



General Assembly

**Amendment**

January Session, 2021

LCO No. 10338



Offered by:  
SEN. FLEXER, 29<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1076

File No. 494

Cal. No. 287

**"AN ACT CONCERNING PUBLIC-PRIVATE PARTNERSHIPS AND  
PRIVATIZATION OF STATE SERVICES AT THE UNIVERSITY OF  
CONNECTICUT HEALTH CENTER."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (k) of section 4a-100 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
5 *2021*):

6 (k) (1) Any substantial evidence of fraud in obtaining or maintaining  
7 prequalification or any materially false statement in the application [,]  
8 or update statement [or update bid statement] may, in the discretion of  
9 the awarding authority, result in termination of any contract awarded  
10 the contractor by the awarding authority. The awarding authority shall  
11 provide written notice to the commissioner of such false statement not  
12 later than thirty days after discovering such false statement. The  
13 commissioner shall provide written notice of such false statement to the  
14 Commissioner of Consumer Protection and the president of The

15 University of Connecticut not later than thirty days after discovering  
16 such false statement or receiving such notice.

17 (2) The commissioner shall deny or revoke the prequalification of any  
18 contractor or substantial subcontractor if the commissioner finds that  
19 the contractor or substantial subcontractor, or a principal or key  
20 personnel of such contractor or substantial subcontractor, within the  
21 past five years (A) has included any materially false statement in a  
22 prequalification application [ ] or update statement, [or update bid  
23 statement,] (B) has been convicted of, entered a plea of guilty or nolo  
24 contendere for, or admitted to, a crime related to the procurement or  
25 performance of any public or private construction contract, or (C) has  
26 otherwise engaged in fraud in obtaining or maintaining  
27 prequalification. Any revocation made pursuant to this subsection shall  
28 be made only after an opportunity for a hearing. Any contractor or  
29 substantial subcontractor whose prequalification has been revoked  
30 pursuant to this subsection shall be disqualified for a period of two years  
31 after which the contractor or substantial subcontractor may reapply for  
32 prequalification, except that a contractor or substantial subcontractor  
33 whose prequalification has been revoked on the basis of conviction of a  
34 crime or engaging in fraud shall be disqualified for a period of five years  
35 after which the contractor or substantial subcontractor may reapply for  
36 prequalification. The commissioner shall not prequalify a contractor or  
37 substantial subcontractor whose prequalification has been revoked  
38 pursuant to this subdivision until the expiration of said two-year, five-  
39 year, or other applicable disqualification period and the commissioner  
40 is satisfied that the matters that gave rise to the revocation have been  
41 eliminated or remedied.

42 Sec. 2. Subsection (n) of section 4a-100 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
44 *2021*):

45 (n) The commissioner shall establish an update statement for use by  
46 contractors and substantial subcontractors for purposes of renewing or  
47 upgrading a prequalification certificate [and an update bid statement]

48 for purposes of submitting a bid pursuant to section 4b-91, as amended  
49 by this act.

50 Sec. 3. Subsections (d) and (e) of section 4b-91 of the general statutes  
51 are repealed and the following is substituted in lieu thereof (*Effective July*  
52 *1, 2021*):

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

80 (e) Any person who bids on a contract described in subsection (c) of

81 this section shall certify under penalty of false statement at the  
82 conclusion of the bidding process that the information in the bid is true,  
83 that there has been no substantial change in the bidder's financial  
84 position or corporate structure since the bidder's most recent  
85 prequalification certificate was issued or renewed, other than those  
86 changes noted in the update [bid] statement, and that the bid was made  
87 without fraud or collusion with any person.

88 Sec. 4. Section 4b-92 of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective July 1, 2021*):

90 As used in this chapter and except as otherwise provided, "lowest  
91 responsible and qualified bidder" means the bidder who is prequalified  
92 pursuant to section 4a-100, and whose bid is the lowest of those bidders  
93 possessing the skill, ability and integrity necessary to faithful  
94 performance of the work based on objective criteria considering past  
95 performance and information contained in the update [bid] statement  
96 submitted pursuant to section 4b-91, as amended by this act. Essential  
97 information in regard to such qualifications shall be submitted with the  
98 bid in such form as the awarding authority may require by specification  
99 in the bid documents and on the bid form. Every general bid shall be  
100 accompanied by a bid bond or a certified check in an amount which shall  
101 be ten per cent of the bid, provided no such bid bond or certified check  
102 shall be required in relation to any general bid in which the total  
103 estimated cost of labor and materials under the contract with respect to  
104 which such general bid is submitted is less than fifty thousand dollars.  
105 Failure to execute a contract awarded as specified and bid shall result in  
106 the forfeiture of such bid bond or certified check. In considering past  
107 performance the awarding authority shall evaluate the skill, ability and  
108 integrity of bidders in terms of the bidders' fulfillment of contract  
109 obligations and of the bidders' experience or lack of experience with  
110 projects of the nature and scope of the project for which the bids are  
111 submitted.

112 Sec. 5. Section 4b-22a of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	4a-100(k)
Sec. 2	July 1, 2021	4a-100(n)

Sec. 3	<i>July 1, 2021</i>	4b-91(d) and (e)
Sec. 4	<i>July 1, 2021</i>	4b-92
Sec. 5	<i>July 1, 2021</i>	4b-22a