



Christopher Fryxell, President  
Associated Builders & Contractors, CT Chapter

**SUPPORT SB 241: An Act Concerning Oversight and Transparency at the  
Connecticut Port Authority**

**Transportation Committee  
February 19, 2021**

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Chairman Lemar, Chairman Cassano, Chairman Simms, Ranking Member Somers, Ranking Member Carney and members of the Transportation Committee, thank you for the opportunity to testify today. My name is Christopher Fryxell and I am the President of the Associated Builders and Contractors of Connecticut (CT ABC). CT ABC is a statewide trade association made up of over 200 companies, large and small, that represent merit shop contractors. I am testifying today on behalf of those members.

We write to add our names to the growing chorus of individuals, groups and businesses concerned about the lack of transparency and oversight of the CT Port Authority (CTPA) and we applaud this committee for attempting to address the issue through Proposed Bill 241. We urge you to amend statute to make clear that the Port Authority must follow state contracting standards and procedures and that watchdog agencies, including the State Contract Review Board, have jurisdiction in their matters.

Our concerns stem from the contracting standards and processes thus far followed by the CTPA on the State Pier Redevelopment Project. On July 21<sup>st</sup> of 2020 the Port Authority released a Request For Qualification (RFQ) for a Construction Manager at Risk (CMR) for infrastructure improvements to the state pier. Section 5.01 of the RFQ reads: "The Authority, pursuant to Public Act 12-70, Sect. 5, has determined that it is in the public's best interest to require a Project Labor Agreement (PLA) for this Project..."

We were surprised to learn that a PLA would be mandated on this project and that no inquiries were made to our association as could be expected in performing due diligence studies on a project this size. On July 22<sup>nd</sup> I submitted a Freedom of Information Act request to the CTPA requesting all "documentation, studies, research or otherwise relevant information that assisted the Authority in reaching such conclusion [to use a PLA]." On September 28<sup>th</sup> the CTPA responded to my request that the Authority has "no documents responsive". Further, the Authority indicated that they considered OPM and DAS to be party to my request which yielded no responsive documents.

A review of meeting minutes and recordings of the CTPA Board of Directors indicates that the PLA mandate was never discussed or voted upon by the board. In a radio interview the Executive Director, who was not with the CTPA when the PLA decision

was made but nonetheless should be knowledgeable of such decisions, claimed ignorance when asked how the PLA came to be.

In short, there is no explanation of how the PLA came to be or how it was determined to be in the public's best interest.

ABC believes that government mandated PLAs should be avoided because they allow for state construction dollars to be funneled to special interest at the expense of taxpayers and the majority of Connecticut construction companies and their employees who are robbed of the fair opportunity to compete for work due solely to their labor affiliation status. Regrettably, Section 31-56b of the CT General Statutes does permit the use of a PLA; however, the statute requires that the granting authority determine a PLA is in the public's best interest and lists a number of considerations to be used in making that determination. It's worth noting that state authorities are not required to similarly justify a decision to forgo a PLA.

Steering taxpayer construction dollars without proper justification to do so is a very dangerous precedent to allow. It is clear that the Port Authority violated state statute here, what is unclear is what remedy exists. The State Contract Review Board (SCRB) has agreed to investigate the decision to use a PLA but now has concerns the statute creating the Authority may exempt it from SCRB's jurisdiction. They have had to request a formal opinion from the Attorney General to settle the question. Such a question should not exist.

The CTPA is spending taxpayer dollars and works in conjunction with, perhaps at the direction of, government employees and officials. They must adhere to the same standards expected of all of our government agencies and be held to account when they stray from those standards.

In closing I will leave you with a quote from State Contract Review Board Chairman Laurence Fox who at a recent meeting said:

**"Nimble has come to mean all kinds of things that I don't think were intended with the quasi-publics. Nimble should not mean having bad procurement policies. Nimble should not mean an uneven playing field for people that want to bid on projects. Nimble should not mean sacrificing the due diligence that we need to protect the taxpayers of this state."**

We agree.

Thank you for your time and consideration and I am happy to answer any questions. For follow up I can be reached at 860-838-6226 or [chrisf@ctabc.org](mailto:chrisf@ctabc.org).

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