



House of Representatives

General Assembly

File No. 528

January Session, 2023

House Bill No. 6401

House of Representatives, April 12, 2023

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE USE OF LOW EMBODIED CARBON CONCRETE IN STATE CONSTRUCTION PROJECTS.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section,
2 (1) "low embodied carbon concrete" means concrete that has reduced
3 global warming potential, in kilograms of carbon dioxide equivalent per
4 cubic meter, compared to industry averages, and (2) "construction
5 project" means the remodeling, alteration, repair or enlargement of any
6 real asset, as described in section 4b-51 of the general statutes.

7 (b) The Commissioner of Administrative Services shall revise the
8 specifications for concrete purchased by the state or by a bidder for
9 construction projects administered by the Department of
10 Administrative Services to prefer the purchase of low embodied carbon
11 concrete whenever feasible. Low embodied carbon concrete shall be
12 used in such projects where (1) such products and materials are
13 available and are within ten per cent of the cost of non-low embodied

14 carbon concrete, and (2) use of the low embodied carbon concrete is
15 consistent with public safety.

16 Sec. 2. Section 13b-20n of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2023*):

18 With respect to any contract for the construction, reconstruction,
19 alteration, remodeling, repair or demolition of any public building
20 under the supervision and control of the Commissioner of
21 Transportation which contract is estimated to cost more than five
22 hundred thousand dollars and is not subject to section 4b-51, the
23 Commissioner of Transportation shall award the contract to the lowest
24 responsible and qualified bidder, as defined in section 4b-92, in
25 accordance with regulations which the commissioner shall adopt, in
26 accordance with chapter 54. Such regulations shall establish, at a
27 minimum: (1) Standards for the advertisement of opportunities to bid,
28 (2) objective criteria for evaluating the qualifications of bidders,
29 including, but not limited to, a preference for bidders using low
30 embodied carbon concrete, as defined in section 1 of this act, whenever
31 feasible and consistent with public safety, (3) the procedures for
32 evaluating bids after the prequalification status of a bidder has been
33 verified, and (4) award panels for the purpose of screening submitted
34 proposals, interviewing bidders and making recommendations to the
35 commissioner. Any contract that is subject to section 4b-51 shall be
36 awarded by the Commissioner of Administrative Services in accordance
37 with chapter 60.

38 Sec. 3. Section 13a-95 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2023*):

40 The commissioner may, at any time, call for bids to construct, alter,
41 reconstruct, improve, relocate, widen or change the grade of sections of
42 state highways or bridges. All bids shall be submitted on forms
43 provided by the commissioner and shall comply with the rules and
44 regulations provided in the bid specifications. The commissioner shall
45 state the amount of the bond which shall accompany each bid and shall
46 name the place where bids shall be received and the time and place for

47 opening the same. Each bid shall be accompanied by a surety company
 48 bond satisfactory to the commissioner and in such sum as the
 49 commissioner determines, and shall be so conditioned that, if the
 50 contract is awarded to the bidder, such bidder shall, when required by
 51 the commissioner, execute an agreement in writing, to be prepared by
 52 said commissioner, with such bond as shall be acceptable to the
 53 commissioner, conditioned as provided in section 49-41. In evaluating
 54 such bids, the commissioner shall give preference to bidders using low
 55 embodied carbon concrete, as defined in section 1 of this act, whenever
 56 feasible and consistent with public safety. The commissioner may reject
 57 any and all bids if, in the commissioner's opinion, cause exists therefor;
 58 but otherwise the commissioner shall award the contract to the lowest
 59 bidder deemed to be responsible. The successful bidder shall give
 60 evidence satisfactory to said commissioner of such bidder's ability to
 61 perform the contract. When such contract is executed by the
 62 commissioner and the successful bidder, a copy of the contract, with an
 63 estimate of the cost of the work, shall be immediately filed with the
 64 commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section
Sec. 2	October 1, 2023	13b-20n
Sec. 3	October 1, 2023	13a-95

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Administrative Services	GF - Cost	Potential	Potential
Department of Transportation	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would result in a potential cost to the Department of Administrative Services to the extent state construction projects use low carbon concrete instead of the lowest bidder using non-low embodied concrete.

The bill requires the Department of Transportation (DOT) to include a selection preference for bidders using "low embodied carbon concrete" whenever feasible. This is not expected to result in a fiscal impact for DOT because the department is only expected to choose this option when it is within available resources and in compliance with federal law for federal-aid highway projects, which generally requires contract award to the lowest responsible bidder.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6401*****AN ACT CONCERNING THE USE OF LOW EMBODIED CARBON CONCRETE IN STATE CONSTRUCTION PROJECTS.*****SUMMARY**

This bill requires the Department of Administrative Services (DAS) commissioner to revise the specifications for concrete purchased by the state or a bidder for a DAS construction project (e.g., constructing or renovating state buildings) to prefer the purchase of low embodied carbon concrete when feasible. Under the bill, “low embodied carbon concrete” is concrete that has reduced global warming potential, in kilograms of carbon dioxide equivalent per cubic meter, compared to industry averages. The bill requires using low embodied carbon concrete for DAS projects when it is (1) available, (2) consistent with public safety, and (3) within 10% of the cost of non-low embodied carbon concrete.

Existing law requires the Department of Transportation (DOT) commissioner to adopt regulations on putting contracts for DOT-owned building projects estimated to cost more than \$500,000 out to bid and evaluating the bids. The bill additionally requires the regulations to include a preference for bidders using low embodied carbon concrete whenever feasible and consistent with public safety.

The bill also requires the DOT commissioner, when evaluating bids for state highway or bridge projects, to give preference to bidders using low embodied carbon concrete whenever feasible and consistent with public safety.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 6 (03/24/2023)