AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE MODERNIZATION OF REAL ESTATE AND CONSTRUCTION MANAGEMENT.

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

Section 1. Subsection (k) of section 4a-100 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(k) (1) Any substantial evidence of fraud in obtaining or maintaining prequalification or any materially false statement in the application [.] or update statement [or update bid statement] may, in the discretion of the awarding authority, result in termination of any contract awarded the contractor by the awarding authority. The awarding authority shall provide written notice to the commissioner of such false statement not later than thirty days after discovering such false statement. The commissioner shall provide written notice of such false statement to the Commissioner of Consumer Protection and the president of The University of Connecticut not later than thirty days after discovering such false statement or receiving such notice.
(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial subcontractor, within the past five years (A) has included any materially false statement in a prequalification application or update statement, or update bid statement, (B) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or (C) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

Sec. 2. Subsection (n) of section 4a-100 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(n) The commissioner shall establish an update statement for use by contractors and substantial subcontractors for purposes of renewing or upgrading a prequalification certificate and for purposes of submitting a bid pursuant to section 4b-91, as amended by this act.
Sec. 3. Subsections (d) and (e) of section 4b-91 of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(d) Each bid submitted for a contract described in subsection (c) of this section shall include an update [bid] statement in such form as the Commissioner of Administrative Services prescribes and, if required by the public agency soliciting such bid, a copy of the prequalification certificate issued by the Commissioner of Administrative Services. The form for such update [bid] statement shall provide space for information regarding all projects completed by the bidder since the date the bidder's prequalification certificate was issued or renewed, all projects the bidder currently has under contract, including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes in the bidder's financial position or corporate structure since the date the certificate was issued or renewed, any change in the contractor's qualification status as determined by the provisions of subdivision (6) of subsection (c) of section 4a-100, as amended by this act, and such other relevant information as the Commissioner of Administrative Services prescribes. [Any bid submitted without a copy of the prequalification certificate, if required by the public agency soliciting such bid, and an update bid statement shall be deemed invalid.] Any public agency that accepts a bid submitted without a copy of such prequalification certificate, if required by such public agency soliciting such bid, and an update [bid] statement may become ineligible for the receipt of funds related to such bid, except the public agency soliciting such bids may allow bidders no more than two business days after the opening of such bids to submit a copy of the prequalification certificate, if required by such public agency, and an update statement.

(e) Any person who bids on a contract described in subsection (c) of this section shall certify under penalty of false statement at the conclusion of the bidding process that the information in the bid is true, that there has been no substantial change in the bidder's financial
position or corporate structure since the bidder's most recent
prequalification certificate was issued or renewed, other than those
changes noted in the update [bid] statement, and that the bid was made
without fraud or collusion with any person.

Sec. 4. Section 4b-92 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

As used in this chapter and except as otherwise provided, "lowest
responsible and qualified bidder" means the bidder who is prequalified
pursuant to section 4a-100, as amended by this act, and whose bid is the
lowest of those bidders possessing the skill, ability and integrity
necessary to faithful performance of the work based on objective criteria
considering past performance and information contained in the update
[bid] statement submitted pursuant to section 4b-91, as amended by this
act. Essential information in regard to such qualifications shall be
submitted with the bid in such form as the awarding authority may
require by specification in the bid documents and on the bid form. Every
general bid shall be accompanied by a bid bond or a certified check in
an amount which shall be ten per cent of the bid, provided no such bid
bond or certified check shall be required in relation to any general bid
in which the total estimated cost of labor and materials under the
contract with respect to which such general bid is submitted is less than
fifty thousand dollars. Failure to execute a contract awarded as specified
and bid shall result in the forfeiture of such bid bond or certified check.
In considering past performance the awarding authority shall evaluate
the skill, ability and integrity of bidders in terms of the bidders'
fulfillment of contract obligations and of the bidders' experience or lack
of experience with projects of the nature and scope of the project for
which the bids are submitted. In conducting such evaluation, the
awarding authority shall consider the following factors: (1) Any recent
record of failure to perform or of unsatisfactory performance in
accordance with the terms of one or more contracts, as demonstrated by
a failing grade on any bidder evaluations; (2) the bidder's fulfillment of
past contract obligations; (3) submission of any false, misleading or
nonmeritorious claim, demand or lawsuit against any local, state or
federal agency; (4) current or past suspension or disqualification from award or performance of a public contract by any local, state or federal agency; (5) one or more violations during the performance of any public contract of any labor or safety laws or standards, including, without limitation, all applicable local, state or federal statutes or regulations governing prevailing wage, occupational safety and health, nondiscrimination requirements or other local, state or federal laws; (6) evidence that the bidder lacks financial responsibility, such as unpaid debts, unfulfilled insurance or bond obligations or other evidence of financial instability or irresponsibility; and (7) any other factor the awarding authority determines is appropriate to consider. The awarding authority shall determine the weight to be accorded to any of the factors considered in the evaluation in its sole discretion. All factors to be considered by the awarding authority shall be specified on the bid documents or the bid form.

