Bill No.: HB-6703
Title: AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF THE AMERICAN ROCK SALT COMPANY, LLC.
Vote Date: 4/10/2019
Vote Action: Joint Favorable Substitute
PH Date: 2/15/2019

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SPONSORS OF BILL:
JUDICIARY COMMITTEE

REASONS FOR BILL:
(This claim was originally titled under House Joint Resolution #81.)

RESPONSE FROM ADMINISTRATION/AGENCY:
None Submitted

NATURE AND SOURCES OF SUPPORT:

STATE REPRESENTATIVE, THEMIS KLARIDES: Submitted testimony in support of the original bill.

AMERICAN ROCK SALT COMPANY, LLC, BRIAN BENDER, ESQ, H. TODD BULLARD, ESQ.: Support this bill. As background, ARS conducted business with the state of Connecticut since the 2002-2003 seasons and ARS was considered to be a qualified and responsible bidder for twelve years until the dispute.

Once the 2013-2014 season began, the pace and acceleration of routine orders were compressed into a time period that would foreseeably create a situation that, if the parties did not work together, could result in delivery delays compounded by concentrated severe weather conditions. It was in this environment that the present claims arose. There is no dispute the State of Connecticut DOT stockpiles received between 26,548 (according to DOT records) and 27,046 tons of rock salt according to ARS records. ARS discharged and performed its obligations by those deliveries until the date of termination.
ARS simply wants to have access to the courts to address CT-DAS official’s action and determination to improperly terminate its contract without any opportunity to be heard or cure as set forth under the contract before removal of ARS”s status of being a qualified, responsible bidder. In addition, ARS seeks the opportunity to get paid for the actual reasonable value of the 16,919 tons that were delivered and used by CT-DAS Client agencies and not paid for.

NATURE AND SOURCES OF OPPOSITION:

CONNECTICUT WATER WORKS ASSOC., ELIZABETH GARA; CONNECTICUT ASSOCIATION OF LAND SURVEYORS, ROBERT DAHN, ALAN FENROW, MICHAEL D. PHIPPS; MATTERN & STEFON, LAND SURVEYORS, SUSAN F. MATTERN, PLS; BRAUTIGAM LAND SURVEYORS, P.C., PAUL A. BRAUTIGAM. INC, REESE G. ROBERTS; STALKER LAND SURVEYING, INC., ROGER STALKER LS: All submitted testimony in opposition to the original bill.

Reported by: George Marinelli May 8, 2019