



General Assembly

February Session, 2022

Raised Bill No. 428

LCO No. 3193



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
DEPARTMENT OF ADMINISTRATIVE SERVICES RELATING TO
SCHOOL CONSTRUCTION.***

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

1 Section 1. Subsection (c) of section 10-286 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2022*):

4 (c) In the computation of grants pursuant to this section for any
5 school building project authorized by the General Assembly pursuant
6 to section 10-283, as amended by this act, (1) after January 1, 1993, any
7 maximum square footage per pupil limit established pursuant to this
8 chapter or any regulation adopted by the State Board of Education or
9 the Department of Administrative Services pursuant to this chapter
10 shall be increased by twenty-five per cent for a building constructed
11 prior to [1950] 1959; (2) after January 1, 2004, any maximum square
12 footage per pupil limit established pursuant to this chapter or any
13 regulation adopted by the Department of Administrative Services
14 pursuant to this chapter shall be increased by up to one per cent to

15 accommodate a heating, ventilation or air conditioning system, if
16 needed; (3) for the period from July 1, 2006, to June 30, 2009, inclusive,
17 for projects with total authorized project costs greater than ten million
18 dollars, if total construction change orders or other change directives
19 otherwise eligible for grant assistance under this chapter exceed five per
20 cent of the authorized total project cost, only fifty per cent of the amount
21 of such change order or other change directives in excess of five per cent
22 shall be eligible for grant assistance; and (4) after July 1, 2009, for projects
23 with total authorized project costs greater than ten million dollars, if
24 total construction change orders or other change directives otherwise
25 eligible for grant assistance exceed five per cent of the total authorized
26 project cost, such change order or other change directives in excess of
27 five per cent shall be ineligible for grant assistance.

28 Sec. 2. Subdivision (2) of subsection (a) of section 10-283 of the 2022
29 supplement to the general statutes is repealed and the following is
30 substituted in lieu thereof (*Effective July 1, 2022*):

31 (2) The Commissioner of Administrative Services shall assign each
32 school building project to a category on the basis of whether such project
33 is primarily required to: (A) Create new facilities or alter existing
34 facilities to provide for mandatory instructional programs pursuant to
35 this chapter, for physical education facilities in compliance with Title IX
36 of the Elementary and Secondary Education Act of 1972 where such
37 programs or such compliance cannot be provided within existing
38 facilities or for the correction of code violations which cannot be
39 reasonably addressed within existing program space; (B) create new
40 facilities or alter existing facilities to enhance mandatory instructional
41 programs pursuant to this chapter or provide comparable facilities
42 among schools to all students at the same grade level or levels within
43 the school district unless such project is otherwise explicitly included in
44 another category pursuant to this section; and (C) create new facilities
45 or alter existing facilities to provide supportive services, provided in no
46 event shall such supportive services include swimming pools,
47 auditoriums, outdoor athletic facilities, tennis courts, elementary school
48 playgrounds, site improvement or garages or storage, parking or

49 general recreation areas. All applications submitted prior to July first
50 shall be reviewed promptly by the Commissioner of Administrative
51 Services. The Commissioner of Administrative Services shall estimate
52 the amount of the grant for which such project is eligible, in accordance
53 with the provisions of section 10-285a, provided an application for a
54 school building project determined by the Commissioner of Education
55 to be a project that will assist the state in meeting its obligations
56 pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any
57 related stipulation or order in effect, as determined by the
58 Commissioner of Education, shall have until September first to submit
59 an application for such a project and may have until December first of
60 the same year to secure and report all local and state approvals required
61 to complete the grant application. The Commissioner of Administrative
62 Services shall annually prepare a listing of all such eligible school
63 building projects listed by category together with the amount of the
64 estimated grants for such projects and shall submit the same to the
65 Governor, the Secretary of the Office of Policy and Management and the
66 General Assembly on or before the fifteenth day of December, except as
67 provided in section 10-283a, with a request for authorization to enter
68 into grant commitments. On or before December thirty-first annually,
69 the Secretary of the Office of Policy and Management may submit
70 comments and recommendations regarding each eligible project on
71 such listing of eligible school building projects to the school construction
72 committee, established pursuant to section 10-283a. Each such listing
73 shall include a report on the following factors for each eligible project:
74 (i) An enrollment projection and the capacity of the school, (ii) a
75 substantiation of the estimated total project costs, (iii) the readiness of
76 such eligible project to begin construction, (iv) efforts made by the local
77 or regional board of education to redistrict, reconfigure, merge or close
78 schools under the jurisdiction of such board prior to submitting an
79 application under this section, (v) enrollment and capacity information
80 for all of the schools under the jurisdiction of such board for the five
81 years prior to application for a school building project grant, (vi)
82 enrollment projections and capacity information for all of the schools
83 under the jurisdiction of such board for the eight years following the

