



Senate Bill No. 1210

July Special Session, Public Act No. 19-1

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS.

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

Section 1. (*Effective from passage*) The Commissioner of Administrative Services, having reviewed applications for state grants for public school building projects in accordance with section 10-283 of the general statutes, as amended by this act, on the basis of priorities for such projects and standards for school construction established by the State Board of Education, and having prepared a listing of all such eligible projects ranked in order of priority, as determined by said commissioner together with the amount of the estimated grant with respect to each eligible project, and having submitted such listing of eligible projects, prior to December 15, 2018, to a committee of the General Assembly established under section 10-283a of the general statutes for the purpose of reviewing such listing, is hereby authorized to enter into grant commitments on behalf of the state in accordance with said section 10-283 with respect to the priority listing of such projects and in such estimated amounts as approved by said committee prior to February 1, 2019, as follows:

Estimated Grant Commitments.

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School District School Project Number	Estimated Project Costs	Estimated Grant
BRIDGEPORT Bassick High School 19DASY015180N0619	\$115,000,000	\$90,769,500
ENFIELD John F. Kennedy Middle School 19DASY049140RN0619	\$84,373,294	\$59,365,050
NORWALK Norwalk High School 19DASY103249ACV0619	\$4,228,203	\$1,404,186
SIMSBURY Henry James Memorial School 19DASY128109ACV0619	\$23,965,620	\$8,301,691
FAIRFIELD Fairfield Ludlow High School 19DASY051147A0619	\$122,764	\$31,133
FAIRFIELD Fairfield Warde High School 19DASY051148A0619	\$222,486	\$56,422
MIDDLETOWN Middletown High School (Vo-Ag Center) 19DASY083119VE0619	\$123,690	\$98,952
NEWINGTON Transition Academy at Town Hall 19DASY094107N0619	\$1,001,341	\$472,032

Sec. 2. Subdivision (2) of subsection (a) of section 10-283 of the general statutes is repealed and the following is substituted in lieu

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thereof (*Effective from passage*):

(2) The Commissioner of [Education] Administrative Services shall assign each school building project to a category on the basis of whether such project is primarily required to: (A) Create new facilities or alter existing facilities to provide for mandatory instructional programs pursuant to this chapter, for physical education facilities in compliance with Title IX of the Elementary and Secondary Education Act of 1972 where such programs or such compliance cannot be provided within existing facilities or for the correction of code violations which cannot be reasonably addressed within existing program space; (B) create new facilities or alter existing facilities to enhance mandatory instructional programs pursuant to this chapter or provide comparable facilities among schools to all students at the same grade level or levels within the school district unless such project is otherwise explicitly included in another category pursuant to this section; and (C) create new facilities or alter existing facilities to provide supportive services, provided in no event shall such supportive services include swimming pools, auditoriums, outdoor athletic facilities, tennis courts, elementary school playgrounds, site improvement or garages or storage, parking or general recreation areas. All applications submitted prior to July first shall be reviewed promptly by the Commissioner of Administrative Services. The Commissioner of Administrative Services shall estimate the amount of the grant for which such project is eligible, in accordance with the provisions of section 10-285a, as amended by this act, provided an application for a school building project determined by the Commissioner of Education to be a project that will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, shall have until September first to submit an application for such a project and may have until December first of the same year

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to secure and report all local and state approvals required to complete the grant application. The Commissioner of Administrative Services shall annually prepare a listing of all such eligible school building projects listed by category together with the amount of the estimated grants for such projects and shall submit the same to the Governor, the Secretary of the Office of Policy and Management and the General Assembly on or before the fifteenth day of December, except as provided in section 10-283a, with a request for authorization to enter into grant commitments. On or before December thirty-first annually, the Secretary of the Office of Policy and Management [shall] may submit comments and recommendations regarding each eligible project on such listing of eligible school building projects to the school construction committee, established pursuant to section 10-283a. Each such listing shall include a report on the following factors for each eligible project: (i) An enrollment projection and the capacity of the school, (ii) a substantiation of the estimated total project costs, (iii) the readiness of such eligible project to begin construction, (iv) efforts made by the local or regional board of education to redistrict, reconfigure, merge or close schools under the jurisdiction of such board prior to submitting an application under this section, (v) enrollment and capacity information for all of the schools under the jurisdiction of such board for the five years prior to application for a school building project grant, (vi) enrollment projections and capacity information for all of the schools under the jurisdiction of such board for the eight years following the date such application is submitted, and (vii) the state's education priorities relating to reducing racial and economic isolation for the school district. For the period beginning July 1, 2006, and ending June 30, 2012, no project, other than a project for a technical education and career school, may appear on the separate schedule of authorized projects which have changed in cost more than twice. On and after July 1, 2012, no project, other than a project for a technical education and career school, may appear on the separate schedule of authorized projects which have changed in cost more than

