



House of Representatives

General Assembly

File No. 647

January Session, 2021

Substitute House Bill No. 6617

House of Representatives, May 10, 2021

The Committee on Finance, Revenue and Bonding reported through REP. SCANLON of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND REVISIONS TO THE SCHOOL BUILDING PROJECTS STATUTES.

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

1 Section 1. (*Effective from passage*) The Commissioner of Administrative
2 Services, having reviewed applications for state grants for public school
3 building projects in accordance with section 10-283 of the general
4 statutes on the basis of priorities for such projects and standards for
5 school construction established by the State Board of Education, and
6 having prepared a listing of all such eligible projects ranked in order of
7 priority, as determined by said commissioner together with the amount
8 of the estimated grant with respect to each eligible project, and having
9 submitted such listing of eligible projects, prior to December 15, 2020, to
10 a committee of the General Assembly established under section 10-283a
11 of the general statutes for the purpose of reviewing such listing, is
12 hereby authorized to enter into grant commitments on behalf of the state
13 in accordance with said section 10-283a with respect to the priority

14 listing of such projects and in such estimated amounts as approved by
 15 said committee prior to February 1, 2021, as follows:

16 (1) Estimated Grant Commitments.

T1	School District	Estimated	Estimated
T2	School	Project Costs	Grant
T3	Project Number		
T4			
T5	NORTH BRANFORD		
T6	North Branford High School		
T7	21DASY099053N0621	\$88,242,390	\$29,100,282
T8			
T9	NORWALK		
T10	Cranberry Elementary School		
T11	21DASY103252N0621	\$45,000,000	\$10,125,000
T12			
T13	SOUTH WINDSOR		
T14	Pleasant Valley Elementary School		
T15	21DASY132093N0621	\$58,500,000	\$22,148,100
T16			
T17	TORRINGTON		
T18	Torrington Middle & High School		
T19	21DASY143076N0621	\$159,575,000	\$100,308,845
T20			
T21	WEST HAVEN		
T22	Washington Elementary School		
T23	21DASY156142N0621	\$38,803,926	\$26,052,956
T24			
T25	DANBURY		
T26	Ellsworth Avenue School Annex		
T27	21DASY034150EA0621	\$9,600,000	\$6,137,280
T28			
T29	HARTFORD		
T30	Betances Learning Lab Magnet School		
T31	21DASY064316RNV0621	\$43,709,774	\$41,524,285
T32			
T33	HARTFORD		
T34	E. B. Kennelly School		
T35	21DASY064317RNV0621	\$51,416,225	\$48,845,414
T36			

T37	HARTFORD		
T38	Fred D. Wish Museum School		
T39	21DASY064318RNV0621	\$49,320,000	\$46,854,000
T40			
T41	KILLINGLY		
T42	Killingly Memorial School		
T43	21DASY069069RNV0621	\$34,000,000	\$24,981,400
T44			
T45	NEWINGTON		
T46	Anna Reynolds Elementary School		
T47	21DASY094109RNV0621	\$35,500,000	\$20,792,350
T48			
T49	NORWALK		
T50	Naramake Elementary School		
T51	21DASY103253EA0621	\$3,500,000	\$1,137,500
T52			
T53	WESTPORT		
T54	Coleytown Middle School		
T55	21DASY158099RNV0621	\$32,372,235	\$8,820,830
T56			
T57	REGIONAL DISTRICT 1		
T58	Housatonic Valley Regional High School		
T59	21DASY201049VE0621	\$319,533	\$255,626
T60			
T61	LEARN		
T62	LEARN Ocean Avenue Academy		
T63	21DASY245089SP0621	\$9,851,000	\$7,880,800

17 (2) Previously Authorized Projects That Have Changed Substantially
 18 in Scope or Cost which are Seeking Reauthorization.

T64	School District	Authorized	Requested
T65	School		
T66	Project Number		
T67			
T68	WINDHAM		
T69	Windham High School		
T70	163-0079 RNV		
T71			
T72	Estimated...		

T73	Total Project Costs	\$71,670,200	\$112,329,500
T74	Total Grant	\$71,670,200	\$112,329,500

19 Sec. 2. Subsection (b) of section 10-291 of the general statutes is
 20 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 21 *2021*):

22 (b) The Department of Administrative Services shall not approve a
 23 school building project plan or site, as applicable, if:

24 (1) The site is in an area of moderate or high radon potential, as
 25 indicated in the Department of Energy and Environmental Protection's
 26 Radon Potential Map, or similar subsequent publications, except where
 27 the school building project plan incorporates construction techniques to
 28 mitigate radon levels in the air of the facility;

