
OLR Bill Analysis

sHB 5495

AN ACT REESTABLISHING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE AND CONCERNING STATE CONTRACTOR PREQUALIFICATION AND REAL ESTATE ACQUISITIONS OF THE UNIVERSITY OF CONNECTICUT.

SUMMARY

This bill makes various changes affecting legislative oversight, state contracting, and state real property acquisitions. It re-establishes the Program Review and Investigations (PRI) Committee as a 12-member permanent standing committee and generally restores the committee's previous powers and duties (e.g., the authority to access state agencies' records and files). The committee previously existed from 1973 through 2016 (see BACKGROUND).

Separately, the bill expands the information that applicants must disclose when seeking state contractor prequalification from the Department of Administrative Services (DAS) to include information about certain pending or settled administrative proceedings against the applicant as well as certain penalties levied for labor law violations. It also expands the reasons for which DAS must revoke a prequalification certificate.

Additionally, the bill subjects UConn's real property purchases and acquisitions to review and approval by the Office of Policy and Management (OPM) secretary, State Properties Review Board (SPRB), and the attorney general. Lastly, it makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022, except that the DAS and UConn provisions are effective October 1, 2022.

§§ 1-10 — PRI COMMITTEE***Composition***

The bill re-establishes the PRI Committee as a 12-member permanent standing committee with three members from each caucus appointed by the caucus's leader at the beginning of each regular session in an odd-numbered year. Members serve for two years from their appointment, and their service ends with the termination of their term or holding of office, whichever occurs first. The chairpersons and ranking members of a joint standing committee requesting an investigation must serve as ex-officio, nonvoting PRI Committee members during the course of the investigation.

The bill requires the committee members to elect chairpersons from among the members. (In prior practice, the committee had one chairperson from each party, alternating between the caucuses each term.) Under the bill, all committee actions require a majority vote of the full committee membership, and a majority of the membership constitutes a quorum.

Powers and Duties

As under prior law, the bill requires the PRI Committee to examine state agency programs to determine whether they are effective, continue to serve their intended purpose, are conducted in an efficient and effective manner, or require modification or elimination. It allows the committee to receive study requests from legislators, legislative committees, elected state officials, agency heads, and the legislature as a whole. It also allows the committee to undertake studies at its own initiative.

The bill restores PRI's previous statutory powers and duties, including the following:

1. obtain public records, data, information, and other assistance needed by the committee from political subdivisions (e.g., municipalities) and state agencies, officers, and authorities;
2. subpoena (by either chairperson) witnesses and require the

- production of books, papers, and other documents;
3. retain, within available appropriations, consultants, technical assistants, research, and other needed personnel;
 4. review and assess reports from the state auditors and quasi-public agencies; and
 5. report to the legislature annually by February 15.

The bill also restores provisions requiring the Department of Children and Families (DCF) and Judicial Review Council to disclose to the PRI Committee specified information when requested by the committee in writing upon a majority vote. Specifically, it requires DCF to disclose records from its abuse and neglect registry. (Under existing law, it must disclose these records to the Children's, Human Services, and Judiciary committees upon a majority vote by the applicable committee.) The bill requires the Judicial Review Council to disclose information about complaints received against judges, administrative law judges, and family support magistrates, as well as the complaints' investigation and disposition. However, the council cannot disclose names or other identifying information.

Like prior law, the bill prohibits disclosing the identity of a public employee who provides information to the PRI Committee. It makes the committee's investigation records exempt from disclosure under the Freedom of Information Act until the investigation is completed.

The bill also subjects the committee and its staff and authorized representatives to statutory confidentiality requirements for records, data, and information to the same extent that these requirements apply to other agencies and officials, including penalties for violations.

§§ 11, 12 & 16 — DAS PREQUALIFICATION

Application

The bill expands the information that applicants must disclose when seeking state contractor prequalification from DAS. By law, state public works contracts that exceed \$500,000 (or \$1.5 million for DAS-

administered projects) generally must be awarded to a contractor that is prequalified by DAS (CGS § 4b-91). The law also requires prequalification by “substantial subcontractors” (i.e., those that perform work whose value exceeds \$500,000) (CGS § 4a-100(a)).

Existing law requires prequalification applicants to disclose information about any legal or administrative proceedings concluded adversely against them, or their principals or key personnel, within the last five years relating to the procurement or performance of any public or private construction contract. The bill also requires applicants to disclose any proceedings meeting these criteria that were pending or settled within the past five years.

Additionally, the bill requires applicants to disclose administrative proceedings concluded adversely against them within the past five years that resulted in a (1) civil penalty with respect to wages, employment regulation, workers’ compensation, or employee personnel files or (2) stop-work order with respect to workers’ compensation.

Revocation

The bill adds to the reasons for which the DAS commissioner must deny or revoke a contractor’s or substantial subcontractor’s prequalification. Under the bill, she must do so for any contractor or substantial subcontractor that, within the past five years, has withheld any information or documentation requested in a prequalification application. Under existing law, a prequalification revocation generally disqualifies a contractor or substantial subcontractor from seeking prequalification for two years.

§§ 13-15 — UCONN REAL PROPERTY ACQUISITIONS

Existing law allows UConn to directly purchase or acquire land or interest in land for the state. The bill requires UConn to obtain approval from the attorney general, OPM secretary, and SPRB when doing so. It makes a conforming change to specifically subject purchases and acquisitions made under the UConn 2000 infrastructure program to these requirements. Existing law subjects real property purchases and

acquisitions by DAS to approval by these same three entities.

The bill also subjects real estate sales by UConn to SPRB review, but it is unclear if this extends to sales made under the UConn 2000 program. (For UConn 2000, existing law allows UConn to hold, sell, assign, lease, rent, encumber, other than by mortgage, or otherwise dispose of any real property or interest in real property.)

BACKGROUND

PRI Committee

The PRI Committee previously existed from 1973 through 2016. The committee's funding was eliminated by the FY 17 budget revisions (PA 16-2, May Special Session). PA 17-60 eliminated statutory references to the committee's powers and duties.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/28/2022)