



General Assembly

Amendment

January Session, 2019

LCO No. 10898



Offered by:

REP. SANCHEZ, 25th Dist.

REP. MCCARTY, 38th Dist.

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To: Subst. House Bill No. 7354

File No. 787

Cal. No. 495

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (2) of subsection (a) of section 10-283 of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2019*):

6 (2) The Commissioner of [Education] Administrative Services shall
7 assign each school building project to a category on the basis of
8 whether such project is primarily required to: (A) Create new facilities
9 or alter existing facilities to provide for mandatory instructional
10 programs pursuant to this chapter, for physical education facilities in
11 compliance with Title IX of the Elementary and Secondary Education
12 Act of 1972 where such programs or such compliance cannot be

13 provided within existing facilities or for the correction of code
14 violations which cannot be reasonably addressed within existing
15 program space; (B) create new facilities or alter existing facilities to
16 enhance mandatory instructional programs pursuant to this chapter or
17 provide comparable facilities among schools to all students at the same
18 grade level or levels within the school district unless such project is
19 otherwise explicitly included in another category pursuant to this
20 section; and (C) create new facilities or alter existing facilities to
21 provide supportive services, provided in no event shall such
22 supportive services include swimming pools, auditoriums, outdoor
23 athletic facilities, tennis courts, elementary school playgrounds, site
24 improvement or garages or storage, parking or general recreation
25 areas. All applications submitted prior to July first shall be reviewed
26 promptly by the Commissioner of Administrative Services. The
27 Commissioner of Administrative Services shall estimate the amount of
28 the grant for which such project is eligible, in accordance with the
29 provisions of section 10-285a, as amended by this act, provided an
30 application for a school building project determined by the
31 Commissioner of Education to be a project that will assist the state in
32 meeting the goals of the 2008 stipulation and order for Milo Sheff, et al.
33 v. William A. O'Neill, et al., as extended, or the goals of the 2013
34 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.,
35 as extended, shall have until September first to submit an application
36 for such a project and may have until December first of the same year
37 to secure and report all local and state approvals required to complete
38 the grant application. The Commissioner of Administrative Services
39 shall annually prepare a listing of all such eligible school building
40 projects listed by category together with the amount of the estimated
41 grants for such projects and shall submit the same to the Governor, the
42 Secretary of the Office of Policy and Management and the General
43 Assembly on or before the fifteenth day of December, except as
44 provided in section 10-283a, with a request for authorization to enter
45 into grant commitments. On or before December thirty-first annually,
46 the Secretary of the Office of Policy and Management [shall] may
47 submit comments and recommendations regarding each eligible

48 project on such listing of eligible school building projects to the school
49 construction committee, established pursuant to section 10-283a. Each
50 such listing shall include a report on the following factors for each
51 eligible project: (i) An enrollment projection and the capacity of the
52 school, (ii) a substantiation of the estimated total project costs, (iii) the
53 readiness of such eligible project to begin construction, (iv) efforts
54 made by the local or regional board of education to redistrict,
55 reconfigure, merge or close schools under the jurisdiction of such
56 board prior to submitting an application under this section, (v)
57 enrollment and capacity information for all of the schools under the
58 jurisdiction of such board for the five years prior to application for a
59 school building project grant, (vi) enrollment projections and capacity
60 information for all of the schools under the jurisdiction of such board
61 for the eight years following the date such application is submitted,
62 and (vii) the state's education priorities relating to reducing racial and
63 economic isolation for the school district. For the period beginning July
64 1, 2006, and ending June 30, 2012, no project, other than a project for a
65 technical education and career school, may appear on the separate
66 schedule of authorized projects which have changed in cost more than
67 twice. On and after July 1, 2012, no project, other than a project for a
68 technical education and career school, may appear on the separate
69 schedule of authorized projects which have changed in cost more than
70 once, except the Commissioner of Administrative Services may allow a
71 project to appear on such separate schedule of authorized projects a
72 second time if the town or regional school district for such project can
73 demonstrate that exigent circumstances require such project to appear
74 a second time on such separate schedule of authorized projects.
75 Notwithstanding any provision of this chapter, no projects which have
76 changed in scope or cost to the degree determined by the
77 Commissioner of Administrative Services, in consultation with the
78 Commissioner of Education, shall be eligible for reimbursement under
79 this chapter unless it appears on such list. The percentage determined
80 pursuant to section 10-285a, as amended by this act, at the time a
81 school building project on such schedule was originally authorized
82 shall be used for purposes of the grant for such project. On and after

