



General Assembly

January Session, 2023

***Raised Bill No. 1107***

LCO No. 4610



Referred to Committee on HIGHER EDUCATION AND  
EMPLOYMENT ADVANCEMENT

Introduced by:  
(HED)

***AN ACT CONCERNING CONTRACTS, BIDS AND CAPITAL  
IMPROVEMENT PROJECTS FOR THE UNIVERSITY OF  
CONNECTICUT.***

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

1 Section 1. Subsections (m) and (n) of section 10a-151b of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (m) The chief executive officer of a constituent unit may join with a  
5 federal agency, another state government, another constituent unit,  
6 political subdivision of this state or private or nonprofit organization in  
7 a cooperative purchasing plan when the best interests of the state would  
8 be served by such plan.

9 (n) The state, through the chief executive officer of a constituent unit,  
10 may purchase equipment, supplies, materials and services from a  
11 person who has a contract to sell such property or services to a federal  
12 agency, another state government, another constituent unit, political  
13 subdivision of this state, nonprofit organization or private or public

14 purchasing consortium, in accordance with the terms and conditions of  
15 such contract.

16 Sec. 2. Subsections (b) and (c) of section 10a-151b of the general  
17 statutes are repealed and the following is substituted in lieu thereof  
18 (*Effective October 1, 2023*):

19 (b) Except as provided in subsection (c) of this section, purchases  
20 made pursuant to this section shall be based, when possible, on  
21 competitive bids or competitive negotiation. Such chief executive officer  
22 shall solicit competitive bids or proposals by sending notice to  
23 prospective suppliers and by posting notice on a public bulletin board  
24 in such officer's office. Such notice shall contain a notice of state contract  
25 requirements pursuant to section 4a-60. Each bid or proposal shall be  
26 kept sealed until opened publicly at the time stated in the notice  
27 soliciting such bid or proposal. Sealed bids or proposals shall include  
28 bids or proposals sealed within an envelope or maintained within a safe  
29 and secure electronic environment until such time as they are publicly  
30 opened. If the amount of the expenditure is estimated to exceed [fifty]  
31 one hundred thousand dollars, not later than five calendar days before  
32 the final date of submitting competitive bids or proposals, competitive  
33 bids or proposals shall be solicited by public notice posted on the  
34 Internet. All purchases [fifty] one hundred thousand dollars or less in  
35 amount shall be made in the open market, but shall, when possible, be  
36 based on at least three competitive quotations. If desired by the  
37 constituent unit, competitive quotations may include quotations  
38 submitted to the constituent unit within a safe and secure electronic  
39 environment. The constituent unit shall not refuse to consider a bid,  
40 proposal or quotation because it is not submitted electronically.

41 (c) Competitive bidding or competitive negotiation is not required in  
42 the case of (1) minor purchases of [ten] twenty-five thousand dollars or  
43 less in amount, (2) purchases made pursuant to subsection (k) of this  
44 section, (3) emergency purchases, (4) agricultural purchases of dairy  
45 products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits,  
46 vegetables or other farm products in an amount of fifty thousand dollars

47 or less, or (5) a qualified contract, as described in subdivision (1) of  
48 subsection (b) of section 10a-151f, that is entered into pursuant to the  
49 policies adopted by either the Board of Trustees of The University of  
50 Connecticut or the Board of Regents for Higher Education pursuant to  
51 section 10a-151g. Whenever an emergency exists by reason of  
52 extraordinary conditions or contingencies that could not reasonably be  
53 foreseen and guarded against, or because of unusual trade or market  
54 conditions, the chief executive officer may, if it is for the best interest of  
55 the state, make purchases without competitive bidding. A statement of  
56 all emergency purchases made under the provisions of this subsection  
57 shall be set forth in the annual report of the chief executive officer. The  
58 chief executive officer, when making an agricultural purchase in  
59 accordance with subdivision (4) of this subsection, shall give preference  
60 to dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs,  
61 fruits, vegetables or other farm products grown or produced in this state  
62 when such products, poultry, farm-raised seafood, beef, pork, lamb,  
63 eggs, fruits or vegetables are comparable in cost to other dairy products,  
64 poultry, eggs, fruits or vegetables being considered for purchase by the  
65 chief executive officer that have not been grown or produced in this  
66 state.

