



General Assembly

January Session, 2021

**Raised Bill No. 999**

LCO No. 3799



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING A JUST TRANSITION TO CLIMATE-  
PROTECTIVE ENERGY PRODUCTION AND COMMUNITY  
INVESTMENT.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section, unless the context otherwise requires:

3 (1) "Assisted project" means a construction project that concerns the  
4 development of a renewable energy project or an energy efficiency  
5 project, or is a construction project related thereto, for which the state  
6 provides economic assistance of any kind, including, but not limited to,  
7 renewable energy credits, grants, loans, commitments of funds, or tax  
8 abatements or exemptions or other assistance with a total present  
9 financial value of one million dollars or more.

10 (2) "Renewable energy project" means a project that is intended to or  
11 will have the effect of enhancing energy efficiency, building  
12 electrification upgrades, the development of renewable energies, or  
13 enhancing climate change resiliency, including projects that create  
14 useable energy from solar power, wind power, a fuel cell, geothermal

15 sources, landfill methane gas, anaerobic digestion or other biogas  
16 derived from biological sources, thermal electric direct energy  
17 conversion from a certified Class I renewable energy source, ocean  
18 thermal power, wave or tidal power, low emission advanced renewable  
19 energy conversion technologies, and zero emission low grade heat  
20 power generation systems based on organic oil free rankine, kalina or  
21 similar nonstream cycles that use waste heat from an industrial or  
22 commercial process that does not generate electricity, a run-of-the-river  
23 hydropower facility that began operation after July 1, 2003, and has a  
24 generating capacity of not more than thirty megawatts, a run-of-the-  
25 river hydropower facility that received a new license after January 1,  
26 2018, or a biomass facility that uses sustainable biomass fuel, as defined  
27 in subsection (a) of section 16-1 of the general statutes.

28 (3) "Community benefits agreements" means an agreement between  
29 (A) a recipient of state assistance for an assisted project, and (B)  
30 community-based organizations or a coalition of organizations, which  
31 agreement shall detail the project's contributions to the community in  
32 which it is sited, and the aspects of the project that will mitigate adverse  
33 conditions in the community in which it is sited and create opportunities  
34 for local businesses, communities and workers.

35 (4) "Labor organization" means any organization which exists and is  
36 constituted for the purpose, in whole or in part, of collective bargaining,  
37 or of dealing with employers concerning grievances, terms or conditions  
38 of employment, or of other mutual aid or protection and which is not a  
39 company union, including, but not limited to, bona fide labor  
40 organizations that are certified or recognized as the organization of  
41 jurisdiction representing the workers involved or bona fide building  
42 and construction trades councils or district councils and state and local  
43 labor federations comprised of local unions certified or recognized as  
44 the representative of the workers.

45 (5) "Project labor agreement" means a prehire collective bargaining  
46 agreement between a construction industry employer and a bona fide  
47 building and construction trade labor organization representing all

48 construction trades that will perform work on a project and that  
49 provides that only contractors and subcontractors who agree to comply  
50 with the project labor agreement shall be eligible to perform work on  
51 the project. A project labor agreement establishes the terms and  
52 conditions of employment for a specific construction project and is an  
53 agreement described in 29 USC 158(f), as amended from time to time.

54 (6) "State" means the state of Connecticut or any political subdivision  
55 thereof.

56 (7) "Workforce development program" means a program pursuant to  
57 which newly hired employees and already hired employees from  
58 disadvantaged communities, including zip codes with high rates of  
59 poverty, unemployment and chronic unemployment, as well as  
60 individuals with barriers to employment, including people who have  
61 been incarcerated, and people who have been traditionally  
62 underrepresented in the relevant employment, are given the  
63 opportunities for skill development that will enable them to qualify for  
64 higher paying jobs on an assisted project. A workforce development  
65 program includes: (A) Apprenticeship training through a class A  
66 apprenticeship program for each trade in which it employs craft  
67 workers that is actively training employees, has functioning training  
68 facilities, and is regularly graduating apprentices to journey person  
69 status, and such apprentices are placed in employment, and (B)  
70 preapprenticeship training that will enable students to qualify for  
71 apprenticeship training in a class A apprenticeship program.

72 (8) "Class A apprenticeship program" means an apprenticeship  
73 training program for each trade in which it employs craft workers that  
74 is registered with and approved by the U.S. Department of Labor or a  
75 state apprenticeship agency and has provided proof within seven days  
76 of a request from the authority or any authority or agency that its  
77 program is actively training employees, has functioning training  
78 facilities, and is regularly graduating apprentices to journey person  
79 status, and such apprentices are placed in employment.