Sec. 5. Subsection (e) of section 4b-21 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(e) After receiving notification from the secretary that such land, improvement or interest may be treated as surplus, the Commissioner of Administrative Services shall offer to convey such land, improvement or interest to the municipality in which the land, improvement or interest is located, including, but not limited to, by selling, leasing, exchanging or entering into agreements concerning such land, improvement or interest, provided (1) prior to such conveyance, the municipality by vote of its legislative body accepts such conveyance, and (2) a resolution of such municipal action, verified by the clerk of the municipality, is delivered to the Commissioner of Administrative Services not more than [one hundred twenty] sixty days after receiving notice from the commissioner regarding the proposed conveyance. If the municipality fails to deliver such resolution to the commissioner within such [one-hundred-twenty-day] sixty-day period, the municipality shall be deemed to have declined the proposed conveyance, provided the commissioner may extend the [one-hundred-
twenty-day] sixty-day period deadline by not more than an additional
[sixty] thirty days. The municipality shall waive all rights to purchase
the land, improvement, interest or part thereof if the municipality
decides or is deemed to have declined the conveyance of such land,
improvement, interest or part thereof.

Sec. 6. Section 4b-22a of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

(a) Notwithstanding any provision of the general statutes, the
Commissioner of Administrative Services may (1) grant easements with
respect to land owned by the state to a public service company, as
defined in section 16-1, the owner of a district heating and cooling
system, a municipal water or sewer authority or a telecommunications
company, as defined in section 16-1, subject to the approval of the Office
of Policy and Management, the agency having supervision of the care
and control of such land and the State Properties Review Board, and (2)
acquire easements with respect to land not owned by the state in
connection with a Department of Administrative Services project,
subject to the approval of the State Properties Review Board. No
easement granted under subdivision (1) of this section shall be for the
disposal or storage of radioactive or hazardous waste materials. The
commissioner shall provide notice of any easement granted under said
subdivision to the chief executive official of the municipality, and the
members of the General Assembly representing the municipality, in
which the land is located.

(b) Notwithstanding any provision of the general statutes, the
Commissioner of Administrative Services may (1) grant rights-of-way
or other easements with respect to land owned by the state to the federal
government or any political subdivision of the state for public purposes
if the commissioner finds that such purposes are not in conflict with the
public interest, subject to the approval of the Office of Policy and
Management, the agency having supervision of the care and control of
such land, and the State Properties Review Board, and (2) acquire
easements with respect to land owned by the federal government or any
political subdivision of the state for public purposes if the commissioner
finds that such purposes do not conflict with the public interest, subject
to the approval of the State Properties Review Board.

Sec. 7. Section 4b-3 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

(a) There is established a State Properties Review Board which shall
consist of six members appointed as follows: The speaker of the House
and president pro tempore of the Senate shall jointly appoint three
members, one of whom shall be experienced in matters relating to
architecture, one experienced in building construction matters and one
in matters relating to engineering; and the minority leader of the House
and the minority leader of the Senate shall jointly appoint three
members, one of whom shall be experienced in matters relating to the
purchase, sale and lease of real estate and buildings, one experienced in
business matters generally and one experienced in the management and
operation of state institutions. No more than three of said six members
shall be of the same political party. One of the members first appointed
by the speaker and the president pro tempore shall serve a two-year
term, one shall serve a three-year term and one shall serve a four-year
term. One of the members first appointed by the minority leaders of the
House and Senate shall serve a two-year term, one shall serve a three-
year term and one shall serve a four-year term. All appointments of
members to replace those whose terms expire shall be for a term of four
years and until their successors have been appointed and qualified. If
any vacancy occurs on the board, the appointing authorities having the
power to make the initial appointment under the provisions of this
section shall appoint a person for the unexpired term in accordance with
the provisions [hereof] of this section.