67 Sec. 3. Subdivision (9) of subsection (c) of section 10a-109n of the  
68 general statutes is repealed and the following is substituted in lieu  
69 thereof (*Effective from passage*):

70 (9) (A) The university shall not enter into a construction manager at-  
71 risk project delivery contract that does not provide for a maximum  
72 guaranteed price for the cost of construction which shall be determined  
73 not later than the time of the receipt and approval by the university of  
74 the trade contractor bids. Each construction manager at-risk shall invite  
75 bids and give notice of opportunities to bid on project elements, by  
76 posting any such invitation or notice on the State Contracting Portal.  
77 Each bid shall be kept sealed until opened publicly at the time and place  
78 as set forth in the notice soliciting such bid. The construction manager  
79 at-risk shall, after consultation with and approval by the university,  
80 award any related contracts for project elements to the responsible

81 qualified contractor, who shall be prequalified pursuant to section 4a-  
82 100, submitting the lowest bid in compliance with the bid requirements,  
83 provided [(A)] (i) the construction manager at-risk shall not be eligible  
84 to submit a bid for any such project element, and [(B)] (ii) construction  
85 shall not begin prior to the determination of the maximum guaranteed  
86 price, except (I) for the project elements of site preparation and  
87 demolition that have been previously put out to bid and awarded, and  
88 (II) for the project elements of site preparation, demolition, public utility  
89 installation and connections and building envelope components,  
90 including the roof, doors, windows and exterior walls, as provided in  
91 subparagraph (B) of this subdivision.

92 (B) Construction may begin prior to the determination of the  
93 maximum guaranteed price for the project elements of site preparation,  
94 demolition, public utility installation and connections and building  
95 envelope components, including the roof, doors, windows and exterior  
96 walls, provided (i) the project involves the renovation of an existing  
97 building or facility; (ii) the project element or elements involved in such  
98 early work have been previously put out to bid and awarded; and (iii)  
99 the total cost of construction of the early work does not exceed twenty-  
100 five per cent of the estimated cost of construction for the entire project.

101 (C) If such project involves the renovation of an existing building or  
102 facility that will be performed in multiple phases while such building or  
103 facility remains occupied, the university may enter into a construction  
104 manager at-risk project delivery contract that provides for the  
105 maximum guaranteed price to be determined for each phase of the  
106 project, prior to beginning each such phase, provided each party to the  
107 contract complies with all of the requirements of subparagraph (A) of  
108 this subdivision, except the timing of the determination of the maximum  
109 guaranteed price set forth in clause (ii) of said subparagraph.

110 Sec. 4. Subdivisions (2) to (4), inclusive, of subsection (c) of section  
111 10a-109n of the general statutes are repealed and the following is  
112 substituted in lieu thereof (*Effective October 1, 2023*):

113 (2) (A) Except as provided in subparagraph [(B)] (D) of this  
114 subdivision, any total cost basis contract or other contract for the  
115 construction of a university project [which] that is estimated to cost  
116 more than five hundred thousand dollars, shall be publicly let by the  
117 university. The university shall give notice to contractors interested in  
118 [prequalifying to submit] submitting a project proposal or bid, by  
119 posting any such notice on the university web site and on the State  
120 Contracting Portal. The notice to [prequalify] contractors shall contain  
121 (i) the requirement that contractors be prequalified pursuant to section  
122 4a-100 or subparagraph (B) of this subdivision, as applicable to such  
123 contract, (ii) a statement of the time and place where the responses shall  
124 be received, and (iii) such additional information as the university  
125 deems appropriate. Upon receipt of such responses, the university shall  
126 select [each] any contractor who (I) to the extent required pursuant to  
127 the provisions of section 4b-91, has been prequalified pursuant to  
128 section 4a-100, [and] (II) has shown itself able to post surety bonds  
129 required by such contract, [and] (III) has [demonstrated that it possesses  
130 the financial, managerial and technical ability and the integrity  
131 necessary and without conflict of interest for faithful and efficient  
132 performance of the work provided for therein.] no conflict of interest in  
133 the performance of work required by such contract, and (IV) for any  
134 such contract that is estimated to cost more than one million dollars, has  
135 been prequalified by the university pursuant to subparagraph (B) of this  
136 subdivision.

137 (B) For any contract subject to the provisions of subparagraph (A) of  
138 this subdivision that is estimated to cost more than one million dollars,  
139 the [The] university shall [evaluate] prequalify each contractor by  
140 evaluating whether [each] (i) such contractor (I) has demonstrated that  
141 it possesses the financial, managerial and technical ability and integrity  
142 necessary to faithfully and efficiently perform work for the university in  
143 accordance with the requirements set forth in the prequalification  
144 application issued by the university, and (II) is responsible and qualified  
145 based on its experience with projects similar to that for which the bid or  
146 proposal is to be submitted and based on objective written criteria

147 included in the [application to request prequalification with respect to  
148 such contract. The university shall also consider whether a contractor,  
149 and] prequalification application issued by the university, and (ii) any  
150 subcontractor on the contractor's previous projects, has been in  
151 compliance with the provisions of part III of chapter 557 and chapter 558  
152 during the previous five calendar years. The university, in its discretion,  
153 may include additional qualification requirements in the notice posted  
154 pursuant to subparagraph (A) of this subdivision.