80 (b) The following requirements shall apply to any projects assisted  
81 under this section:

82 (1) To the full extent permitted by law, the party which, either directly  
83 or indirectly, receives assistance for work on an assisted project shall  
84 take all necessary actions to ensure that a community benefits  
85 agreement is entered into with appropriate community organizations  
86 representing residents of the affected community;

87 (2) To the full extent permitted by law, the party which, either directly  
88 or indirectly, receives assistance for work on an assisted project shall  
89 take all necessary actions to ensure that a workforce development  
90 program is established.

91 (3) The party which receives assistance for work on an assisted project  
92 shall take all necessary actions to ensure that each contractor and  
93 subcontractor involved in the construction of the assisted project  
94 completes a sworn certification that the firm: (A) Has the necessary  
95 resources to perform the portion of the assisted project to which they are  
96 assigned, including the necessary technical, financial and personnel  
97 resources; (B) has all required contractor, specialty contractor or trade  
98 licenses, certifications or certificates required of any business entity or  
99 individual by applicable state or local law; (C) participates in an  
100 apprenticeship training program for each trade in which it employs craft  
101 workers that is registered with and approved by the U.S. Department of  
102 Labor or a state apprenticeship agency and shall provide proof within  
103 seven days of a request from the authority or any authority or agency  
104 that its program is actively training employees, has functioning training  
105 facilities, and is regularly graduating apprentices to journey person  
106 status, and such apprentices are placed in employment, hereinafter  
107 referred to as "class A apprenticeship programs"; and (D) during the  
108 previous three years (i) has not been debarred by any government  
109 agency; (ii) has not defaulted on any project; (iii) has not had any license,  
110 certification or other credential relating to the business revoked or  
111 suspended; (iv) has not been found in violation of any law applicable to  
112 its business that resulted in the payment of a fine, back pay damages, or

113 any other type of penalty in the amount of ten thousand dollars or more;  
114 will pay craft personnel employed on the project, at a minimum, the  
115 applicable wage and fringe benefit rates for the classification in which  
116 the worker is employed in accordance with applicable required rates for  
117 the project; and (v) has not misclassified and will not misclassify craft  
118 labor employees as independent contractors.

119 (4) The party which receives assistance on an assisted project shall  
120 submit to the Labor Commissioner the certifications of compliance with  
121 responsible contractor requirements specified in subdivision 6 of this  
122 subsection not later than thirty days prior to commencement of  
123 construction of the project, and such certifications shall constitute public  
124 documents which shall be made available without redaction on a  
125 publicly available web site not later than seven days after being  
126 submitted to the Labor Commissioner.

127 (5) A responsible contractor certification containing false, misleading,  
128 or inaccurate information shall, after notice and opportunity to be heard,  
129 subject the firm that has executed such certification to a three-year  
130 debarment from future public and publicly assisted projects and other  
131 applicable penalties and sanctions.

132 (6) The failure of a party receiving assistance on an assisted project to  
133 take reasonable steps to ensure that contractors' responsible contractor  
134 certifications submitted pursuant to subdivision 4 of this subsection are  
135 accurate and truthful shall constitute a material breach of the agreement,  
136 grant, loan, commitment of funds or other instrument pursuant to  
137 which under which assistance is provided and shall permit the state to  
138 impose appropriate penalties and sanctions for conduct constituting  
139 noncompliance, including, but not limited to, revocation of part or all of  
140 the assistance provided by the state.

141 (c) In addition to the other requirements of this section, the following  
142 requirements shall apply to assisted projects covered by this section that  
143 are designed to create at least five megawatts of power or more, to all  
144 utility-owned projects, and to all site work on grid-connected projects

145 that are designed to create two and one-half megawatts or more of  
146 power:

147 (1) Contractors and subcontractors on assisted projects shall pay  
148 construction craft employees on the project, at a minimum, the  
149 applicable prevailing wage and fringe benefit rates for the appropriate  
150 classification in which the worker is employed. Firms engaged in the  
151 construction of an assisted project shall be subject to all reporting and  
152 compliance requirements of section 31-53 of the general statutes.  
153 Contractors that violate the prevailing wage requirements on assisted  
154 projects shall be subject to penalties and sanctions in accordance with  
155 said section. In addition, the failure of a party receiving assistance on an  
156 assisted project to take reasonable steps to ensure that contractors  
157 comply with this subdivision shall constitute a material breach of the  
158 agreement, grant, loan, commitment of funds, or other instrument  
159 pursuant to which under which assistance is provided and shall permit  
160 the state to impose appropriate penalties, including, but not limited to,  
161 revocation or recoupment of all or part of the assistance provided by the  
162 state, and an award of compensation to employees who were deprived  
163 of the benefits of applicable wage and benefit standards.

164 (2) Prevailing wage requirements under this section shall not apply  
165 to assisted projects covered by project labor agreements.

