



General Assembly

July Special Session, 2019

Bill No. 1210

LCO No. 11167



* 1 1 1 6 7 *

Referred to Committee on No Committee

Introduced by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

***AN ACT CONCERNING AUTHORIZATION OF STATE GRANT
COMMITMENTS FOR SCHOOL BUILDING PROJECTS.***

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

1 Section 1. (*Effective from passage*) The Commissioner of
2 Administrative Services, having reviewed applications for state grants
3 for public school building projects in accordance with section 10-283 of
4 the general statutes, as amended by this act, on the basis of priorities
5 for such projects and standards for school construction established by
6 the State Board of Education, and having prepared a listing of all such
7 eligible projects ranked in order of priority, as determined by said
8 commissioner together with the amount of the estimated grant with
9 respect to each eligible project, and having submitted such listing of
10 eligible projects, prior to December 15, 2018, to a committee of the
11 General Assembly established under section 10-283a of the general
12 statutes for the purpose of reviewing such listing, is hereby authorized

13 to enter into grant commitments on behalf of the state in accordance
14 with said section 10-283 with respect to the priority listing of such
15 projects and in such estimated amounts as approved by said
16 committee prior to February 1, 2019, as follows:

17 Estimated Grant Commitments.

T1	School District	Estimated	Estimated
T2	School	Project Costs	Grant
T3	Project Number		
T4			
T5	BRIDGEPORT		
T6	Bassick High School		
T7	19DASY015180N0619	\$115,000,000	\$90,769,500
T8			
T9	ENFIELD		
T10	John F. Kennedy Middle School		
T11	19DASY049140RN0619	\$84,373,294	\$59,365,050
T12			
T13	NORWALK		
T14	Norwalk High School		
T15	19DASY103249ACV0619	\$4,228,203	\$1,404,186
T16			
T17	SIMSBURY		
T18	Henry James Memorial School		
T19	19DASY128109ACV0619	\$23,965,620	\$8,301,691
T20			
T21	FAIRFIELD		
T22	Fairfield Ludlow High School		
T23	19DASY051147A0619	\$122,764	\$31,133
T24			
T25	FAIRFIELD		
T26	Fairfield Warde High School		
T27	19DASY051148A0619	\$222,486	\$56,422
T28			
T29	MIDDLETOWN		
T30	Middletown High School (Vo-Ag Center)		
T31	19DASY083119VE0619	\$123,690	\$98,952
T32			
T33	NEWINGTON		

T34	Transition Academy at Town Hall		
T35	19DASY094107N0619	\$1,001,341	\$472,032

18 Sec. 2. Subdivision (2) of subsection (a) of section 10-283 of the
19 general statutes is repealed and the following is substituted in lieu
20 thereof (*Effective from passage*):

21 (2) The Commissioner of [Education] Administrative Services shall
22 assign each school building project to a category on the basis of
23 whether such project is primarily required to: (A) Create new facilities
24 or alter existing facilities to provide for mandatory instructional
25 programs pursuant to this chapter, for physical education facilities in
26 compliance with Title IX of the Elementary and Secondary Education
27 Act of 1972 where such programs or such compliance cannot be
28 provided within existing facilities or for the correction of code
29 violations which cannot be reasonably addressed within existing
30 program space; (B) create new facilities or alter existing facilities to
31 enhance mandatory instructional programs pursuant to this chapter or
32 provide comparable facilities among schools to all students at the same
33 grade level or levels within the school district unless such project is
34 otherwise explicitly included in another category pursuant to this
35 section; and (C) create new facilities or alter existing facilities to
36 provide supportive services, provided in no event shall such
37 supportive services include swimming pools, auditoriums, outdoor
38 athletic facilities, tennis courts, elementary school playgrounds, site
39 improvement or garages or storage, parking or general recreation
40 areas. All applications submitted prior to July first shall be reviewed
41 promptly by the Commissioner of Administrative Services. The
42 Commissioner of Administrative Services shall estimate the amount of
43 the grant for which such project is eligible, in accordance with the
44 provisions of section 10-285a, as amended by this act, provided an
45 application for a school building project determined by the
46 Commissioner of Education to be a project that will assist the state in
47 meeting the goals of the 2008 stipulation and order for Milo Sheff, et al.
48 v. William A. O'Neill, et al., as extended, or the goals of the 2013