29 (2) The plans incorporate new roof construction or total replacement
 30 of an existing roof and do not provide for the following: (A) A minimum
 31 roof pitch that conforms with the requirements of the State Building
 32 Code, (B) a minimum twenty-year unlimited manufacturer's guarantee
 33 for water tightness covering material and workmanship on the entire
 34 roofing system, (C) the inclusion of vapor retarders, insulation, bitumen,
 35 felts, membranes, flashings, metals, decks and any other feature
 36 required by the roof design, and (D) that all manufacturer's materials to
 37 be used in the roofing system are specified to meet the latest standards
 38 for individual components of the roofing systems of the American
 39 Society for Testing and Materials;

40 (3) In the case of a major alteration, renovation or extension of a
 41 building to be used for public school purposes, the plans do not
 42 incorporate the guidelines set forth in the Sheet Metal and Air
 43 Conditioning Contractors National Association's publication entitled
 44 "Indoor Air Quality Guidelines for Occupied Buildings Under
 45 Construction" or similar subsequent publications;

46 (4) In the case of a new construction, extension, renovation or
 47 replacement, the plans do not provide that the building maintenance

48 staff responsible for such facility are trained in or are receiving training
49 in, or that the applicant plans to provide training in, the appropriate
50 areas of plant operations including, but not limited to, heating,
51 ventilation and air conditioning systems pursuant to section 10-231e,
52 with specific training relative to indoor air quality; [or]

53 (5) In the case of a project for new construction, extension, major
54 alteration, renovation or replacement involving a school entrance for
55 inclusion on any listing submitted to the General Assembly in
56 accordance with section 10-283 on or after July 1, 2008, the plans do not
57 provide for a security infrastructure for such entrance; [.] or

58 (6) In the case of a project for new construction, extension, major
59 alteration, renovation or replacement on any listing submitted to the
60 General Assembly in accordance with section 10-283 on or after July 1,
61 2022, the plans do not provide for the installation of at least one water
62 bottle filling station (A) per one hundred students of the projected
63 enrollment for the school building, (B) on each new floor or wing of the
64 school building, and (C) in any food service area of the school building.

65 Sec. 3. Section 10-292v of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective July 1, 2021*):

67 [Any] (a) Notwithstanding the provisions of any special act,
68 municipal charter, local ordinance, home rule ordinance or other
69 ordinance, on and after July 1, 2021, the local or regional board of
70 education for a town shall (1) establish any new school building
71 committee [established by a town or regional school district to
72 undertake] responsible for undertaking a school building project, as
73 defined in section 10-282, [shall] or (2) reestablish any existing school
74 building project committee. In establishing or reestablishing a school
75 building committee under this section, the local or regional board of
76 education shall appoint the members of the school building committee,
77 provided such school building committee include at least one member
78 who has experience in the construction industry.

79 (b) Any school building committee reestablished under this section

80 shall constitute a successor committee to the prior school building
81 committee for purposes of undertaking school building projects under
82 this chapter.

83 Sec. 4. Subdivision (3) of subsection (b) of section 10-287 of the general
84 statutes is repealed and the following is substituted in lieu thereof
85 (*Effective July 1, 2021*):

86 (3) (A) All orders and contracts for construction management services
87 shall be awarded from a pool of not more than the four most responsible
88 qualified proposers after a public selection process. Such process shall,
89 at a minimum, involve requests for qualifications, followed by requests
90 for proposals, including fees, from the proposers meeting the
91 qualifications criteria of the request for qualifications process. Public
92 advertisements shall be required in a newspaper having circulation in
93 the town in which construction is to take place, except for school
94 building projects for which the town or regional school district is using
95 a state contract pursuant to subsection (d) of section 10-292. Following
96 the qualification process, the awarding authority shall evaluate the
97 proposals to determine the four most responsible qualified proposers
98 using those criteria previously listed in the requests for qualifications
99 and requests for proposals for selecting construction management
100 services specific to the project or school district. Such evaluation criteria
101 shall include due consideration of the proposer's pricing for the project,
102 experience with work of similar size and scope as required for the order
103 or contract, organizational and team structure for the order or contract,
104 past performance data, including, but not limited to, adherence to
105 project schedules and project budgets and the number of change orders
106 for projects, the approach to the work required for the order or contract,
107 including on and after July 1, 2021, whether the proposer intends to self-
108 perform any project element and the benefit to the awarding authority
109 that will result from such self-performance, and documented contract
110 oversight capabilities, and may include criteria specific to the project.
111 Final selection by the awarding authority is limited to the pool of the
112 four most responsible qualified proposers and shall include
113 consideration of all criteria included within the request for proposals.

114 As used in this subdivision, "most responsible qualified proposer"
115 means the proposer who is qualified by the awarding authority when
116 considering price and the factors necessary for faithful performance of
117 the work based on the criteria and scope of work included in the request
118 for proposals.