166 (d) In addition to the other requirements of this section, the following  
167 requirements shall apply to assisted projects covered by this section that  
168 are grid-connected or utility-owned, and that are designed to produce  
169 not less than twenty megawatts of power:

170 (1) The party which, either directly or indirectly, receives assistance  
171 for work on an assisted project shall take the necessary actions to ensure  
172 that a project labor agreement is executed between the general  
173 contractor or other entity responsible for construction of the assisted  
174 project and a labor organization to supply skilled craft personnel in all  
175 crafts needed for the project in the area where the project is located.

176 (2) A project labor agreement executed for purposes of this section

177 shall include the necessary provisions to: (A) Bind all contractors and  
178 subcontractors on the assisted project to the project labor agreement  
179 through the inclusion of appropriate specifications in all relevant  
180 solicitation provisions and contract documents; (B) allow all contractors  
181 and subcontractors to compete for contracts and subcontracts on the  
182 project without regard to whether they are otherwise parties to  
183 collective bargaining agreements; (C) establish uniform terms and  
184 conditions of employment for all construction craft labor employed on  
185 the projects; (D) contain guarantees against strikes, lockouts and similar  
186 job disruptions; (E) set forth effective, prompt and mutually binding  
187 procedures for resolving labor disputes arising during the project labor  
188 agreement; and (F) include any other provisions as negotiated by the  
189 parties needed to promote successful delivery of the assisted project.

190 (3) The failure of a party receiving assistance for work on an assisted  
191 project to ensure compliance with the requirements of subdivision 2 of  
192 this subsection shall constitute a material breach of the agreement,  
193 grant, loan, commitment of funds, or other instrument pursuant to  
194 which assistance has been provided and, in the event of such failure, the  
195 state shall impose appropriate penalties and sanctions for conduct  
196 constituting noncompliance, which may include, but are not limited to,  
197 revocation or recoupment of all or part of the assistance provided by the  
198 state.

199 (e) For purposes of this section:

200 (1) "Best value" has the same meaning as prescribed in section 4e-1 of  
201 the general statutes;

202 (2) "Contracting team" means the lead contractor and project  
203 subcontractors;

204 (3) "Assisted project" means a construction project that concerns the  
205 development of a renewable energy project or energy efficiency project,  
206 or is a construction project related thereto, as to which the state provides  
207 economic assistance of any kind including, but not limited to, renewable  
208 energy credits, grants, loans, commitments of funds, or tax abatements

209 or exemptions or other assistance with a total present financial value of  
210 one million dollars or more;

211 (4) "Renewable energy project" means a project that is intended to or  
212 will have the effect of enhancing energy efficiency, building  
213 electrification upgrades, the development of renewable energies, or  
214 enhancing climate change resiliency, including projects that create  
215 useable energy from solar power, wind power, a fuel cell, geothermal  
216 sources, landfill methane gas, anaerobic digestion or other biogas  
217 derived from biological sources, thermal electric direct energy  
218 conversion from a certified Class I renewable energy source, ocean  
219 thermal power, wave or tidal power, low emission advanced renewable  
220 energy conversion technologies, and zero emission low grade heat  
221 power generation systems based on organic oil free rankine, kalina or  
222 similar nonstream cycles that use waste heat from an industrial or  
223 commercial process that does not generate electricity, a run-of-the-river  
224 hydropower facility that began operation after July 1, 2003, and has a  
225 generating capacity of not more than thirty megawatts, a run-of-the-  
226 river hydropower facility that received a new license after January 1,  
227 2018, or a biomass facility that uses sustainable biomass fuel, as defined  
228 in subsection (a) of section 16-1 of the general statutes;

229 (5) "Employment conditions" means the terms under which  
230 employees provide their labor to a contractor, and shall include, but not  
231 be limited to, wage rates, insurance, paid sick and vacation leave,  
232 retirement benefits, uniform and tool allowances, longevity bonuses,  
233 provision of break time, provision of break areas, provision of full-time  
234 jobs rather than part-time jobs, the existence of a labor peace agreement  
235 with any union seeking to represent that the contractor's employees,  
236 health and safety protections, and the existence of a collective  
237 bargaining agreement;

238 (6) "Offeror" means the project owner, developer or other entity  
239 which seeks to propose to receive assistance for an assisted project;

240 (7) "Lead contractor" means the general contractor, construction

241 manager or other prime contractor which is contracted by the offeror to  
242 perform work on an assisted project;

243 (8) "Project team" means the lead contractors and all subcontractors  
244 proposed for the assisted project; and

245 (9) "State" means the state of Connecticut or any political subdivision  
246 thereof.

247 (A) The state may select recipients of state assistance for an assisted  
248 project using either a competitive bidding or a competitive negotiation  
249 process. Solicitations used in connection with an assisted project shall  
250 utilize the following procedures: Solicitations shall be designed to  
251 ensure best value results for the state by: (i) Permitting project proposals  
252 for any type of viable renewable energy source; and (ii) promoting  
253 maximum competition among qualified offerors presenting proposals.

