



General Assembly

February Session, 2020

Raised Bill No. 486

LCO No. 3031



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING REQUIREMENTS FOR CONSTRUCTION
MANAGERS THAT SELF-PERFORM PORTIONS OF SCHOOL
CONSTRUCTION PROJECTS.**

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

1 Section 1. Subsection (b) of section 10-287 of the 2020 supplement to
2 the general statutes, as amended by section 6 of public act 19-1 of the
3 July special session, is repealed and the following is substituted in lieu
4 thereof (*Effective July 1, 2020*):

5 (b) (1) All orders and contracts for school building construction
6 receiving state assistance under this chapter, except as provided in
7 subdivisions (2) to (4), inclusive, of this subsection, shall be awarded to
8 the lowest responsible qualified bidder only after a public invitation to
9 bid, which shall be advertised in a newspaper having circulation in the
10 town in which construction is to take place, except for (A) school
11 building projects for which the town or regional school district is using
12 a state contract pursuant to subsection (d) of section 10-292, and (B)
13 change orders, those contracts or orders costing less than ten thousand
14 dollars and those of an emergency nature, as determined by the

15 Commissioner of Administrative Services, in which cases the contractor
16 or vendor may be selected by negotiation, provided no local fiscal
17 regulations, ordinances or charter provisions conflict.

18 (2) All orders and contracts for architectural services shall be
19 awarded from a pool of not more than the four most responsible
20 qualified proposers after a public selection process. Such process shall,
21 at a minimum, involve requests for qualifications, followed by requests
22 for proposals, including fees, from the proposers meeting the
23 qualifications criteria of the request for qualifications process. Public
24 advertisements shall be required in a newspaper having circulation in
25 the town in which construction is to take place, except for school
26 building projects for which the town or regional school district is using
27 a state contract pursuant to subsection (d) of section 10-292. Following
28 the qualification process, the awarding authority shall evaluate the
29 proposals to determine the four most responsible qualified proposers
30 using those criteria previously listed in the requests for qualifications
31 and requests for proposals for selecting architectural services specific to
32 the project or school district. Such evaluation criteria shall include due
33 consideration of the proposer's pricing for the project, experience with
34 work of similar size and scope as required for the order or contract,
35 organizational and team structure, including any subcontractors to be
36 utilized by the proposer, for the order or contract, past performance
37 data, including, but not limited to, adherence to project schedules and
38 project budgets and the number of change orders for projects, the
39 approach to the work required for the order or contract and documented
40 contract oversight capabilities, and may include criteria specific to the
41 project. Final selection by the awarding authority is limited to the pool
42 of the four most responsible qualified proposers and shall include
43 consideration of all criteria included within the request for proposals.
44 As used in this subdivision, "most responsible qualified proposer"
45 means the proposer who is qualified by the awarding authority when
46 considering price and the factors necessary for faithful performance of
47 the work based on the criteria and scope of work included in the request
48 for proposals.

49 (3) (A) All orders and contracts for construction management services
50 shall be awarded from a pool of not more than the four most responsible
51 qualified proposers after a public selection process. Such process shall,
52 at a minimum, involve requests for qualifications, followed by requests
53 for proposals, including fees, from the proposers meeting the
54 qualifications criteria of the request for qualifications process. Public
55 advertisements shall be required in a newspaper having circulation in
56 the town in which construction is to take place, except for school
57 building projects for which the town or regional school district is using
58 a state contract pursuant to subsection (d) of section 10-292. Following
59 the qualification process, the awarding authority shall evaluate the
60 proposals to determine the four most responsible qualified proposers
61 using those criteria previously listed in the requests for qualifications
62 and requests for proposals for selecting construction management
63 services specific to the project or school district. Such evaluation criteria
64 shall include due consideration of the proposer's pricing for the project,
65 experience with work of similar size and scope as required for the order
66 or contract, organizational and team structure for the order or contract,
67 past performance data, including, but not limited to, adherence to
68 project schedules and project budgets and the number of change orders
69 for projects, the approach to the work required for the order or contract,
70 including whether the proposer intends to self-perform any project
71 element and the benefit to the awarding authority that will result from
72 such self-performance, and documented contract oversight capabilities,
73 and may include criteria specific to the project. Final selection by the
74 awarding authority is limited to the pool of the four most responsible
75 qualified proposers and shall include consideration of all criteria
76 included within the request for proposals. As used in this subdivision,
77 "most responsible qualified proposer" means the proposer who is
78 qualified by the awarding authority when considering price and the
79 factors necessary for faithful performance of the work based on the
80 criteria and scope of work included in the request for proposals.

81 (B) Upon the written approval of the Commissioner of
82 Administrative Services, an awarding authority may permit a

83 construction manager to self-perform a portion of the construction work
84 if the awarding authority and the commissioner determine that the
85 construction manager can self-perform the work more cost-effectively
86 than a subcontractor [. All work not performed by the construction
87 manager shall be performed by trade subcontractors selected by a
88 process approved by the awarding authority and the commissioner.]
89 and if the construction manager identifies the project element at the time
90 of the original proposal or bid to the awarding authority. Each bid,
91 including the bid of the construction manager when submitting a bid
92 for any element of the work, shall be kept sealed until opened publicly
93 at the time and place as set forth in the invitation to bid. The construction
94 manager may only self-perform portions of the project for which the
95 construction manager is enrolled in a state-registered apprenticeship
96 program that provides related instruction for the type of work the
97 construction manager is self-performing and for which the construction
98 manager is prequalified under section 4a-100. The construction
99 manager's contract shall include a guaranteed maximum price for the
100 cost of construction. Such guaranteed maximum price shall be
101 determined not later than ninety days after the selection of the trade
102 subcontractors. The construction manager shall award any related
103 contracts for project elements to the responsible qualified contractor
104 submitting the lowest bid in compliance with the bid requirements of
105 this section. Construction shall not begin prior to the determination of
106 the guaranteed maximum price, except [work relating to site
107 preparation and demolition may commence prior to such
108 determination.] for project elements of site preparation and demolition
109 that have been previously put out to bid and awarded. If the
110 construction manager is the successful bidder for the project element for
111 which he or she is bidding, the construction manager shall (1) be
112 prohibited from using any of the project contingency funds to assist in
113 the performance of such project element, (2) perform the work with
114 employees on the payroll of the construction manager, excluding
115 limited portions which are typically subcontracted, and (3) submit all
116 change orders on self-performed work to be reviewed by the awarding
117 authority or awarding authority's representative.

118 (4) All orders and contracts for any other consultant services,
119 including, but not limited to, consultant services rendered by an owner's
120 representatives, construction administrators, program managers,
121 environmental professionals, planners and financial specialists, shall
122 comply with the public selection process described in subdivision (2) of
123 this subsection. No costs associated with an order or contract for such
124 consultant services shall be eligible for state financial assistance under
125 this chapter unless such order or contract receives prior approval from
126 the Commissioner of Administrative Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	10-287(b)

Statement of Purpose:

To impose additional requirements on construction managers self-performing school construction contracts.

[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.]