119 (B) (i) On and after July 1, 2021, upon the written approval of the
120 Commissioner of Administrative Services, an awarding authority may
121 permit a construction manager to self-perform a portion of the
122 construction work if the construction manager has identified the project
123 element at the time of the construction manager's original proposal to
124 the owner and the awarding authority and the commissioner determine
125 that the construction manager has the requisite work experience and
126 qualifications to self-perform the work and can self-perform the work
127 more cost-effectively than a subcontractor. A construction manager may
128 only self-perform portions of a project (I) for which the construction
129 manager is enrolled in a state-registered apprenticeship program that
130 provides related instruction for the type of work the construction
131 manager is seeking to self-perform, and (II) for which the construction
132 manager is prequalified under section 4a-100. All work not performed
133 by the construction manager shall be performed by trade subcontractors
134 selected [by a process approved by the awarding authority and the
135 commissioner] pursuant to section 4b-91 and determined to be among
136 the lowest responsible and qualified bidders, as defined in section 4b-
137 92.

138 (ii) Each bid for a specific project element, including from a
139 construction manager, shall be submitted simultaneously with the
140 project bid and kept sealed until opened publicly at the time and place
141 set forth in the notice soliciting bids. If the construction manager is the
142 successful bidder for a project element, the construction manager (I)
143 shall not use any of the project contingency to assist in the performance
144 of work for such project element, (II) shall perform such work, other
145 than limited portions that would typically be performed by specialty
146 subcontractors, with employees who are on the construction manager's
147 payroll and are properly classified under section 31-53, and (III) shall

148 submit all change orders on self-performed work to be reviewed by the
 149 owner or the owner's representative.

150 (iii) The construction manager's contract shall include a guaranteed
 151 maximum price for the cost of construction. Such guaranteed maximum
 152 price shall be determined not later than ninety days after the selection
 153 of the trade subcontractors. Construction shall not begin prior to the
 154 determination of the guaranteed maximum price, except work relating
 155 to site preparation and demolition may commence prior to such
 156 determination.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2021</i>	10-291(b)
Sec. 3	<i>July 1, 2021</i>	10-292v
Sec. 4	<i>July 1, 2021</i>	10-287(b)(3)

ED *Joint Favorable C/R*

FIN

FIN *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$	Out Years \$
Treasurer, Debt Serv.	GF - Future Cost	See Below	See Below	635 million

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$	Out Years \$
Various Municipalities	Future Revenue Gain	See Below	See Below	450 million

Explanation

The bill approves a net increase of \$450 million in state grant commitments for school construction projects, which represents potential revenue gain for the specified municipalities. The grants-in-aid will be financed through the issuance of General Obligation (GO) bonds in future fiscal years. The bill does not authorize new GO bonds. The projected debt service cost to the General Fund to issue \$450 million of GO bonds at market rates is \$635 million.

The bill makes several changes to contracting requirements for the school construction process and adds new requirements regarding inclusion of water bottle filling stations. To the extent these changes alter the total cost of future projects, the altered cost would be shared between municipalities and the state at the appropriate reimbursement ratio.

The Out Years

The ongoing fiscal impact identified above will continue into the future subject to project completion, successful municipal application for reimbursement, and the costs of borrowing.

OLR Bill Analysis**sHB 6617****AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND REVISIONS TO THE SCHOOL BUILDING PROJECTS STATUTES.****SUMMARY**

This bill authorizes 15 school construction state grant commitments totaling an estimated \$394.9 million toward total estimated project costs of \$659.7 million. It also reauthorizes one high school renovation project with additional estimated project costs of \$40.7 million (see BACKGROUND).

Beginning in fiscal year 2022, the bill requires water bottle filling stations in all significant school construction projects, requires boards of education to reconstitute local school building committees, and sets new requirements for construction managers to be eligible to self-perform certain construction work on a school building project.

EFFECTIVE DATE: Upon passage for the grant commitments and July 1, 2021, for the statutory program changes.

§ 1 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

For each project authorized by the bill, Table 1 shows the associated district, school, estimates for total cost and state grant commitment, and state reimbursement rate, ordered by project type.

Table 1: 2021 School Construction Grant Commitments

<i>District</i>	<i>School</i>	<i>Project Type</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>Reimbursement Rate</i>
North Branford	North Branford High School	New	\$88,242,390	\$29,100,282	32.98%