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once, except the Commissioner of Administrative Services may allow a project to appear on such separate schedule of authorized projects a second time if the town or regional school district for such project can demonstrate that exigent circumstances require such project to appear a second time on such separate schedule of authorized projects. Notwithstanding any provision of this chapter, no projects which have changed in scope or cost to the degree determined by the Commissioner of Administrative Services, in consultation with the Commissioner of Education, shall be eligible for reimbursement under this chapter unless it appears on such list. The percentage determined pursuant to section 10-285a, as amended by this act, at the time a school building project on such schedule was originally authorized shall be used for purposes of the grant for such project. On and after July 1, 2006, a project that was not previously authorized as an interdistrict magnet school shall not receive a higher percentage for reimbursement than that determined pursuant to section 10-285a, as amended by this act, at the time a school building project on such schedule was originally authorized. The General Assembly shall annually authorize the Commissioner of Administrative Services to enter into grant commitments on behalf of the state in accordance with the commissioner's categorized listing for such projects as the General Assembly shall determine. The Commissioner of Administrative Services may not enter into any such grant commitments except pursuant to such legislative authorization. Any regional school district which assumes the responsibility for completion of a public school building project shall be eligible for a grant pursuant to subdivision (5) or (6), as the case may be, of subsection (a) of section 10-286 when such project is completed and accepted by such regional school district.

Sec. 3. (NEW) (*Effective from passage*) Any school building committee established by a town or regional school district to undertake a school building project, as defined in section 10-282 of the general statutes, shall include at least one member who has experience in the

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construction industry.

Sec. 4. Subsection (c) of section 10-286h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Eligible local or regional boards of education, for purposes of a diversity school, shall be eligible for [reimbursement of eighty per cent of the] a school building project grant with a reimbursement percentage determined in accordance with the provisions of subsection (j) of section 10-285a, as amended by this act. Such grant shall be used for the reasonable cost of any capital expenditure for the purchase, construction, extension, replacement, leasing or major alteration of diversity school facilities, including any expenditure for the purchase of equipment, in accordance with this section. To be eligible for reimbursement under this section, a diversity school construction project shall meet the requirements for a school building project established in this chapter, except that the Commissioner of Administrative Services may waive any requirement in this chapter for good cause.

Sec. 5. Section 10-285a of the general statutes is amended by adding subsection (j) as follows (*Effective from passage*):

(NEW) (j) The percentage determined pursuant to this section for a school building project grant for a diversity school, approved pursuant to section 10-286h, as amended by this act, shall be increased by ten percentage points.

Sec. 6. Subsection (b) of section 10-287 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(b) (1) All orders and contracts for school building construction receiving state assistance under this chapter, except as provided in

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[subdivision] subdivisions (2) to (4), inclusive, of this subsection, shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, which shall be advertised in a newspaper having circulation in the town in which construction is to take place, except for (A) school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292, and (B) change orders, those contracts or orders costing less than ten thousand dollars and those of an emergency nature, as determined by the Commissioner of Administrative Services, in which cases the contractor or vendor may be selected by negotiation, provided no local fiscal regulations, ordinances or charter provisions conflict.