84 date such application is submitted, and (vii) the state's education
85 priorities relating to reducing racial and economic isolation for the
86 school district. On and after July 1, 2022, each such listing shall include
87 an addendum that contains all grants approved pursuant to subsection
88 (b) of this section during the prior fiscal year. For the period beginning
89 July 1, 2006, and ending June 30, 2012, no project, other than a project
90 for a technical education and career school, may appear on the separate
91 schedule of authorized projects which have changed in cost more than
92 twice. On and after July 1, 2012, no project, other than a project for a
93 technical education and career school, may appear on the separate
94 schedule of authorized projects which have changed in cost more than
95 once, except the Commissioner of Administrative Services may allow a
96 project to appear on such separate schedule of authorized projects a
97 second time if the town or regional school district for such project can
98 demonstrate that exigent circumstances require such project to appear a
99 second time on such separate schedule of authorized projects.
100 Notwithstanding any provision of this chapter, no projects which have
101 changed in scope or cost to the degree determined by the Commissioner
102 of Administrative Services, in consultation with the Commissioner of
103 Education, shall be eligible for reimbursement under this chapter unless
104 it appears on such list. The percentage determined pursuant to section
105 10-285a at the time a school building project on such schedule was
106 originally authorized shall be used for purposes of the grant for such
107 project. On and after July 1, 2006, a project that was not previously
108 authorized as an interdistrict magnet school shall not receive a higher
109 percentage for reimbursement than that determined pursuant to section
110 10-285a at the time a school building project on such schedule was
111 originally authorized. The General Assembly shall annually authorize
112 the Commissioner of Administrative Services to enter into grant
113 commitments on behalf of the state in accordance with the
114 commissioner's categorized listing for such projects as the General
115 Assembly shall determine. The Commissioner of Administrative
116 Services may not enter into any such grant commitments except
117 pursuant to such legislative authorization. Any regional school district
118 which assumes the responsibility for completion of a public school

119 building project shall be eligible for a grant pursuant to subdivision (5)
120 or (6), as the case may be, of subsection (a) of section 10-286 when such
121 project is completed and accepted by such regional school district.

122 Sec. 3. Subsection (b) of section 10-283 of the 2022 supplement to the
123 general statutes is repealed and the following is substituted in lieu
124 thereof (*Effective July 1, 2022*):

125 (b) [(1)] Notwithstanding the application date requirements of this
126 section, at any time within the limit of available grant authorization and
127 within the limit of appropriated funds, the Commissioner of
128 Administrative Services, in consultation with the Commissioner of
129 Education, may approve applications for grants and make payments for
130 such grants, for any of the following reasons: (A) To assist school
131 building projects to remedy damage from fire and catastrophe, (B) to
132 correct safety, health and other code violations, (C) to replace roofs,
133 including the replacement or installation of skylights as part of the roof
134 replacement project, (D) to remedy a certified school indoor air quality
135 emergency, (E) to install insulation for exterior walls and attics, or (F) to
136 purchase and install a limited use and limited access elevator, windows,
137 photovoltaic panels, wind generation systems, building management
138 systems [, a public school administrative or service facility] or portable
139 classroom buildings, provided portable classroom building projects
140 shall not create a new facility or cause an existing facility to be modified
141 so that the portable buildings comprise a substantial percentage of the
142 total facility area, as determined by the commissioner. [, or (G) for school
143 security projects, including, but not limited to, making improvements to
144 existing school security infrastructure or installing new school security
145 infrastructure.]