254 (B) Solicitations shall be administered through a public request for  
255 proposals process that provides adequate notice, instructions for  
256 submitting proposals and other relevant information as determined by  
257 the agency.

258 (C) Requests for proposals shall require that proposals from an  
259 offeror include: (i) Proposed project, including type, viability and  
260 projected amount of energy, project plan and schedule, and (ii) the  
261 qualifications, resources and capabilities of the offeror and the project  
262 team to be used on the project.

263 (D) The agency shall approve the project that provides the best value,  
264 considering the viability and benefits of the proposed project and  
265 qualifications of the offeror and project team.

266 (E) Requests for proposals shall be administered in compliance with  
267 this section and additional instructions set forth in the solicitation and  
268 notice of requests for proposals. The agency shall evaluate proposals on  
269 the basis of a maximum point scale. Proposals shall be scored only on  
270 the basis of the evaluation factors set forth in the request for proposals.

271 (F) Request for proposals shall include only factors listed in this  
272 section and any additional factors or subfactors the state deems  
273 necessary for achieving best value results.

274 (G) The offeror that complies with the specifications and  
275 requirements of the request for proposals and receives the highest  
276 maximum score shall be selected by the agency for the project award.

277 (H) In evaluating competitive proposals, the agency shall evaluate  
278 the proposed project on the following factors:

279 (i) Projected amount of energy to be generated;

280 (ii) Viability of the proposed energy source;

281 (iii) Feasibility of the project plan and schedule;

282 (iv) Qualifications of the offeror and the project team;

283 (v) Positive impact on the community and disadvantaged populace;

284 (vi) Employment conditions; and

285 (vii) Environmental impacts of the proposed project.

286 (I) The offeror's qualifications shall be determined by an evaluation  
287 of its past performance record, expertise and technical qualifications  
288 and present performance capabilities, including financial resources and  
289 experience of the offeror's senior management and project team  
290 management.

291 (J) The qualifications of the lead contractor and subcontractors shall  
292 be determined by an evaluation of the following subfactors:

293 (i) Evaluation of this subfactor requires a review of past projects,  
294 including budget, schedule and safety data, performance evaluation  
295 reports, quality of workmanship and compliance with project  
296 specifications;

297 (ii) Evaluation of this subfactor requires examination of the general  
298 and specific experience in relevant market sectors and in projects similar  
299 to the proposed project;

300 (iii) Evaluation of this subfactor requires examination of:

301 (I) Resources, including equipment and financial resources;

302 (II) Experience of the senior management and project management of  
303 the lead contractor and subcontractors; and

304 (III) Evaluation of craft labor personnel, which shall consider the  
305 offeror's use of: (i) Project labor agreements as a reliable source for  
306 ensuring an adequate supply of skilled craft labor in all trades needed  
307 for the proposed project; (ii) participation in registered apprenticeship  
308 programs that have a track record of graduating apprentices for at least  
309 three years and journey person; (iii) training programs used to provide  
310 training for upgrading skills or training for specialized skills; and (iv)  
311 training programs that provide safety training and certification,  
312 including, but not limited to, OSHA ten-hour and thirty-hour programs.

313 (IV) Positive impact on the community and disadvantaged populace.  
314 Offerors shall describe how they will create a workforce training plan  
315 pursuant to which they will: (i) Recruit and hire individuals from zip  
316 codes with high rates of poverty unemployment and chronic  
317 unemployment; (ii) give priority in any hiring to persons not currently  
318 or previously employed by the proposer and the suppliers of  
319 manufactured materials for the project to individuals with barriers to  
320 employment, including people who have been incarcerated, people  
321 with disabilities, and people who have been traditionally  
322 underrepresented in the relevant employment; and (iii) take advantage  
323 of publicly funded workforce development programs to train new and  
324 retained employees; (iv) include employment opportunities for  
325 apprentices through an apprenticeship program registered with the  
326 Labor Department or a federally recognized state apprenticeship agency  
327 that complies with the requirements of 29 CFR parts 29 and 30; (v)  
328 include commitments to provide preapprenticeship training; and (vi)

329 enter into a community benefits agreement to benefit the communities  
330 in which the project may be sited;

331 (V) The terms under which employees provide their labor to a  
332 contractor, including, but not be limited to, wage rates, insurance, paid  
333 sick and vacation leave, retirement benefits, uniform and tool  
334 allowances, longevity bonuses, provision of break time, provision of  
335 break areas, provision of full-time jobs rather than part-time jobs;

336 (VI) The existence of a labor peace agreement with any union seeking  
337 to represent the offeror's or the offeror's contractors' employees;

338 (VII) Health and safety protections; and

339 (VIII) The existence of a collective bargaining agreement.

340 (IX) Environmental impacts of the proposed project. Evaluation of  
341 this subfactor requires consideration of the project's likely  
342 environmental impacts and their effect on human and ecological health.