(2) All orders and contracts for architectural [or construction management] services shall be awarded from a pool of not more than the four most responsible qualified proposers after a public selection process. Such process shall, at a minimum, involve requests for qualifications, followed by requests for proposals, including fees, from the proposers meeting the qualifications criteria of the request for qualifications process. Public advertisements shall be required in a newspaper having circulation in the town in which construction is to take place, except for school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292. Following the qualification process, the awarding authority shall evaluate the proposals to determine the four most responsible qualified proposers using those criteria previously listed in the requests for qualifications and requests for proposals for selecting architectural [or construction management] services specific to the project or school district. Such evaluation criteria shall include due consideration of the proposer's pricing for the project, experience with work of similar size and scope as required for the order or contract, organizational and team structure, including any subcontractors to be utilized by the proposer, for the order or contract, past performance

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data, including, but not limited to, adherence to project schedules and project budgets and the number of change orders for projects, the approach to the work required for the order or contract and documented contract oversight capabilities, and may include criteria specific to the project. Final selection by the awarding authority is limited to the pool of the four most responsible qualified proposers and shall include consideration of all criteria included within the request for proposals. As used in this subdivision, "most responsible qualified proposer" means the proposer who is qualified by the awarding authority when considering price and the factors necessary for faithful performance of the work based on the criteria and scope of work included in the request for proposals.

(3) (A) All orders and contracts for construction management services shall be awarded from a pool of not more than the four most responsible qualified proposers after a public selection process. Such process shall, at a minimum, involve requests for qualifications, followed by requests for proposals, including fees, from the proposers meeting the qualifications criteria of the request for qualifications process. Public advertisements shall be required in a newspaper having circulation in the town in which construction is to take place, except for school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292. Following the qualification process, the awarding authority shall evaluate the proposals to determine the four most responsible qualified proposers using those criteria previously listed in the requests for qualifications and requests for proposals for selecting construction management services specific to the project or school district. Such evaluation criteria shall include due consideration of the proposer's pricing for the project, experience with work of similar size and scope as required for the order or contract, organizational and team structure for the order or contract, past performance data, including, but not limited to, adherence to project schedules and

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project budgets and the number of change orders for projects, the approach to the work required for the order or contract, including whether the proposer intends to self-perform any project element and the benefit to the awarding authority that will result from such self-performance, and documented contract oversight capabilities, and may include criteria specific to the project. Final selection by the awarding authority is limited to the pool of the four most responsible qualified proposers and shall include consideration of all criteria included within the request for proposals. As used in this subdivision, "most responsible qualified proposer" means the proposer who is qualified by the awarding authority when considering price and the factors necessary for faithful performance of the work based on the criteria and scope of work included in the request for proposals.

(B) Upon the written approval of the Commissioner of Administrative Services, an awarding authority may permit a construction manager to self-perform a portion of the construction work if the awarding authority and the commissioner determine that the construction manager can self-perform the work more cost-effectively than a subcontractor. All work not performed by the construction manager shall be performed by trade subcontractors selected by a process approved by the awarding authority and the commissioner. The construction manager's contract shall include a guaranteed maximum price for the cost of construction. Such guaranteed maximum price shall be determined not later than ninety days after the selection of the trade subcontractors. Construction shall not begin prior to the determination of the guaranteed maximum price, except work relating to site preparation and demolition may commence prior to such determination.

(4) All orders and contracts for any other consultant services, including, but not limited to, consultant services rendered by an owner's representatives, construction administrators, program

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managers, environmental professionals, planners and financial specialists, shall comply with the public selection process described in subdivision (2) of this subsection. No costs associated with an order or contract for such consultant services shall be eligible for state financial assistance under this chapter unless such order or contract receives prior approval from the Commissioner of Administrative Services.

Sec. 7. Subdivision (1) of subsection (b) of section 10-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Notwithstanding the application date requirements of this section, at any time within the limit of available grant authorization and within the limit of appropriated funds, the Commissioner of Administrative Services, in consultation with the Commissioner of Education, may approve applications for grants and make payments for such grants, for any of the following reasons: (A) To assist school building projects to remedy damage from fire and catastrophe, (B) to correct safety, health and other code violations, (C) to replace roofs, including the replacement or installation of skylights as part of the roof replacement project, (D) to remedy a certified school indoor air quality emergency, (E) to install insulation for exterior walls and attics, [or] (F) to purchase and install a limited use and limited access elevator, windows, photovoltaic panels, wind generation systems, building management systems, a public school administrative or service facility or portable classroom buildings, provided portable classroom building projects shall not create a new facility or cause an existing facility to be modified so that the portable buildings comprise a substantial percentage of the total facility area, as determined by the commissioner, or (G) for school security projects, including, but not limited to, making improvements to existing school security infrastructure or installing new school security infrastructure.