(b) The board shall not meet more than two times per week. The
members of the board shall choose their own chairperson. The
[chairman] chairperson of the board shall be compensated two hundred
dollars per diem up to a maximum of thirty thousand dollars annually.
Other members of the board shall be compensated two hundred dollars
per diem up to a maximum of twenty-five thousand dollars annually.

[The members of the board shall choose their own chairman.] No person shall serve on this board who holds another state or municipal governmental position and no person on the board shall be directly involved in any enterprise which does business with the state or directly or indirectly involved in any enterprise concerned with real estate acquisition or development.

(c) The board may adopt such rules as it deems necessary for the conduct of its internal affairs, in accordance with section 4-167.

(d) Notwithstanding the provisions of any other statute or special act, [to the contrary,] the Commissioner of Administrative Services shall be the sole person authorized to represent the state in its dealings with third parties for the construction, development, acquisition or leasing of real estate for housing the offices or equipment of all agencies of the state or for the state-owned public buildings or realty, as provided for in sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, as amended by this act, 4b-23, as amended by this act, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint Committee on Legislative Management may represent the state in the planning and construction of the Legislative Office Building and related facilities, in Hartford; (2) the Chief Court Administrator may represent the state in providing for (A) space for the Court Support Services Division as part of a new or existing contract for an alternative incarceration program pursuant to section 54-103b or a program developed pursuant to section 46b-121k, or (B) other real estate needs of the Judicial Branch when delegated authority to do so by the Commissioner of Administrative Services; (3) the board of trustees of a constituent unit of the state system of higher education may represent the state in the leasing of real estate for housing the offices or equipment of such constituent unit, provided no lease payments for such realty are made with funds generated from the general revenues of the state; (4) the Labor Commissioner may represent the state in the leasing of
premises required for employment security operations as provided in
subsection (c) of section 31-250; (5) the Commissioner of Developmental
Services may represent the state in the leasing of residential property as
part of the program developed pursuant to subsection (b) of section 17a-
218, provided such residential property does not exceed two thousand
five hundred square feet, for the community placement of persons
eligible to receive residential services from the department; (6) the
Commissioner of Mental Health and Addiction Services may represent
the state in the leasing of residential units as part of a program
developed pursuant to section 17a-455a, provided each such residential
unit does not exceed two thousand five hundred square feet; and (7) the
Connecticut Marketing Authority may represent the state in the leasing
of land or markets under the control of the Connecticut Marketing
Authority, and, except for the housing of offices or equipment in
connection with the initial acquisition of an existing state mass transit
system or the leasing of land by the Connecticut Marketing Authority
for a term of one year or more in which cases the actions of the
Department of Transportation and the Connecticut Marketing
Authority shall be subject to the review and approval of the State
Properties Review Board. The Commissioner of Administrative Services
may establish and implement any procedures necessary for the
commissioner to assume the commissioner's responsibilities as said sole
bargaining agent for state realty acquisitions and shall perform the
duties necessary to carry out such procedures. The Commissioner of
Administrative Services may appoint, within the department's budget
and subject to the provisions of chapter 67, such personnel deemed
necessary by the commissioner to carry out the provisions of this
section, including experts in real estate, construction operations,
financing, banking, contracting, architecture and engineering. The
Commissioner of Administrative Services may engage real estate
brokers and such other consultants as the commissioner deems
necessary to assist such personnel and shall have the authority to
negotiate either a commission or fee structure to compensate such
brokers or consultants for services performed. The Attorney General's
office, at the request of the Commissioner of Administrative Services,
shall assist the commissioner in contract negotiations regarding the purchase, lease or construction of real estate.

(e) The State Properties Review Board shall be within the Department of Administrative Services and shall have independent decision-making authority.