146 [(2)] Not later than seven calendar days following the discovery of a
147 reason described in subparagraphs (A) to (F), inclusive, of subdivision
148 (1) of this subsection, the superintendent of schools of a town or regional
149 school district shall notify the Commissioner of Administrative Services
150 in writing of such reason in order to be eligible for a grant under this
151 subsection. Such superintendent shall submit an application to the

152 commissioner not later than six months following such notification in
153 order to receive a grant under this subsection.]

154 Sec. 4. Subsection (d) of section 10-287 of the 2022 supplement to the
155 general statutes is repealed and the following is substituted in lieu
156 thereof (*Effective July 1, 2022*):

157 (d) (1) Each town or regional school district shall submit a final grant
158 application to the Department of Administrative Services within one
159 year from the date of completion and acceptance of the school building
160 project by the town or regional school district. If a town or regional
161 school district fails to submit a final grant application within said period
162 of time, the commissioner may withhold ten per cent of the state
163 reimbursement for such project.

164 (2) (A) On and after July 1, 2022, each town or regional school district
165 shall submit a notice of project completion within three years from the
166 date of the issuance of a certificate of occupancy for the school building
167 project by the town or regional school district. If a town or regional
168 school district fails to submit such notice of project completion within
169 said period of time, the commissioner shall deem such project
170 completed and conduct an audit of such project in accordance with the
171 provisions of this chapter.

172 (B) For any school building project authorized by the General
173 Assembly prior to July 1, 2022, the commissioner shall deem as complete
174 any such project in which a certificate of occupancy has been granted,
175 but for which a notice of project completion has not been submitted by
176 the town or regional school district on or before July 1, 2025.

177 Sec. 5. Subsection (b) of section 10-292q of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective July 1,*
179 *2022*):

180 (b) The School Building Projects Advisory Council shall (1) develop
181 model blueprints for new school building projects that are in accordance
182 with industry standards for school buildings and the school safety

183 infrastructure criteria, developed pursuant to section 10-292r, as
184 amended by this act, (2) conduct studies, research and analyses, [and]
185 (3) make recommendations for improvements to the school building
186 projects processes to the Governor and the joint standing committee of
187 the General Assembly having cognizance of matters relating to
188 appropriations and the budgets of state agencies, education and finance,
189 revenue and bonding, and (4) periodically review and update, as
190 necessary, the school safety infrastructure criteria developed pursuant
191 to section 10-292r, as amended by this act.

192 Sec. 6. Section 10-292r of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective July 1, 2022*):

194 [(a) There is established a School Safety Infrastructure Council. The
195 council shall consist of: (1) The Commissioner of Administrative
196 Services, or the commissioner's designee; (2) the Commissioner of
197 Emergency Services and Public Protection, or the commissioner's
198 designee; (3) the Commissioner of Education, or the commissioner's
199 designee; (4) one appointed by the president pro tempore of the Senate,
200 who shall be a person with expertise in building security, preferably
201 school building security; (5) one appointed by the speaker of the House
202 of Representatives, who shall be a licensed professional engineer who is
203 a structural engineer; (6) one appointed by the majority leader of the
204 Senate, who shall be a public school administrator certified by the State
205 Board of Education; (7) one appointed by the majority leader of the
206 House of Representatives, who shall be a firefighter, emergency medical
207 technician or a paramedic; (8) one appointed by the minority leader of
208 the Senate, who shall be a school resource officer; (9) one appointed by
209 the minority leader of the House of Representatives, who shall be a
210 public school teacher certified by the State Board of Education; and (10)
211 two appointed by the Governor, one of whom shall be a licensed
212 building official and one of whom shall be a licensed architect. The
213 Commissioner of Administrative Services shall serve as the chairperson
214 of the council. The administrative staff of the Department of
215 Administrative Services shall serve as staff for the council and assist
216 with all ministerial duties.]