83 July 1, 2006, a project that was not previously authorized as an
84 interdistrict magnet school shall not receive a higher percentage for
85 reimbursement than that determined pursuant to section 10-285a, as
86 amended by this act, at the time a school building project on such
87 schedule was originally authorized. The General Assembly shall
88 annually authorize the Commissioner of Administrative Services to
89 enter into grant commitments on behalf of the state in accordance with
90 the commissioner's categorized listing for such projects as the General
91 Assembly shall determine. The Commissioner of Administrative
92 Services may not enter into any such grant commitments except
93 pursuant to such legislative authorization. Any regional school district
94 which assumes the responsibility for completion of a public school
95 building project shall be eligible for a grant pursuant to subdivision (5)
96 or (6), as the case may be, of subsection (a) of section 10-286 when such
97 project is completed and accepted by such regional school district.

98 Sec. 502. (NEW) (*Effective July 1, 2019*) Any school building
99 committee established by a town or regional school district to
100 undertake a school building project, as defined in section 10-282 of the
101 general statutes, shall include at least one member who has experience
102 in the construction industry.

103 Sec. 503. Subsection (c) of section 10-286h of the general statutes is
104 repealed and the following is substituted in lieu thereof (*Effective July*
105 *1, 2019*):

106 (c) [Eligible local or regional boards of education, for purposes of a
107 diversity school, shall be eligible for reimbursement of eighty per cent
108 of the] The percentage determined pursuant to section 10-285a, as
109 amended by this act, for a school building project grant, shall be
110 increased by ten percentage points for the reasonable cost of any
111 capital expenditure for the purchase, construction, extension,
112 replacement, leasing or major alteration of diversity school facilities,
113 including any expenditure for the purchase of equipment, in
114 accordance with this section. To be eligible for reimbursement under
115 this section, a diversity school construction project shall meet the

116 requirements for a school building project established in this chapter,
117 except that the Commissioner of Administrative Services may waive
118 any requirement in this chapter for good cause.

119 Sec. 504. Section 10-285a of the general statutes is amended by
120 adding subsection (j) as follows (*Effective July 1, 2019*):

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

125 Sec. 505. Subsection (b) of section 10-287 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective July*
127 *1, 2019*):

128 (b) (1) All orders and contracts for school building construction
129 receiving state assistance under this chapter, except as provided in
130 [subdivision] subdivisions (2) to (4), inclusive, of this subsection, shall
131 be awarded to the lowest responsible qualified bidder only after a
132 public invitation to bid, which shall be advertised in a newspaper
133 having circulation in the town in which construction is to take place,
134 except for (A) school building projects for which the town or regional
135 school district is using a state contract pursuant to subsection (d) of
136 section 10-292, and (B) change orders, those contracts or orders costing
137 less than ten thousand dollars and those of an emergency nature, as
138 determined by the Commissioner of Administrative Services, in which
139 cases the contractor or vendor may be selected by negotiation,
140 provided no local fiscal regulations, ordinances or charter provisions
141 conflict.

142 (2) All orders and contracts for architectural [or construction
143 management] services shall be awarded from a pool of not more than
144 the four most responsible qualified proposers after a public selection
145 process. Such process shall, at a minimum, involve requests for
146 qualifications, followed by requests for proposals, including fees, from
147 the proposers meeting the qualifications criteria of the request for

148 qualifications process. Public advertisements shall be required in a
149 newspaper having circulation in the town in which construction is to
150 take place, except for school building projects for which the town or
151 regional school district is using a state contract pursuant to subsection
152 (d) of section 10-292. Following the qualification process, the awarding
153 authority shall evaluate the proposals to determine the four most
154 responsible qualified proposers using those criteria previously listed in
155 the requests for qualifications and requests for proposals for selecting
156 architectural [or construction management] services specific to the
157 project or school district. Such evaluation criteria shall include due
158 consideration of the proposer's pricing for the project, experience with
159 work of similar size and scope as required for the order or contract,
160 organizational and team structure, including any subcontractors to be
161 utilized by the proposer, for the order or contract, past performance
162 data, including, but not limited to, adherence to project schedules and
163 project budgets and the number of change orders for projects, the
164 approach to the work required for the order or contract and
165 documented contract oversight capabilities, and may include criteria
166 specific to the project. Final selection by the awarding authority is
167 limited to the pool of the four most responsible qualified proposers
168 and shall include consideration of all criteria included within the
169 request for proposals. As used in this subdivision, "most responsible
170 qualified proposer" means the proposer who is qualified by the
171 awarding authority when considering price and the factors necessary
172 for faithful performance of the work based on the criteria and scope of
173 work included in the request for proposals.