343 (X) The lead contractor shall provide a list in its proposals that  
344 identifies the names of all subcontractors, regardless of tier, it proposes  
345 to use for the project and the scope of work and approximate percentage  
346 of the total project of each subcontractor listed.

347 (XI) Requests for proposals may be preceded by a prequalification  
348 stage to require interested offerors to demonstrate that they have  
349 adequate minimum qualifications and sufficiently viable project  
350 proposals to qualify to compete in a request for proposals process.

351 (XII) Evaluation of this factor shall include an assessment of the  
352 degree to which the project promotes opportunities to small, minority-  
353 owned businesses and workers in economically disadvantaged  
354 communities.

355 (XIII) Proposals submitted in response to requests for proposals  
356 under this section shall be evaluated by a technical evaluation team that  
357 consists of no fewer than three persons qualified to conduct such

358 evaluations.

359 (XIV) Proposal evaluations pursuant to this section shall be subject to  
360 periodic audits, including random, unannounced audits by qualified  
361 personnel appointed by the agency to ensure the evaluation process are  
362 conducted in accordance with this section and the requests for  
363 proposals.

364 (XV) Project evaluation reports shall be prepared upon completion  
365 for projects that receive state assistance. Project evaluation reports shall  
366 include information determined relevant by the agency but shall at a  
367 minimum include the following: (i) The amount of energy projected in  
368 the project proposal and the actual amount of energy the facility is  
369 capable of producing; (ii) the proposed project completion date and the  
370 actual completion date; and (iii) additional information as determined  
371 by the agency.

372 (f) For the purposes of this subsection:

373 (1) "Assisted project" means a project that concerns the operation,  
374 security or maintenance of a renewable energy project, as to which the  
375 state provides economic assistance of any kind, including, but not  
376 limited to, renewable energy credits, grants, loans, commitments of  
377 funds, or tax abatements or exemptions or other assistance with a total  
378 present financial value of one million dollars or more.

379 (2) "Renewable energy project" means a project that is intended to or  
380 will have the effect of enhancing energy efficiency, building  
381 electrification upgrades, the development of renewable energies, or  
382 enhancing climate change resiliency, and will include projects that  
383 create useable energy from solar power, wind power, a fuel cell,  
384 geothermal sources, landfill methane gas, anaerobic digestion or other  
385 biogas derived from biological sources, thermal electric direct energy  
386 conversion from a certified Class I renewable energy source, ocean  
387 thermal power, wave or tidal power, low emission advanced renewable  
388 energy conversion technologies, and zero emission low grade heat  
389 power generation systems based on organic oil free rankine, kalina or

390 similar nonstream cycles that use waste heat from an industrial or  
391 commercial process that does not generate electricity, a run-of-the-river  
392 hydropower facility that began operation after July 1, 2003, and has a  
393 generating capacity of not more than thirty megawatts, a run-of-the-  
394 river hydropower facility that received a new license after January 1,  
395 2018, or a biomass facility that uses sustainable biomass fuel, as defined  
396 in subsection (a) of section 16-1 of the general statutes.

397 (3) "Community benefits agreements" means an agreement between  
398 (A) a recipient of assistance for an assisted project or sponsor, and (B)  
399 community-based organizations or a coalition of organizations, which  
400 agreement shall detail the project's contributions to the community, and  
401 the aspects of the project that will mitigate adverse conditions in the  
402 community and create opportunities for local businesses, communities  
403 and workers.

404 (4) "Labor organization" means any organization which exists and is  
405 constituted for the purpose, in whole or in part, of collective bargaining,  
406 or of dealing with employers concerning grievances, terms or conditions  
407 of employment, or of other mutual aid or protection and which is not a  
408 company union. This includes, but is not limited to, bona fide labor  
409 organizations that are certified or recognized as the organization of  
410 jurisdiction representing the workers involved or bona fide building  
411 and construction trades councils or district councils and state and local  
412 labor federations comprised of local unions certified or recognized as  
413 the representative of the workers.

414 (5) "Neutrality policy or agreement" means a policy or agreement  
415 wherein an employer remains neutral in a union organizing drive and  
416 does not actively oppose union efforts to gain majority support of the  
417 relevant employees of the employer.

418 (6) "State" means the state of Connecticut or any political subdivision  
419 thereof.

420 (A) Operations, maintenance and security employees employed in  
421 any building or facility that is a part of or connected to an assisted

422 project shall be paid not less than the prevailing wage prescribed in  
423 section 31-53 of the general statutes, or, where applicable, the standard  
424 wage specified in section 31-57 of the general statutes. Employers of  
425 such employees shall be subject to all the reporting and compliance  
426 requirements of section 31-53 of the general statutes and section 31-57  
427 of the general statutes. The prevailing wage requirement and standard  
428 wage requirement shall apply to employees employed in such facilities  
429 for the duration of the assistance and for ten years thereafter.