217 [(b)] (a) The [School Safety Infrastructure Council] School Building
 218 Projects Advisory Council, established pursuant to section 10-292q, as
 219 amended by this act, shall [develop] periodically review and update, as
 220 necessary, school safety infrastructure criteria for school building
 221 projects awarded grants pursuant to this chapter and the school security
 222 infrastructure competitive grant program, pursuant to section 84 of
 223 public act 13-3*. Such school safety infrastructure criteria shall conform
 224 to industry standards for school building safety infrastructure and shall
 225 address areas including, but not be limited to, (1) entryways to school
 226 buildings and classrooms, such as, reinforcement of entryways, ballistic
 227 glass, solid core doors, double door access, computer-controlled
 228 electronic locks, remote locks on all entrance and exits and buzzer
 229 systems, (2) the use of cameras throughout the school building and at
 230 all entrances and exits, including the use of closed-circuit television
 231 monitoring, (3) penetration resistant vestibules, and (4) other security
 232 infrastructure improvements and devices as they become industry
 233 standards. [The council shall meet at least annually to review and
 234 update, if necessary, the school safety infrastructure criteria and make
 235 such criteria available to local and regional boards of education.]

236 [(c)] (b) [Not later than January 1, 2014, and annually thereafter, the
 237 School Safety Infrastructure Council] The School Building Projects
 238 Advisory Council shall submit any updates made to the school safety
 239 infrastructure criteria to the Commissioners of Emergency Services and
 240 Public Protection and Education [, the School Building Projects
 241 Advisory Council, established pursuant to section 10-292q,] and the
 242 joint standing committees of the General Assembly having cognizance
 243 of matters relating to public safety and education, in accordance with
 244 the provisions of section 11-4a.

245 Sec. 7. Subsection (b) of section 10-287 of the 2022 supplement to the
 246 general statutes is repealed and the following is substituted in lieu
 247 thereof (*Effective July 1, 2022*):

248 (b) (1) All orders and contracts for school building construction
 249 receiving state assistance under this chapter, except as provided in

250 subdivisions (2) to (4), inclusive, of this subsection, shall be awarded to
251 the lowest responsible qualified bidder only after a public invitation to
252 bid, [which shall be advertised in a newspaper having circulation in the
253 town in which construction is to take place,] except for (A) school
254 building projects for which the town or regional school district is using
255 a state contract pursuant to subsection (d) of section 10-292, and (B)
256 change orders, those contracts or orders costing less than ten thousand
257 dollars and those of an emergency nature, as determined by the
258 Commissioner of Administrative Services, in which cases the contractor
259 or vendor may be selected by negotiation, provided no local fiscal
260 regulations, ordinances or charter provisions conflict.

261 (2) All orders and contracts for architectural services shall be
262 awarded from a pool of not more than the four most responsible
263 qualified proposers after a public selection process. Such process shall,
264 at a minimum, involve requests for qualifications, followed by requests
265 for proposals, including fees, from the proposers meeting the
266 qualifications criteria of the request for qualifications process. [Public
267 advertisements shall be required in a newspaper having circulation in
268 the town in which construction is to take place, except for school
269 building projects for which the town or regional school district is using
270 a state contract pursuant to subsection (d) of section 10-292.] Following
271 the qualification process, the awarding authority shall evaluate the
272 proposals to determine the four most responsible qualified proposers
273 using those criteria previously listed in the requests for qualifications
274 and requests for proposals for selecting architectural services specific to
275 the project or school district. Such evaluation criteria shall include due
276 consideration of the proposer's pricing for the project, experience with
277 work of similar size and scope as required for the order or contract,
278 organizational and team structure, including any subcontractors to be
279 utilized by the proposer, for the order or contract, past performance
280 data, including, but not limited to, adherence to project schedules and
281 project budgets and the number of change orders for projects, the
282 approach to the work required for the order or contract and documented
283 contract oversight capabilities, and may include criteria specific to the

284 project. Final selection by the awarding authority is limited to the pool
285 of the four most responsible qualified proposers and shall include
286 consideration of all criteria included within the request for proposals.
287 As used in this subdivision, "most responsible qualified proposer"
288 means the proposer who is qualified by the awarding authority when
289 considering price and the factors necessary for faithful performance of
290 the work based on the criteria and scope of work included in the request
291 for proposals.