49 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.,
50 as extended, shall have until September first to submit an application
51 for such a project and may have until December first of the same year
52 to secure and report all local and state approvals required to complete
53 the grant application. The Commissioner of Administrative Services
54 shall annually prepare a listing of all such eligible school building
55 projects listed by category together with the amount of the estimated
56 grants for such projects and shall submit the same to the Governor, the
57 Secretary of the Office of Policy and Management and the General
58 Assembly on or before the fifteenth day of December, except as
59 provided in section 10-283a, with a request for authorization to enter
60 into grant commitments. On or before December thirty-first annually,
61 the Secretary of the Office of Policy and Management [shall] may
62 submit comments and recommendations regarding each eligible
63 project on such listing of eligible school building projects to the school
64 construction committee, established pursuant to section 10-283a. Each
65 such listing shall include a report on the following factors for each
66 eligible project: (i) An enrollment projection and the capacity of the
67 school, (ii) a substantiation of the estimated total project costs, (iii) the
68 readiness of such eligible project to begin construction, (iv) efforts
69 made by the local or regional board of education to redistrict,
70 reconfigure, merge or close schools under the jurisdiction of such
71 board prior to submitting an application under this section, (v)
72 enrollment and capacity information for all of the schools under the
73 jurisdiction of such board for the five years prior to application for a
74 school building project grant, (vi) enrollment projections and capacity
75 information for all of the schools under the jurisdiction of such board
76 for the eight years following the date such application is submitted,
77 and (vii) the state's education priorities relating to reducing racial and
78 economic isolation for the school district. For the period beginning July
79 1, 2006, and ending June 30, 2012, no project, other than a project for a
80 technical education and career school, may appear on the separate
81 schedule of authorized projects which have changed in cost more than
82 twice. On and after July 1, 2012, no project, other than a project for a

83 technical education and career school, may appear on the separate
84 schedule of authorized projects which have changed in cost more than
85 once, except the Commissioner of Administrative Services may allow a
86 project to appear on such separate schedule of authorized projects a
87 second time if the town or regional school district for such project can
88 demonstrate that exigent circumstances require such project to appear
89 a second time on such separate schedule of authorized projects.
90 Notwithstanding any provision of this chapter, no projects which have
91 changed in scope or cost to the degree determined by the
92 Commissioner of Administrative Services, in consultation with the
93 Commissioner of Education, shall be eligible for reimbursement under
94 this chapter unless it appears on such list. The percentage determined
95 pursuant to section 10-285a, as amended by this act, at the time a
96 school building project on such schedule was originally authorized
97 shall be used for purposes of the grant for such project. On and after
98 July 1, 2006, a project that was not previously authorized as an
99 interdistrict magnet school shall not receive a higher percentage for
100 reimbursement than that determined pursuant to section 10-285a, as
101 amended by this act, at the time a school building project on such
102 schedule was originally authorized. The General Assembly shall
103 annually authorize the Commissioner of Administrative Services to
104 enter into grant commitments on behalf of the state in accordance with
105 the commissioner's categorized listing for such projects as the General
106 Assembly shall determine. The Commissioner of Administrative
107 Services may not enter into any such grant commitments except
108 pursuant to such legislative authorization. Any regional school district
109 which assumes the responsibility for completion of a public school
110 building project shall be eligible for a grant pursuant to subdivision (5)
111 or (6), as the case may be, of subsection (a) of section 10-286 when such
112 project is completed and accepted by such regional school district.

113 Sec. 3. (NEW) (*Effective from passage*) Any school building committee
114 established by a town or regional school district to undertake a school
115 building project, as defined in section 10-282 of the general statutes,

116 shall include at least one member who has experience in the
117 construction industry.

118 Sec. 4. Subsection (c) of section 10-286h of the general statutes is
119 repealed and the following is substituted in lieu thereof (*Effective from*
120 *passage*):

121 (c) Eligible local or regional boards of education, for purposes of a
122 diversity school, shall be eligible for [reimbursement of eighty per cent
123 of the] a school building project grant with a reimbursement
124 percentage determined in accordance with the provisions of subsection
125 (j) of section 10-285a, as amended by this act. Such grant shall be used
126 for the reasonable cost of any capital expenditure for the purchase,
127 construction, extension, replacement, leasing or major alteration of
128 diversity school facilities, including any expenditure for the purchase
129 of equipment, in accordance with this section. To be eligible for
130 reimbursement under this section, a diversity school construction
131 project shall meet the requirements for a school building project
132 established in this chapter, except that the Commissioner of
133 Administrative Services may waive any requirement in this chapter for
134 good cause.