430 (B) To the full extent permitted by law, the party which, either  
431 directly or indirectly, receives assistance for work on an assisted project  
432 shall take all necessary actions to ensure that a community benefits  
433 agreement is entered into with appropriate community organizations  
434 representing residents of the affected community.

435 (C) To the full extent permitted by law, the party which, either  
436 directly or indirectly, receives assistance for work on an assisted project  
437 shall take all necessary actions to develop and implement a workplace  
438 development program at the site of the assisted project.

439 (D) The party which receives assistance for work on an assisted  
440 project shall take all necessary actions to ensure that each contractor and  
441 subcontractor involved in the construction of the assisted project  
442 completes a sworn certification that the firm: (i) Has the necessary  
443 resources to perform the portion of the assisted project to which they are  
444 assigned, including the necessary technical, financial and personnel  
445 resources; (ii) has all required contractor, specialty contractor or trade  
446 licenses, certifications or certificates required of any business entity or  
447 individual by applicable state or local law; (iii) participates in an  
448 apprenticeship training program for each trade in which it employs craft  
449 workers that is registered with and approved by the U.S. Department of  
450 Labor or a state apprenticeship agency and shall provide proof within  
451 seven days of a request from the authority or any authority or agency  
452 that its program is actively training employees, has functioning training  
453 facilities, and is regularly graduating apprentices to journey person  
454 status, and such apprentices are placed in employment, hereinafter

455 referred to as "class A apprenticeship programs"; and (iv) during the  
456 past three years: (I) Has not been debarred by any government agency;  
457 (II) has not defaulted on any project; (III) has not had any license,  
458 certification or other credential relating to the business revoked or  
459 suspended; (IV) has not been found in violation of any law applicable to  
460 its business that resulted in the payment of a fine, back pay damages, or  
461 any other type of penalty in the amount of ten thousand dollars or more;  
462 will pay craft personnel employed on the project, at a minimum, the  
463 applicable wage and fringe benefit rates for the classification in which  
464 the worker is employed in accordance with applicable required rates for  
465 the project; and (V) has not misclassified and will not misclassify craft  
466 labor employees as independent contractors.

467 (E) The party which receives assistance on an assisted project shall  
468 submit to the Labor Commissioner the certifications of compliance with  
469 responsible contractor requirements not less than thirty days prior to the  
470 commencement of construction of the project, and such certifications  
471 shall constitute public documents which shall be made available  
472 without redaction on a publicly available web

473 site not later than seven days after being submitted to the  
474 commissioner.

475 (F) A responsible contractor certification containing false, misleading,  
476 or inaccurate information shall, after notice and opportunity to be heard,  
477 subject the firm that has signed such certification to a three-year  
478 debarment from future public and publicly assisted projects and other  
479 applicable penalties and sanctions.

480 (G) The failure of a party receiving assistance on an assisted project  
481 to take reasonable steps to ensure that contractors' certifications are  
482 accurate and truthful shall constitute a material breach of the agreement,  
483 grant, loan, commitment of funds, or other instrument pursuant to  
484 which under which assistance is provided and shall permit the state to  
485 impose applicable penalties and sanctions for conduct constituting  
486 noncompliance, including, but not limited to, revocation of part or all of

487 the assistance provided by the state.

488 (H) In addition to the other requirements of this section, the following  
489 requirements shall apply to assisted projects covered by this section that  
490 produce five megawatts of power or more, to utility-owned projects,  
491 and to all grid-connected projects that are designed to create between  
492 two and one-half megawatts and five megawatts of power: Contractors  
493 and subcontractors on assisted projects shall pay construction craft  
494 employees on the project, at a minimum, the applicable prevailing wage  
495 and fringe benefit rates for the appropriate classification in which the  
496 worker is employed. Firms engaged in the construction of an assisted  
497 project shall be subject to all reporting and compliance requirements of  
498 section 31-53 of the general statutes. Contractors that violate prevailing  
499 wage requirements on assisted projects shall be subject to penalties and  
500 sanctions in accordance with section 31-53 of the general statutes. In  
501 addition, the failure of a party receiving assistance on an assisted project  
502 to take reasonable steps to ensure that contractors comply with this  
503 subdivision shall constitute a material breach of the agreement, grant,  
504 loan, commitment of funds, or other instrument pursuant to which  
505 under which assistance is provided and shall permit the state to impose  
506 appropriate penalties, including, but not limited to, revocation or  
507 recoupment of all or part of the assistance provided by the state, and an  
508 award of compensation to employees who were deprived of the benefits  
509 of applicable wage and benefit standards.

510 (g) For purposes of this subsection:

511 (1) "Best value" has the same meaning as prescribed in section 4e-1 of  
512 the general statutes.