155 (C) The university may issue a confirmation of prequalification for  
156 contracts subject to the provisions of this subdivision to any contractor  
157 who meets the requirements set forth in subparagraph (B) of this  
158 subdivision. Such confirmation of prequalification shall be effective for  
159 one year from the date of issuance and, upon receipt of a completed  
160 renewal application and any other materials as prescribed by the  
161 university, may be renewed for a period not exceeding two years.

162 [(B)] (D) Notwithstanding the provisions of subparagraph (A) of this  
163 subdivision, the board of trustees may approve a total cost basis contract  
164 or other contract for the construction of a university project which is  
165 estimated to cost more than five hundred thousand dollars that has not  
166 been publicly let pursuant to the provisions of said subparagraph (A),  
167 provided the board deems the contract to address an emergency.

168 (3) [The university shall thereafter give notice to those so prequalified  
169 by the university pursuant to subdivision (2) of this section of the time  
170 and place where the public letting shall occur and shall include in such  
171 notice such information of the work required as appropriate.] Each bid  
172 or proposal shall be kept sealed until opened publicly at the time and  
173 place as set forth in the notice soliciting such bid or proposal. The  
174 university shall not award any construction contract, including, but not  
175 limited to, any total cost basis contract, after public letting, except to the  
176 responsible qualified contractor, submitting the lowest bid or proposal  
177 in compliance with the bid or proposal requirements of the solicitation  
178 document. The university may, however, waive any informality in a bid  
179 or proposal, and may either reject all bids or proposals and again

180 advertise for bids or proposals or interview at least three responsible  
181 qualified contractors and negotiate and enter into with any one of such  
182 contractors that construction contract which is both fair and reasonable  
183 to the university.

184 (4) The [notice to each contractor prequalified to submit a proposal or  
185 bid and the] construction contract, including each total cost basis  
186 contract, awarded by the university shall contain such other terms and  
187 conditions, and such provisions for penalties as the university may  
188 deem appropriate.

189 Sec. 5. Subdivision (10) of subsection (c) of section 10a-109n of the  
190 general statutes is repealed and the following is substituted in lieu  
191 thereof (*Effective October 1, 2023*):

192 (10) If the university designates a project as suitable for a design-build  
193 contract, the university may enter into a single contract with a design-  
194 builder recommended by a selection panel and selected by the  
195 university. The university shall give notice of such project and  
196 specifications for such project by posting such notice on the State  
197 Contracting Portal. The university shall establish a selection panel for  
198 each project to score the qualifications and past performance of each  
199 design-builder who submits a competitive proposal to the university for  
200 such project. The selection panel shall score the qualifications and past  
201 performance of each design-builder using a predetermined scoring  
202 method developed by the university and provided to each design-  
203 builder in advance of such design-builder's development of the  
204 competitive proposal. The selection panel's scoring method may be  
205 unique to each project, but shall consist of combining the score of each  
206 design-builder's qualifications and past performance and evaluating the  
207 technical merit of the competitive proposal and each design-builder's  
208 projected project cost. The design-build contract shall (A) include, but  
209 not be limited to, such project elements as permitting, engineering,  
210 design, construction and, if applicable, site acquisition, and (B) be based  
211 on the competitive proposal submitted by the design-builder that is  
212 selected by the university. No design-build contract for which the total

213 cost is estimated to be more than [five hundred thousand dollars] the  
 214 amount set forth in subdivision (2) of subsection (a) of section 4b-91 may  
 215 be awarded to a design-builder who is not prequalified for the project  
 216 in accordance with section 4a-100. Such design-build contracts shall  
 217 state the responsibilities of the design-builder to deliver a completed  
 218 and acceptable project on a date certain and the maximum costs of the  
 219 project and, if applicable, as a separate item, the cost of any site  
 220 acquisition. The university shall determine all other requirements and  
 221 conditions for such competitive proposals, selection of a design-builder  
 222 and other awards and shall have sole responsibility for all other aspects  
 223 of such design-build contracts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10a-151b(m) and (n)
Sec. 2	<i>October 1, 2023</i>	10a-151b(b) and (c)
Sec. 3	<i>from passage</i>	10a-109n(c)(9)
Sec. 4	<i>October 1, 2023</i>	10a-109n(c)(2) to (4)
Sec. 5	<i>October 1, 2023</i>	10a-109n(c)(10)

**Statement of Purpose:**

To (1) allow constituent units of the state system of higher education to enter into cooperative contracts with other such constituent units and federal agencies, (2) adjust the minimum amount at which competitive bids are solicited on the Internet from fifty thousand dollars to one hundred thousand dollars, (3) adjust the maximum amount that qualifies as a minor purchase from ten thousand dollars to twenty-five thousand dollars, (4) amend the requirements for a maximum price guarantee for renovations of an existing building, and (5) allow The University of Connecticut to prequalify contractors for a period of one year, with two-year renewal periods, for contracts costing more than one million dollars.

*[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.]*