135 Sec. 5. Section 10-285a of the general statutes is amended by adding
136 subsection (j) as follows (*Effective from passage*):

137 (NEW) (j) The percentage determined pursuant to this section for a
138 school building project grant for a diversity school, approved pursuant
139 to section 10-286h, as amended by this act, shall be increased by ten
140 percentage points.

141 Sec. 6. Subsection (b) of section 10-287 of the general statutes is
142 repealed and the following is substituted in lieu thereof (*Effective July*
143 *1, 2020*):

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

146 [subdivision] subdivisions (2) to (4), inclusive, of this subsection, shall
147 be awarded to the lowest responsible qualified bidder only after a
148 public invitation to bid, which shall be advertised in a newspaper
149 having circulation in the town in which construction is to take place,
150 except for (A) school building projects for which the town or regional
151 school district is using a state contract pursuant to subsection (d) of
152 section 10-292, and (B) change orders, those contracts or orders costing
153 less than ten thousand dollars and those of an emergency nature, as
154 determined by the Commissioner of Administrative Services, in which
155 cases the contractor or vendor may be selected by negotiation,
156 provided no local fiscal regulations, ordinances or charter provisions
157 conflict.

158 (2) All orders and contracts for architectural [or construction
159 management] services shall be awarded from a pool of not more than
160 the four most responsible qualified proposers after a public selection
161 process. Such process shall, at a minimum, involve requests for
162 qualifications, followed by requests for proposals, including fees, from
163 the proposers meeting the qualifications criteria of the request for
164 qualifications process. Public advertisements shall be required in a
165 newspaper having circulation in the town in which construction is to
166 take place, except for school building projects for which the town or
167 regional school district is using a state contract pursuant to subsection
168 (d) of section 10-292. Following the qualification process, the awarding
169 authority shall evaluate the proposals to determine the four most
170 responsible qualified proposers using those criteria previously listed in
171 the requests for qualifications and requests for proposals for selecting
172 architectural [or construction management] services specific to the
173 project or school district. Such evaluation criteria shall include due
174 consideration of the proposer's pricing for the project, experience with
175 work of similar size and scope as required for the order or contract,
176 organizational and team structure, including any subcontractors to be
177 utilized by the proposer, for the order or contract, past performance
178 data, including, but not limited to, adherence to project schedules and

179 project budgets and the number of change orders for projects, the
180 approach to the work required for the order or contract and
181 documented contract oversight capabilities, and may include criteria
182 specific to the project. Final selection by the awarding authority is
183 limited to the pool of the four most responsible qualified proposers
184 and shall include consideration of all criteria included within the
185 request for proposals. As used in this subdivision, "most responsible
186 qualified proposer" means the proposer who is qualified by the
187 awarding authority when considering price and the factors necessary
188 for faithful performance of the work based on the criteria and scope of
189 work included in the request for proposals.

190 (3) (A) All orders and contracts for construction management
191 services shall be awarded from a pool of not more than the four most
192 responsible qualified proposers after a public selection process. Such
193 process shall, at a minimum, involve requests for qualifications,
194 followed by requests for proposals, including fees, from the proposers
195 meeting the qualifications criteria of the request for qualifications
196 process. Public advertisements shall be required in a newspaper
197 having circulation in the town in which construction is to take place,
198 except for school building projects for which the town or regional
199 school district is using a state contract pursuant to subsection (d) of
200 section 10-292. Following the qualification process, the awarding
201 authority shall evaluate the proposals to determine the four most
202 responsible qualified proposers using those criteria previously listed in
203 the requests for qualifications and requests for proposals for selecting
204 construction management services specific to the project or school
205 district. Such evaluation criteria shall include due consideration of the
206 proposer's pricing for the project, experience with work of similar size
207 and scope as required for the order or contract, organizational and
208 team structure for the order or contract, past performance data,
209 including, but not limited to, adherence to project schedules and
210 project budgets and the number of change orders for projects, the
211 approach to the work required for the order or contract, including