513 (2) "Assisted project" means a construction project that concerns the  
514 development of renewable energy project or energy efficiency project,  
515 or is a construction project related thereto, as to which the state provides  
516 economic assistance of any kind including, but not limited to, renewable  
517 energy credits, grants, loans, commitments of funds, or tax abatements  
518 or exemptions or other assistance with a total present financial value of

519 one million dollars or more.

520 (3) "Renewable energy project" means a project that is intended to or  
521 will have the effect of enhancing energy efficiency, building  
522 electrification upgrades, the development of renewable energies, or  
523 enhancing climate change resiliency, and will include projects that  
524 create useable energy from solar power, wind power, a fuel cell,  
525 geothermal sources, landfill methane gas, anaerobic digestion or other  
526 biogas derived from biological sources, thermal electric direct energy  
527 conversion from a certified Class I renewable energy source, ocean  
528 thermal power, wave or tidal power, low emission advanced renewable  
529 energy conversion technologies, and zero emission low grade heat  
530 power generation systems based on organic oil free rankine, kalina or  
531 similar nonstream cycles that use waste heat from an industrial or  
532 commercial process that does not generate electricity, a run-of-the-river  
533 hydropower facility that began operation after July 1, 2003, and has a  
534 generating capacity of not more than thirty megawatts, a run-of-the-  
535 river hydropower facility that received a new license after January 1,  
536 2018, or a biomass facility that uses sustainable biomass fuel, as defined  
537 in subsection (a) of section 16-1 of the general statutes.

538 (4) "Employment conditions" means the terms under which  
539 employees provide their labor to a contractor, and shall include, but not  
540 be limited to, wage rates, insurance, paid sick and vacation leave,  
541 retirement benefits, uniform and tool allowances, longevity bonuses,  
542 provision of break time, provision of break areas, provision of full-time  
543 jobs rather than part-time jobs, the existence of a neutrality policy or  
544 agreement with respect to labor unions seeking to represent that the  
545 offeror's or offeror's contractor's employees, health and safety  
546 protections, and the existence of a collective bargaining agreement.

547 (5) "Awarding authority" means the state thereof empowered to  
548 provide assistance to operators of renewable energy projects funded by  
549 this section.

550 (6) "Assistance" means the provision of financial assistance of any

551 kind, including, but not limited to, by grant, award, instrument, loan,  
552 commitment of funds, or renewable energy credit, to an operator of a  
553 renewable energy project which assistance has a present financial value  
554 of one million dollars or more.

555 (7) "Vendor" means a business entity which receives assistance from  
556 the awarding authority.

557 (8) "Subcontract" means an agreement between a vendor and  
558 subvendor to provide manufactured materials or perform additional  
559 work under the vendor.

560 (9) "Subvendor" means a business entity entering into a subcontract  
561 with the vendor to provide manufactured materials for completion of  
562 an assisted project.

563 (10) "Workforce development program" means a program pursuant  
564 to which newly hired employees and already hired employees from  
565 disadvantaged communities, including zip codes with high rates of  
566 poverty, unemployment and chronic unemployment, as well as  
567 individuals with barriers to employment, including people who have  
568 been incarcerated, and people who have been traditionally  
569 underrepresented in the relevant employment, are given the  
570 opportunities for skill development that will enable them to qualify for  
571 higher paying jobs on an assisted project; a workforce development  
572 program shall include (A) apprenticeship training through a class A  
573 apprenticeship program for each trade in which it employs craft  
574 workers that is actively training employees, has functioning training  
575 facilities, and is regularly graduating apprentices to journey person  
576 status, and such apprentices are placed in employment, and (B)  
577 preapprenticeship training that will enable students to qualify for  
578 apprenticeship training in a class A apprenticeship program.

579 (11) "State" means the state of Connecticut or any political  
580 subdivision thereof.

581 (A) The state may select recipients of state assistance for an assisted

582 project using either a competitive bidding or a competitive negotiation  
583 process. Solicitations used in connection with an assisted project shall  
584 utilize the following procedures: Solicitations shall be designed to  
585 ensure best value results for the state by: (i) Permitting project proposals  
586 for any type of viable renewable energy source; and (ii) promoting  
587 maximum competition among qualified offerors presenting proposals.

588 (B) Solicitations shall be administered through a public request for  
589 proposals process that provides adequate notice, instructions for  
590 submitting proposals and other relevant information as determined by  
591 the agency.

592 (C) Requests for proposals shall require proposals from an offeror,  
593 which include: (i) Proposed project, including type, viability and  
594 projected amount of energy, project plan and schedule; (ii) the  
595 qualifications, resources and capabilities of the offeror and, the project  
596 team to be used on the project.

597 (D) The agency shall approve the project that provides the best value,  
598 considering the viability and benefits of the proposed project and  
599 qualifications of the offeror and project team.

600 (E) Requests for proposals shall be administered in compliance with  
601 this section and additional instructions set forth in the solicitation and  
602 notice of requests for proposals:

603 (i) The agency shall evaluate proposals on the basis of a maximum  
604 point scale. Proposals shall be scored only on the basis of the evaluation  
605 factors set forth in the request for proposals.