292 (3) (A) All orders and contracts for construction management services
293 shall be awarded from a pool of not more than the four most responsible
294 qualified proposers after a public selection process. Such process shall,
295 at a minimum, involve requests for qualifications, followed by requests
296 for proposals, including fees, from the proposers meeting the
297 qualifications criteria of the request for qualifications process. [Public
298 advertisements shall be required in a newspaper having circulation in
299 the town in which construction is to take place, except for school
300 building projects for which the town or regional school district is using
301 a state contract pursuant to subsection (d) of section 10-292.] Following
302 the qualification process, the awarding authority shall evaluate the
303 proposals to determine the four most responsible qualified proposers
304 using those criteria previously listed in the requests for qualifications
305 and requests for proposals for selecting construction management
306 services specific to the project or school district. Such evaluation criteria
307 shall include due consideration of the proposer's pricing for the project,
308 experience with work of similar size and scope as required for the order
309 or contract, organizational and team structure for the order or contract,
310 past performance data, including, but not limited to, adherence to
311 project schedules and project budgets and the number of change orders
312 for projects, the approach to the work required for the order or contract,
313 [including on and after July 1, 2022, whether the proposer intends to
314 self-perform any project element and the benefit to the awarding
315 authority that will result from such self-performance,] and documented
316 contract oversight capabilities, and may include criteria specific to the
317 project. Final selection by the awarding authority is limited to the pool

318 of the four most responsible qualified proposers and shall include
319 consideration of all criteria included within the request for proposals.
320 As used in this subdivision, "most responsible qualified proposer"
321 means the proposer who is qualified by the awarding authority when
322 considering price and the factors necessary for faithful performance of
323 the work based on the criteria and scope of work included in the request
324 for proposals.

325 (B) [On and after July 1, 2022, upon the written approval of the
326 Commissioner of Administrative Services, an awarding authority may
327 permit a construction manager to self-perform a portion of the
328 construction work if the awarding authority and the commissioner
329 determine that the construction manager can self-perform the work
330 more cost-effectively than a subcontractor. All work not performed by
331 the construction manager shall be performed by trade subcontractors
332 selected by a process approved by the awarding authority and the
333 commissioner.] The construction manager's contract shall include a
334 guaranteed maximum price for the cost of construction. Such
335 guaranteed maximum price shall be determined not later than ninety
336 days after the selection of the trade [subcontractors. Construction]
337 subcontractor bids. Each construction manager shall invite bids and
338 give notice of opportunities to bid on project elements on the State
339 Contracting Portal. Each bid shall be kept sealed until opened publicly
340 at the time and place set forth in the notice soliciting such bid. The
341 construction manager shall, after consultation and approval by the town
342 or regional school district, award any related contracts for project
343 elements to the responsible qualified contractor submitting the lowest
344 bid in compliance with the bid requirements, provided that (i) the
345 construction manager shall not be eligible to submit a bid for any such
346 project element, and (ii) construction shall not begin prior to the
347 determination of the guaranteed maximum price, except work relating
348 to site preparation and demolition may commence prior to such
349 determination.

350 (4) All orders and contracts for any other consultant services,
351 including, but not limited to, consultant services rendered by an owner's

352 representatives, construction administrators, program managers,
353 environmental professionals, planners and financial specialists, shall
354 comply with the public selection process described in subdivision (2) of
355 this subsection. No costs associated with an order or contract for such
356 consultant services shall be eligible for state financial assistance under
357 this chapter unless such order or contract receives prior approval from
358 the Commissioner of Administrative Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	10-286(c)
Sec. 2	<i>July 1, 2022</i>	10-283(a)(2)
Sec. 3	<i>July 1, 2022</i>	10-283(b)
Sec. 4	<i>July 1, 2022</i>	10-287(d)
Sec. 5	<i>July 1, 2022</i>	10-292q(b)
Sec. 6	<i>July 1, 2022</i>	10-292r
Sec. 7	<i>July 1, 2022</i>	10-287(b)

Statement of Purpose:

To (1) eliminate the provision allowing construction managers to self-perform on school construction contracts, (2) require the invitation of bids through the State Contracting Portal instead of local newspapers, and (3) make other revisions to the school construction grant program process and requirements.

[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.]