212 whether the proposer intends to self-perform any project element and
213 the benefit to the awarding authority that will result from such self-
214 performance, and documented contract oversight capabilities, and may
215 include criteria specific to the project. Final selection by the awarding
216 authority is limited to the pool of the four most responsible qualified
217 proposers and shall include consideration of all criteria included
218 within the request for proposals. As used in this subdivision, "most
219 responsible qualified proposer" means the proposer who is qualified
220 by the awarding authority when considering price and the factors
221 necessary for faithful performance of the work based on the criteria
222 and scope of work included in the request for proposals.

223 (B) Upon the written approval of the Commissioner of
224 Administrative Services, an awarding authority may permit a
225 construction manager to self-perform a portion of the construction
226 work if the awarding authority and the commissioner determine that
227 the construction manager can self-perform the work more cost-
228 effectively than a subcontractor. All work not performed by the
229 construction manager shall be performed by trade subcontractors
230 selected by a process approved by the awarding authority and the
231 commissioner. The construction manager's contract shall include a
232 guaranteed maximum price for the cost of construction. Such
233 guaranteed maximum price shall be determined not later than ninety
234 days after the selection of the trade subcontractors. Construction shall
235 not begin prior to the determination of the guaranteed maximum
236 price, except work relating to site preparation and demolition may
237 commence prior to such determination.

238 (4) All orders and contracts for any other consultant services,
239 including, but not limited to, consultant services rendered by an
240 owner's representatives, construction administrators, program
241 managers, environmental professionals, planners and financial
242 specialists, shall comply with the public selection process described in
243 subdivision (2) of this subsection. No costs associated with an order or
244 contract for such consultant services shall be eligible for state financial

245 assistance under this chapter unless such order or contract receives
246 prior approval from the Commissioner of Administrative Services.

247 Sec. 7. Subdivision (1) of subsection (b) of section 10-283 of the
248 general statutes is repealed and the following is substituted in lieu
249 thereof (*Effective from passage*):

250 (b) (1) Notwithstanding the application date requirements of this
251 section, at any time within the limit of available grant authorization
252 and within the limit of appropriated funds, the Commissioner of
253 Administrative Services, in consultation with the Commissioner of
254 Education, may approve applications for grants and make payments
255 for such grants, for any of the following reasons: (A) To assist school
256 building projects to remedy damage from fire and catastrophe, (B) to
257 correct safety, health and other code violations, (C) to replace roofs,
258 including the replacement or installation of skylights as part of the roof
259 replacement project, (D) to remedy a certified school indoor air quality
260 emergency, (E) to install insulation for exterior walls and attics, [or] (F)
261 to purchase and install a limited use and limited access elevator,
262 windows, photovoltaic panels, wind generation systems, building
263 management systems, a public school administrative or service facility
264 or portable classroom buildings, provided portable classroom building
265 projects shall not create a new facility or cause an existing facility to be
266 modified so that the portable buildings comprise a substantial
267 percentage of the total facility area, as determined by the
268 commissioner, or (G) for school security projects, including, but not
269 limited to, making improvements to existing school security
270 infrastructure or installing new school security infrastructure.

271 Sec. 8. (*Effective from passage*) (a) Notwithstanding the provisions of
272 section 10-285a of the general statutes, as amended by this act, or any
273 regulation adopted by the State Board of Education or the Department
274 of Administrative Services pursuant to said section 10-285a concerning
275 the reimbursement percentage that a local board of education may be
276 eligible to receive for a school building project, the town of Hartford

277 may use the reimbursement rate of ninety-five per cent for the
278 renovation project at Martin Luther King Jr. Elementary School (Project
279 Number 064-0310 RNV) for the purpose of implementing the District
280 Model for Excellence Restructuring Recommendations and School
281 Closures approved by the board of education for the Hartford school
282 district on January 23, 2018.

