which construction is to  
29 take place, except for school building projects for which the town or  
30 regional school district is using a state contract pursuant to subsection  
31 (d) of section 10-292. Following the qualification process, the awarding  
32 authority shall evaluate the proposals to determine the four most  
33 responsible qualified proposers using those criteria previously listed in  
34 the requests for qualifications and requests for proposals for selecting  
35 architectural or construction management services specific to the  
36 project or school district. Such evaluation criteria shall include due  
37 consideration of the proposer's pricing for the project, experience with  
38 work of similar size and scope as required for the order or contract,  
39 organizational and team structure for the order or contract, past  
40 performance data, including, but not limited to, adherence to project  
41 schedules and project budgets and the number of change orders for  
42 projects, the approach to the work required for the contract and  
43 documented contract oversight capabilities, and may include criteria  
44 specific to the project. Final selection by the awarding authority is  
45 limited to the pool of the four most responsible qualified proposers  
46 and shall include consideration of all criteria included within the  
47 request for proposals. As used in this subdivision, "most responsible  
48 qualified proposer" means the proposer who is qualified by the  
49 awarding authority when considering price and the factors necessary  
50 for faithful performance of the work based on the criteria and scope of

51 work included in the request for proposals.

52 Sec. 2. Subsection (a) of section 4b-91 of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective July*  
54 *1, 2019*):

55 (a) (1) As used in this section, "prequalification classification" means  
56 the prequalification classifications established by the Commissioner of  
57 Administrative Services pursuant to section 4a-100, "public agency"  
58 has the same meaning as provided in section 1-200, "awarding  
59 authority" means the Department of Administrative Services, except  
60 "awarding authority" means (A) the Joint Committee on Legislative  
61 Management, in the case of a contract for the construction of or work  
62 on a building or other public work under the supervision and control  
63 of the joint committee, (B) a constituent unit of the state system of  
64 higher education, in the case of a contract for the construction of or  
65 work on a building or other public work under the supervision and  
66 control of such constituent unit, or (C) the Military Department, in the  
67 case of a contract for the construction of or work on a building or other  
68 public work under the supervision and control of said department and  
69 "community court project", "downtown Hartford higher education  
70 center project", "correctional facility project", "juvenile detention center  
71 project" and "priority higher education facility project" have the same  
72 meanings as provided in section 4b-55.

73 (2) Except as provided in subdivision (3) of this subsection, every  
74 contract for the construction, reconstruction, alteration, remodeling,  
75 repair or demolition of any public building or any other public work  
76 by the state that is estimated to cost more than five hundred thousand  
77 dollars shall be awarded to the lowest responsible and qualified  
78 general bidder who is prequalified pursuant to section 4a-100 on the  
79 basis of competitive bids in accordance with the procedures set forth in  
80 this chapter, after the awarding authority has invited such bids by  
81 posting notice on the State Contracting Portal. The awarding authority  
82 shall indicate the prequalification classification required for the  
83 contract in such notice.

84 (3) The requirements set forth in subdivision (2) of this subsection  
85 shall not apply to (A) a public highway or bridge project or any other  
86 construction project administered by the Department of  
87 Transportation, or (B) a contract awarded by the Commissioner of  
88 Administrative Services for (i) any public building or other public  
89 works project administered by the Department of Administrative  
90 Services that is estimated to cost one million five hundred thousand  
91 dollars or less, (ii) a community court project, (iii) the downtown  
92 Hartford higher education center project, (iv) a correctional facility  
93 project, (v) a juvenile detention center project, or (vi) a student  
94 residential facility for the Connecticut State University System that is a  
95 priority higher education facility project.

96 (4) Every contract for the construction, reconstruction, alteration,  
97 remodeling, repair or demolition of any public building or any other  
98 public work by a public agency that is paid for, in whole or in part,  
99 with state funds and that is estimated to cost more than five hundred  
100 thousand dollars shall be awarded to a bidder that is prequalified  
101 pursuant to section 4a-100 after the public agency has invited such bids  
102 by posting notice on the State Contracting Portal, except for (A) a  
103 public highway or bridge project or any other construction project  
104 administered by the Department of Transportation, [or] (B) any public  
105 building or other public works project administered by the  
106 Department of Administrative Services that is estimated to cost one  
107 million five hundred thousand dollars or less. The awarding authority  
108 or public agency, as the case may be, shall indicate the prequalification  
109 classification required for the contract in such notice, or (C) a  
110 cooperative purchasing contract utilized by such agency and offered  
111 through a regional educational service center or regional council of  
112 governments.

113 (5) (A) The Commissioner of Administrative Services may select  
114 contractors to be on lists established for the purpose of providing  
115 contractor services for the construction, reconstruction, alteration,  
116 remodeling, repair or demolition of any public building or other public  
117 works project administered by the Department of Administrative

118 Services involving an expense to the state of one million five hundred  
119 thousand dollars or less. The commissioner shall use the  
120 prequalification classifications established pursuant to section 4a-100  
121 to determine the specific categories of services that contractors may  
122 perform after being selected in accordance with this subparagraph and  
123 subparagraph (B) of this subdivision and awarded a contract in  
124 accordance with subparagraph (C) of this subdivision. The  
125 commissioner may establish a separate list for projects involving an  
126 expense to the state of less than five hundred thousand dollars for the  
127 purpose of selecting and utilizing the services of small contractors and  
128 minority business enterprises, as such terms are defined in section 4a-  
129 60g.

130 (B) The commissioner shall invite contractors to submit  
131 qualifications for each specific category of services sought by the  
132 department by posting notice of such invitation on the State  
133 Contracting Portal. The notice shall be in the form determined by the  
134 commissioner, and shall set forth the information that a contractor is  
135 required to submit to be considered for selection. Upon receipt of the  
136 submittal from the contractor, the commissioner shall select, for each  
137 specified category, those contractors who (i) are determined to be the  
138 most responsible and qualified, as such terms are defined in section 4b-  
139 92, to perform the work required under the specified category, (ii) have  
140 demonstrated the skill, ability and integrity to fulfill contract  
141 obligations considering their past performance, financial responsibility  
142 and experience with projects of the size, scope and complexity  
143 required by the state under the specified category, and (iii) for projects  
144 with a cost exceeding five hundred thousand dollars, have the ability  
145 to obtain the requisite bonding. The commissioner shall establish the  
146 duration that each list remains in effect, which in no event may exceed  
147 three years.

148 (C) For any public building or public works project involving an  
149 expense to the state of one million five hundred thousand dollars or  
150 less, the commissioner shall invite bids from only those contractors  
151 selected pursuant to subparagraphs (A) and (B) of this subdivision for

152 the specific category of services required for the particular project. The  
153 commissioner shall determine the form of bid invitation, the manner  
154 of, and time for, submission of bids, and the conditions and  
155 requirements of such bids. The contract shall be awarded to the lowest  
156 responsible and qualified bidder, subject to the provisions of sections  
157 4b-92 and 4b-94. In the event that fewer than three bids are received in  
158 response to an invitation to bid under this subdivision, or that all the  
159 bids are in excess of the amount of available funds for the project, the  
160 commissioner may negotiate a contract with any of the contractors  
161 submitting a bid, or reject the bids received and rebid the project in  
162 accordance with this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	10-287(b)
Sec. 2	<i>July 1, 2019</i>	4b-91(a)

**Statement of Purpose:**

To authorize the use of cooperative purchasing contracts in certain building projects.

*[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.]*