174 (3) (A) All orders and contracts for construction management
175 services shall be awarded from a pool of not more than the four most
176 responsible qualified proposers after a public selection process. Such
177 process shall, at a minimum, involve requests for qualifications,
178 followed by requests for proposals, including fees, from the proposers
179 meeting the qualifications criteria of the request for qualifications
180 process. Public advertisements shall be required in a newspaper
181 having circulation in the town in which construction is to take place,

182 except for school building projects for which the town or regional
183 school district is using a state contract pursuant to subsection (d) of
184 section 10-292. Following the qualification process, the awarding
185 authority shall evaluate the proposals to determine the four most
186 responsible qualified proposers using those criteria previously listed in
187 the requests for qualifications and requests for proposals for selecting
188 construction management services specific to the project or school
189 district. Such evaluation criteria shall include due consideration of the
190 proposer's pricing for the project, experience with work of similar size
191 and scope as required for the order or contract, organizational and
192 team structure for the order or contract, past performance data,
193 including, but not limited to, adherence to project schedules and
194 project budgets and the number of change orders for projects, the
195 approach to the work required for the order or contract, including
196 whether the proposer intends to self-perform any project element and
197 the benefit to the awarding authority that will result from such self-
198 performance, and documented contract oversight capabilities, and may
199 include criteria specific to the project. Final selection by the awarding
200 authority is limited to the pool of the four most responsible qualified
201 proposers and shall include consideration of all criteria included
202 within the request for proposals. As used in this subdivision, "most
203 responsible qualified proposer" means the proposer who is qualified
204 by the awarding authority when considering price and the factors
205 necessary for faithful performance of the work based on the criteria
206 and scope of work included in the request for proposals.

207 (B) Upon the written approval of the Commissioner of
208 Administrative Services, an awarding authority may permit a
209 construction manager to self-perform a portion of the construction
210 work if the awarding authority and the commissioner determine that
211 the construction manager can self-perform the work more cost-
212 effectively than a subcontractor. All work not performed by the
213 construction manager shall be performed by trade subcontractors
214 selected by a process approved by the awarding authority and the
215 commissioner. The construction manager's contract shall include a

216 guaranteed maximum price for the cost of construction. Such
217 guaranteed maximum price shall be determined not later than ninety
218 days after the selection of the trade subcontractors. Construction shall
219 not begin prior to the determination of the guaranteed maximum
220 price, except work relating to site preparation and demolition may
221 commence prior to such determination.

222 (4) All orders and contracts for any other consultant services,
223 including, but not limited to, consultant services rendered by an
224 owner's representatives, construction administrators, program
225 managers, environmental professionals, planners and financial
226 specialists, shall comply with the public selection process described in
227 subdivision (2) of this subsection. No costs associated with an order or
228 contract for such consultant services shall be eligible for state financial
229 assistance under this chapter unless such order or contract receives
230 prior approval from the Commissioner of Administrative Services.

231 Sec. 506. (*Effective from passage*) (a) Notwithstanding the provisions
232 of section 10-285a of the general statutes, as amended by this act, or
233 any regulation adopted by the State Board of Education or the
234 Department of Administrative Services pursuant to said section 10-
235 285a concerning the reimbursement percentage that a local board of
236 education may be eligible to receive for a school building project, the
237 town of Hartford may use the reimbursement rate of ninety-five per
238 cent for the renovation project at Martin Luther King Jr. Elementary
239 School (Project Number 064-0310 RNV) for the purpose of
240 implementing the District Model for Excellence Restructuring
241 Recommendations and School Closures approved by the board of
242 education for the Hartford school district on January 23, 2018.

243 (b) Notwithstanding the provisions of section 10-283 of the general
244 statutes, as amended by this act, or any regulation adopted by the State
245 Board of Education or the Department of Administrative Services
246 pursuant to said section 10-283 concerning ineligible costs, the town of
247 Hartford shall be eligible to receive reimbursement for certain
248 ineligible costs for the renovation project at Martin Luther King Jr.

249 Elementary School (Project Number 064-0310 RNV), provided such
250 ineligible costs do not exceed two million dollars and such project
251 meets all other provisions of chapter 173 of the general statutes or any
252 regulation adopted by the State Board of Education or the Department
253 of Administrative Services.