(f) The State Properties Review Board shall review and approve or deny real estate acquisitions, sales, leases and subleases proposed by the Commissioner of Administrative Services or proposed by the Chief Court Administrator pursuant to the authority delegated to the Chief Court Administrator by the Commissioner of Administrative Services, the acquisition, other than by condemnation, or the sale or lease of any property by the Commissioner of Transportation under subdivision (11) of section 13b-4, subject to section 4b-23, as amended by this act, and subsection (h) of section 13a-73 and review, for approval or disapproval, any contract for a project described in subsection (h) of section 4b-91. [Such review shall consider all aspects of the proposed actions, including feasibility and method of acquisition and the prudence of the business method proposed] The board shall not grant approval if it has determined on the basis of objective evidence that the agency or branch failed to comply with the applicable statutes or regulations in connection with the proposed action. The board shall also cooperate with and advise and assist the Commissioner of Administrative Services and the Commissioner of Transportation in carrying out their duties. The board shall have access to all information, files and records directly relevant to its evaluation of the agency’s compliance with the applicable statutes or regulations, including financial records, of the Commissioner of Administrative Services and the Commissioner of Transportation, and shall, when necessary, be entitled to the use of personnel employed by said commissioners. The board shall approve or disapprove any acquisition of development rights of agricultural land by the Commissioner of Agriculture under section 22-26cc. The board shall hear any appeal under section 8-273a and shall render a final decision on the appeal within thirty days thereafter. The written decision of the board shall be a final decision for the purposes of sections 4-180 and 4-
183. The provisions of this section shall not apply to any airport, airport site or any part thereof operated by the Connecticut Airport Authority established pursuant to section 15-120bb.

Sec. 8. Subsection (i) of section 4b-23 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(i) As used in this subsection, (1) "project" means any state program, except the downtown Hartford higher education center project, as defined in section 4b-55, requiring consultant services if the cost of such services is estimated to exceed \[ \text{one} \] five hundred thousand dollars; [or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed three hundred thousand dollars, or in the case of a building or premises under the supervision of the Office of the Chief Court Administrator or property where the Judicial Department is the primary occupant, the cost of such services is estimated to exceed three hundred thousand dollars;] (2) "consultant" means "consultant" as defined in section 4b-55; and (3) "consultant services" means "consultant services" as defined in section 4b-55. Any contracts entered into by the Commissioner of Administrative Services with any consultants for employment (A) for any project under the provisions of this section, (B) in connection with a list established under subsection (d) of section 4b-51, or (C) by task letter issued by the Commissioner of Administrative Services to any consultant on such list pursuant to which the consultant will provide services valued in excess of \[ \text{one} \] five hundred thousand dollars, shall be subject to the approval of the Properties Review Board prior to the employment of such consultant or consultants by the commissioner. The Properties Review Board shall, not later than thirty days after receipt of such selection of or contract with any consultant, approve or disapprove the selection of or contract with any consultant made by the Commissioner of Administrative Services pursuant to sections 4b-1 and 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such selection or contract.
Sec. 9. Section 4b-53 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) For purposes of this section, the following terms have the following meanings: (1) "State building" means any building or facility owned or leased by the state of Connecticut and open to the public or intended for such use, exclusive of any shed, warehouse, garage, building of a temporary nature or building located on the grounds of a correctional institution; (2) "proposal development expenses" means the cost of preparing a detailed drawing, model or plan as determined by the Department of Economic and Community Development [; and] or the Department of Administrative Services, in accordance with the provisions of subsections (e) and (f) of this section; (3) "work of art" means an integrated work of art and a nonintegrated work of art, excluding landscape architecture or landscape gardening; (4) "integrated work of art" means art work which is to be an integrated part of such state building, including, but not limited to, fresco, mosaic, sculpture and other architectural embellishment or functional art created by a professional artist, artisan or craftsperson, and (5) "nonintegrated work of art" means any work of visual art which is not to be an integrated part of such state building, including, but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media. ["Work of art" as used in this section shall not include landscape architecture or landscape gardening.]