606 (ii) Request for proposals shall include only factors listed in this  
607 section and any additional factors or subfactors the state deems  
608 necessary for achieving best value results.

609 (iii) The offeror that complies with the specifications and  
610 requirements of the request for proposals and receives the highest  
611 maximum score shall be selected by the agency for a project award.

612 (F) In evaluating competitive proposals, the agency shall evaluate the  
613 proposed project on the following factors:

614 (i) Projected amount of energy to be generated;

615 (ii) Viability of the proposed energy source;

616 (iii) Feasibility of the project plan and schedule;

617 (iv) Qualifications of the offeror and the project team;

618 (v) Positive impact on the community and disadvantaged populace;

619 (vi) Employment conditions; and

620 (vii) Environmental impacts of the proposed project.

621 (G) The offeror's qualifications shall be determined by an evaluation  
622 of its past performance record, expertise and technical qualifications  
623 and present performance capabilities, including financial resources and  
624 experience of the offeror's senior management and project team  
625 management.

626 (H) The qualifications of the lead contractor and subcontractors shall  
627 be determined by an evaluation of the following subfactors:

628 (i) Past performance record. Evaluation of this subfactor requires a  
629 review of past projects, including budget, schedule and safety data,  
630 performance evaluation reports, quality of workmanship and  
631 compliance with project specifications;

632 (ii) Expertise and technical qualifications. Evaluation of this subfactor  
633 requires examination of the general and specific experience in relevant  
634 market sectors and in projects similar to the proposed project.

635 (iii) Performance capabilities of management. Evaluation of this  
636 subfactor requires examination of: (I) Resources, including equipment  
637 and financial resources; and (II) experience of the senior management  
638 and project management of the lead contractor and subcontractors; and

639 (iv) Performance capabilities of craft labor. Evaluation of craft labor  
640 personnel shall consider the use of: (I) Project labor agreements as a  
641 reliable source for ensuring an adequate supply of skilled craft labor in  
642 all trades needed for the proposed project; (II) participation in registered  
643 apprenticeship programs that have a track record of graduating  
644 apprentices for at least three years and journey person; (III) training  
645 programs used to provide training for upgrading skills or training for  
646 specialized skills; (IV) training programs that provide safety training  
647 and certification, including, but not limited to, OSHA ten-hour and  
648 thirty-hour programs.

649 (I) Proposers shall describe how they will create a workforce training  
650 plan pursuant to which they will: (i) Recruit and hire individuals from  
651 zip codes with high rates of poverty unemployment and chronic  
652 unemployment; (ii) give priority in any hiring to persons not currently  
653 or previously employed by the proposer and the suppliers of  
654 manufactured materials for the project to individuals with barriers to  
655 employment, including people who have been incarcerated, people  
656 with disabilities, and people who have been traditionally  
657 underrepresented in the relevant employment; (iii) take advantage of  
658 publicly funded workforce development programs to train new and  
659 retained employees; (iv) include employment opportunities for  
660 apprentices through an apprenticeship program registered with the  
661 Labor Department or a federally recognized state apprenticeship agency  
662 that complies with the requirements of 29 CFR 29 and 30; (v) include  
663 commitments to provide preapprenticeship training; and (vi) enter into  
664 a community benefits agreement to benefit the communities in which  
665 the project may be sited.

666 (J) The terms under which employees provide their labor to a  
667 contractor, including, but not be limited to, wage rates, insurance, paid  
668 sick and vacation leave, retirement benefits, uniform and tool  
669 allowances, longevity bonuses, provision of break time, provision of  
670 break areas, provision of full-time jobs rather than part-time jobs;

671 (K) The existence of a labor peace agreement with any union seeking

672 to represent the contractor's employees;

673 (L) Health and safety protections; and

674 (M) The existence of a collective bargaining agreement.

675 (h) Environmental impacts of the proposed project. Evaluation of this  
676 subfactor requires consideration of the project's likely environmental  
677 impacts and their effect on human and ecological health.

678 (i) The lead contractor shall provide a list in its proposals that  
679 identifies the names of all subcontractors, regardless of tier, it proposes  
680 to use for the project and the scope of work and approximate percentage  
681 of the total project of each subcontractor listed.

682 (j) Requests for proposals may be preceded by a prequalification  
683 stage to require interested offerors to demonstrate that they have  
684 adequate minimum qualifications and sufficiently viable project  
685 proposals to qualify to compete in a request for proposals process.

686 (k) Evaluation of this factor shall include an assessment of the degree  
687 to which the project promotes opportunities to small, minority-owned  
688 businesses and workers in economically disadvantaged communities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Purpose:**

To provide for a just transition to climate-protective energy production and community investment.

*[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.]*