254 Sec. 507. (*Effective from passage*) (a) Notwithstanding the provisions
255 of section 10-283 of the general statutes, as amended by this act, or any
256 regulation adopted by the State Board of Education or the Department
257 of Administrative Services pursuant to said section 10-283 requiring a
258 completed grant application be submitted prior to June 30, 2018, the
259 code violation project at Burns Latino Studies Academy (Project
260 Number 064-0312 CV) in the town of Hartford with costs not to exceed
261 forty-seven million seven hundred thousand dollars shall be included
262 in subdivision (1) of section 1 of this act and shall subsequently be
263 considered for a grant commitment from the state, provided the town
264 of Hartford files an application for such school building project prior
265 to October 1, 2019, and meets all other provisions of chapter 173 of the
266 general statutes or any regulation adopted by the State Board of
267 Education or the Department of Administrative Services pursuant to
268 said chapter 173 and is eligible for grant assistance pursuant to said
269 chapter 173.

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

281 (c) Notwithstanding the provisions of section 10-283 of the general

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

295 Sec. 508. (*Effective from passage*) (a) Notwithstanding the provisions
296 of section 10-283 of the general statutes, as amended by this act, or any
297 regulation adopted by the State Board of Education or the Department
298 of Administrative Services pursuant to said section 10-283 requiring a
299 completed grant application be submitted prior to June 30, 2018, the
300 renovation project at Bulkeley High School (Project Number 064-0313
301 RNV) in the town of Hartford with costs not to exceed one hundred
302 forty-nine million dollars shall be included in subdivision (1) of section
303 1 of this act and shall subsequently be considered for a grant
304 commitment from the state, provided the town of Hartford files an
305 application for such school building project prior to October 1, 2019,
306 and meets all other provisions of chapter 173 of the general statutes or
307 any regulation adopted by the State Board of Education or the
308 Department of Administrative Services pursuant to said chapter 173
309 and is eligible for grant assistance pursuant to said chapter 173.

310 (b) Notwithstanding the provisions of section 10-285a of the general
311 statutes, as amended by this act, or any regulation adopted by the State
312 Board of Education or the Department of Administrative Services
313 pursuant to said section 10-285a concerning the reimbursement
314 percentage that a local board of education may be eligible to receive for
315 a school building project, the town of Hartford may use the

316 reimbursement rate of ninety-five per cent for the renovation project at
317 Bulkeley High School (Project Number 064-0313 RNV) for the purpose
318 of implementing the District Model for Excellence Restructuring
319 Recommendations and School Closures approved by the board of
320 education for the Hartford school district on January 23, 2018.

321 Sec. 509. (*Effective from passage*) Notwithstanding the provisions of
322 section 10-285a of the general statutes, as amended by this act, or any
323 regulation adopted by the State Board of Education or the Department
324 of Administrative Services pursuant to said section 10-285a concerning
325 the reimbursement percentage that a local board of education may be
326 eligible to receive for a school building project, the town of Hartford
327 may use the reimbursement rate of ninety-five per cent for any school
328 building project related to the implementation of the District Model for
329 Excellence Restructuring Recommendations and School Closures
330 approved by the board of education for the Hartford school district on
331 January 23, 2018, provided the town of Hartford files an application for
332 such school building project prior to June 30, 2022, and meets all other
333 provisions of chapter 173 of the general statutes or any regulation
334 adopted by the State Board of Education or the Department of
335 Administrative Services pursuant to said chapter 173 and is eligible for
336 grant assistance pursuant to said chapter 173.

337 Sec. 510. (*Effective from passage*) Notwithstanding the provisions of
338 section 10-285a of the general statutes, as amended by this act, or any
339 regulation adopted by the State Board of Education or the Department
340 of Administrative Services pursuant to said section 10-285a concerning
341 the reimbursement percentage that a local board of education may be
342 eligible to receive for a school building project, the town of Tolland
343 may use the reimbursement rate of eighty-nine per cent for the
344 renovation project at Birch Grove Primary School (Project Number 142-
345 0081) to address the emergency situation at said school relating to the
346 presence of pyrrhotite in the foundation."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2019</i>	10-283(a)(2)
Sec. 502	<i>July 1, 2019</i>	New section
Sec. 503	<i>July 1, 2019</i>	10-286h(c)
Sec. 504	<i>July 1, 2019</i>	10-285a
Sec. 505	<i>July 1, 2019</i>	10-287(b)
Sec. 506	<i>from passage</i>	New section
Sec. 507	<i>from passage</i>	New section
Sec. 508	<i>from passage</i>	New section
Sec. 509	<i>from passage</i>	New section
Sec. 510	<i>from passage</i>	New section