(b) The State Bond Commission, in the allocation of proceeds of state bonds for purposes of construction, reconstruction or remodeling of any state building, shall allocate for works of art, with respect to each such project and for the purposes of subsection (c) of this section, an amount from such proceeds not less than one per cent of the total estimated cost of such construction, reconstruction or remodeling, exclusive of (1) the cost of any land acquisition, (2) any nonconstruction costs including the cost of such work of art, and (3) any augmentations to such cost, provided any such allocation for work of art as provided in this section must be approved, prior to authorization of such allocation by the State...
Bond Commission, by the Commissioner of Administrative Services in consultation with the Department of Economic and Community Development. Each such allocation shall specify the maximum amount, if any, that may be spent on integrated works of art and the maximum amount, if any, that may be spent on nonintegrated works of art for each such project. Such allocation may be used to reimburse any artist, artisan, craftsperson or person who creates a work of art, for proposal development expenses when the Department of Economic and Community Development or the Department of Administrative Services requests such proposal development or to compensate persons who, at the request of the Department of Economic and Community Development or the Department of Administrative Services, determine whether such works of art require proposal development, in accordance with the provisions of subsections (e) and (f) of this section.

(c) There is established within the General Fund a state building works of art account, which shall be a separate, nonlapsing account. The moneys within said account shall be used (1) for the purchase of works of art from distinguished Connecticut artists, which shall be placed on public view in state buildings, (2) to establish a bank of major works of art, from which individual works of art may be circulated among state buildings, public art museums and nonprofit galleries, and (3) for repair of all works acquired under this section. The Department of Economic and Community Development, in consultation with the Commissioner of Administrative Services, shall adopt regulations in accordance with the provisions of chapter 54, which shall (A) indicate the portion of the one per cent allocation under subsection (b) of this section, up to one quarter of such allocation, which shall be deposited in the General Fund and credited to said account, (B) set forth the manner in which the moneys in said account shall be allocated and expended for the purposes of this subsection, and (C) establish procedures to ensure accountability in maintaining the integrity of such bank of works of art.

(d) There is established a subaccount within the state buildings works of art account, established pursuant to subsection (c) of this section, to be known as the "maintenance account" to be used solely for the
conservation, repair and cleaning of artworks commissioned and purchased for state buildings pursuant to this section. The Department of Economic and Community Development, in the case of nonintegrated works of art or the Department of Administrative services, in the case of integrated works of art, shall determine what percentage of the one per cent allocation pursuant to subsection (b) of this section, up to ten per cent of such allocation, to credit to said subaccount.

(e) The Department of Economic and Community Development shall, with respect to a nonintegrated work of art in any project under subsection (b) of this section, be responsible for the selection of any artist, artisan or craftsperson, review of any design or plan, and execution, completion, acceptance and placement of such work of art, [provided any work of art to be located in any building under the supervision, security, utilization and control of the Joint Committee on Legislative Management shall be approved by said committee. The Commissioner of Administrative Services, in consultation with said] Said department [shall] (1) [shall be responsible for the contractual arrangements with any such artist, artisan or craftsperson, and (2) [shall] adopt regulations in accordance with the provisions of chapter 54 concerning implementation of the purposes of [subsection (b) of this section and] this subsection.

(f) The Department of Administrative Services shall, with respect to integrated works of art in any project under subsection (b) of this section, be responsible for the selection of any artist, artisan or craftsperson, review of any design or plan, and execution, completion, acceptance and placement of such work of art. Said department shall (1) be responsible for the contractual arrangements with any such artist, artisan or craftsperson, and (2) adopt regulations in accordance with the provisions of chapter 54 concerning implementation of the purposes of subsection (b) of this section and this subsection.

(g) Any work of art to be located in any building under the supervision, security, utilization and control of the Joint Committee on Legislative Management shall be approved by said committee.
This act shall take effect as follows and shall amend the following sections:

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**Statement of Purpose:**
To remove references to "update bid statement", to reduce certain deadlines for the disposition of surplus real property, to expand the department's ability to grant and receive easements, to clarify the State Property Review Board's scope and standard of review, to raise the threshold for review of construction consultant contracts, to permit the department to hire real estate brokers, to give the department authority over integrated works of art in state buildings and to amend what factors are considered when evaluating a bidder for a state construction project.

[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.]