Sec. 8. (*Effective from passage*) (a) Notwithstanding the provisions of **July Sp. Sess., Public Act No. 19-1**

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section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Hartford may use the reimbursement rate of ninety-five per cent for the renovation project at Martin Luther King Jr. Elementary School (Project Number 064-0310 RNV) for the purpose of implementing the District Model for Excellence Restructuring Recommendations and School Closures approved by the board of education for the Hartford school district on January 23, 2018.

(b) Notwithstanding the provisions of section 10-283 of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 concerning ineligible costs, the town of Hartford shall be eligible to receive reimbursement for certain ineligible costs for the renovation project at Martin Luther King Jr. Elementary School (Project Number 064-0310 RNV), provided such ineligible costs do not exceed two million dollars and such project meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services.

Sec. 9. (*Effective from passage*) (a) Notwithstanding the provisions of section 10-283 of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 requiring a completed grant application be submitted prior to June 30, 2018, the code violation project at Burns Latino Studies Academy (Project Number 064-0312 CV) in the town of Hartford with costs not to exceed forty-seven million seven hundred thousand dollars shall be included in subdivision (1) of section 1 of this act and shall subsequently be

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considered for a grant commitment from the state, provided the town of Hartford files an application for such school building project prior to October 1, 2019, and meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said chapter 173 and is eligible for grant assistance pursuant to said chapter 173.

(b) Notwithstanding the provisions of section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Hartford may use the reimbursement rate of ninety-five per cent for the code violation project at Burns Latino Studies Academy (Project Number 064-0312 CV) for the purpose of implementing the District Model for Excellence Restructuring Recommendations and School Closures approved by the board of education for the Hartford school district on January 23, 2018.

(c) Notwithstanding the provisions of section 10-283 of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 requiring that the description of a project type for a school building project be made at the time of application for a school building project grant and the provisions of subdivision (18) of section 10-282 of the general statutes, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-282 concerning the definition of renovation, the town of Hartford may change the description of the code violation project at Burns Latino Studies Academy (Project Number 064-0312 CV) to a renovation project and subsequently qualify as a renovation, as defined in subdivision (18) of

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said section 10-282.

Sec. 10. (*Effective from passage*) (a) Notwithstanding the provisions of section 10-283 of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 requiring a completed grant application be submitted prior to June 30, 2018, the renovation project at Bulkeley High School (Project Number 064-0313 RNV) in the town of Hartford with costs not to exceed one hundred forty-nine million dollars shall be included in subdivision (1) of section 1 of this act and shall subsequently be considered for a grant commitment from the state, provided the town of Hartford files an application for such school building project prior to October 1, 2019, and meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said chapter 173 and is eligible for grant assistance pursuant to said chapter 173.

(b) Notwithstanding the provisions of section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Hartford may use the reimbursement rate of ninety-five per cent for the renovation project at Bulkeley High School (Project Number 064-0313 RNV) for the purpose of implementing the District Model for Excellence Restructuring Recommendations and School Closures approved by the board of education for the Hartford school district on January 23, 2018.

Sec. 11. (*Effective from passage*) Notwithstanding the provisions of section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning

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the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Hartford may use the reimbursement rate of ninety-five per cent for any school building project related to the implementation of the District Model for Excellence Restructuring Recommendations and School Closures approved by the board of education for the Hartford school district on January 23, 2018, provided the town of Hartford files an application for such school building project prior to June 30, 2022, and meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said chapter 173 and is eligible for grant assistance pursuant to said chapter 173.

Sec. 12. (*Effective from passage*) (a) Except as otherwise provided in subsection (b) of this section, notwithstanding the provisions of section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Tolland may use the reimbursement rate of eighty-nine per cent for the renovation project at Birch Grove Primary School (Project Number 142-0083) to address the emergency situation at said school relating to the presence of pyrrhotite in the foundation.

(b) Notwithstanding the provisions of section 10-285a of the general statutes, as amended by this act, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Tolland may use the reimbursement rate of one hundred per cent for the portable classrooms project at Birch Grove Primary School (Project Number

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142-0081) to address the emergency situation at said school relating to the presence of pyrrhotite in the foundation.

Approved July 23, 2019