Norwalk	Cranberry Elementary School	New	45,000,000	10,125,000	22.50%
South Windsor	Pleasant Valley Elementary School	New	58,500,000	22,148,100	37.86%
Torrington	Torrington Middle & High School	New	159,575,000	100,308,845	62.86%
West Haven	Washington Elementary School	New	38,803,926	26,052,956	67.14%
Danbury	Ellsworth Avenue School Annex	Expansion/ Alteration	9,600,000	6,137,280	63.93%
Hartford	Betances Learning Lab Magnet School	Renovation	43,709,774	41,524,285	95.00%
Hartford	E. B. Kennelly School	Renovation	51,416,225	48,845,414	95.00%
Hartford	Fred D. Wish Museum School	Renovation	49,320,000	46,854,000	95.00%
Killingly	Killingly Memorial School	Renovation	34,000,000	24,891,400	73.21%
Newington	Anna Reynolds Elementary School	Renovation	35,500,000	20,792,350	58.57%
Norwalk	Naramake Elementary School	Extension/ Alteration	3,500,000	1,137,500	32.50%
Westport	Coleytown Middle School	Renovation	32,372,235	8,820,830	27.25%
Regional District 1	Housatonic Valley Regional High School	Vo-Ag Equipment	319,533	255,626	80.00%
LEARN (New London area)	LEARN Ocean Avenue Academy	Special Education	9,851,000	7,880,800	80.00%

regional educational service center)					
Totals			\$659,710,983	\$394,874,668	

Also, the bill reauthorizes one project with increased costs due to changes in its scope. PA 18-138 originally authorized the Windham High School renovation project with a total estimated project cost of \$71,670,200 and a 79.64% state reimbursement rate for the grant. The bill authorizes a new total project estimated cost of \$112,329,500, which is an increase of \$40,659,300. The bill provides a total estimated grant commitment of \$112,329,500, which is 100% of the project cost.

§ 2 — WATER BOTTLE FILLING STATIONS

The bill adds a requirement for water bottle filling stations to be included in all school building projects for new construction, extension, major alteration, renovation, or replacement on any project listing the Department of Administrative Services (DAS) submits to the General Assembly beginning July 1, 2022 (next year’s school construction priority list). It does this by prohibiting DAS from approving any school building project plan that does not provide for the installation of at least one water bottle filling station:

1. per 100 students of the projected school building enrollment,
2. on each new floor or wing of the school building, and
3. in any food service area of the school building.

§ 3 — LOCAL SCHOOL BUILDING PROJECT COMMITTEES

Under current law, any school building committee established by a town or regional board of education to undertake a school building project must include at least one member who has experience in the construction industry.

Beginning July 1, 2021, the bill requires local or regional boards of education to (1) establish a new school building committee charged with

undertaking a school building project or (2) re-establish an existing school building project committee. The board of education must appoint the members of these committees, including at least one member with experience in the construction industry as under existing law.

The bill specifies that any committee reestablished under its provisions constitutes a successor committee to the prior school building committee for purposes of undertaking a school building project under the school construction statutes.

§ 4 — CONSTRUCTION MANAGERS SELF-PERFORMING PROJECT WORK

By law, most contracts and orders for school building construction receiving state assistance must be awarded to the lowest responsible qualified bidder following a public bidding invitation. The law provides exceptions for construction management contracts, which instead must be awarded from a pool of up to the four most responsible qualified proposers after a public selection process.

Beginning July 1, 2021, the law also allows awarding authorities (e.g., boards of education), upon the written approval of the DAS commissioner, to permit a construction manager to self-perform part of the construction work if the authority and the commissioner determine that doing so will be more cost-effective than using a subcontractor. The bill additionally requires the awarding authority and the commissioner to determine that the construction manager has the requisite work experience and qualifications to self-perform the work.

In order to be eligible to self-perform work, the bill requires the construction manager to identify the project element at the time of the original proposal to the owner and be (1) enrolled in a state-registered apprenticeship program that provides related instruction for the work the construction manager is seeking to self-perform and (2) prequalified by DAS.

Current law requires work not done by the construction manager to be performed by trade subcontractors selected under a process

approved by the DAS commissioner and the awarding authority. The bill instead requires the subcontractor selection to be done in accordance with state bidding and contracting rules that require a competitive bidding process and awarding the job to the lowest responsible and qualified bidder who is prequalified by DAS.

The bill also requires sealed bids for specific project elements, including from a construction manager, to be submitted simultaneously with the project bid and only opened at the time and place set in the bid solicitation notice.

Furthermore, if the construction manager is the successful bidder for a project element, the manager must:

1. not use any of the project contingency money to assist in the performance of self-performed work;
2. perform the work, other than limited portions that would typically be done by specialty subcontractors, with employees who are on the construction manager's payroll and are properly classified under the prevailing wage law; and
3. submit all change orders on self-performed work to be reviewed by the owner or the owner's representative.

BACKGROUND

State School Construction Grant Program

Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs through general obligation bonds (with less wealthy municipalities receiving a higher reimbursement). The municipalities pay the remaining costs. School districts must begin project construction within two years of grant commitment to minimize potential cost increases.

COMMITTEE ACTION

Education Committee

Joint Favorable Change of Reference - FIN
Yea 38 Nay 0 (03/22/2021)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute
Yea 42 Nay 4 (04/22/2021)