283 (b) Notwithstanding the provisions of section 10-283 of the general
284 statutes, as amended by this act, or any regulation adopted by the State
285 Board of Education or the Department of Administrative Services
286 pursuant to said section 10-283 concerning ineligible costs, the town of
287 Hartford shall be eligible to receive reimbursement for certain
288 ineligible costs for the renovation project at Martin Luther King Jr.
289 Elementary School (Project Number 064-0310 RNV), provided such
290 ineligible costs do not exceed two million dollars and such project
291 meets all other provisions of chapter 173 of the general statutes or any
292 regulation adopted by the State Board of Education or the Department
293 of Administrative Services.

294 Sec. 9. (*Effective from passage*) (a) Notwithstanding the provisions of
295 section 10-283 of the general statutes, as amended by this act, or any
296 regulation adopted by the State Board of Education or the Department
297 of Administrative Services pursuant to said section 10-283 requiring a
298 completed grant application be submitted prior to June 30, 2018, the
299 code violation project at Burns Latino Studies Academy (Project
300 Number 064-0312 CV) in the town of Hartford with costs not to exceed
301 forty-seven million seven hundred thousand dollars shall be included
302 in subdivision (1) of section 1 of this act and shall subsequently be
303 considered for a grant commitment from the state, provided the town
304 of Hartford files an application for such school building project prior
305 to October 1, 2019, and meets all other provisions of chapter 173 of the
306 general statutes or any regulation adopted by the State Board of
307 Education or the Department of Administrative Services pursuant to
308 said chapter 173 and is eligible for grant assistance pursuant to said
309 chapter 173.

310 (b) Notwithstanding the provisions of section 10-285a of the general
311 statutes, as amended by this act, or any regulation adopted by the State
312 Board of Education or the Department of Administrative Services
313 pursuant to said section 10-285a concerning the reimbursement
314 percentage that a local board of education may be eligible to receive for
315 a school building project, the town of Hartford may use the
316 reimbursement rate of ninety-five per cent for the code violation
317 project at Burns Latino Studies Academy (Project Number 064-0312
318 CV) for the purpose of implementing the District Model for Excellence
319 Restructuring Recommendations and School Closures approved by the
320 board of education for the Hartford school district on January 23, 2018.

321 (c) Notwithstanding the provisions of section 10-283 of the general
322 statutes, as amended by this act, or any regulation adopted by the State
323 Board of Education or the Department of Administrative Services
324 pursuant to said section 10-283 requiring that the description of a
325 project type for a school building project be made at the time of
326 application for a school building project grant and the provisions of
327 subdivision (18) of section 10-282 of the general statutes, or any
328 regulation adopted by the State Board of Education or the Department
329 of Administrative Services pursuant to said section 10-282 concerning
330 the definition of renovation, the town of Hartford may change the
331 description of the code violation project at Burns Latino Studies
332 Academy (Project Number 064-0312 CV) to a renovation project and
333 subsequently qualify as a renovation, as defined in subdivision (18) of
334 said section 10-282.

335 Sec. 10. (*Effective from passage*) (a) Notwithstanding the provisions of
336 section 10-283 of the general statutes, as amended by this act, or any
337 regulation adopted by the State Board of Education or the Department
338 of Administrative Services pursuant to said section 10-283 requiring a
339 completed grant application be submitted prior to June 30, 2018, the
340 renovation project at Bulkeley High School (Project Number 064-0313
341 RNV) in the town of Hartford with costs not to exceed one hundred
342 forty-nine million dollars shall be included in subdivision (1) of section

343 1 of this act and shall subsequently be considered for a grant
344 commitment from the state, provided the town of Hartford files an
345 application for such school building project prior to October 1, 2019,
346 and meets all other provisions of chapter 173 of the general statutes or
347 any regulation adopted by the State Board of Education or the
348 Department of Administrative Services pursuant to said chapter 173
349 and is eligible for grant assistance pursuant to said chapter 173.

350 (b) Notwithstanding the provisions of section 10-285a of the general
351 statutes, as amended by this act, or any regulation adopted by the State
352 Board of Education or the Department of Administrative Services
353 pursuant to said section 10-285a concerning the reimbursement
354 percentage that a local board of education may be eligible to receive for
355 a school building project, the town of Hartford may use the
356 reimbursement rate of ninety-five per cent for the renovation project at
357 Bulkeley High School (Project Number 064-0313 RNV) for the purpose
358 of implementing the District Model for Excellence Restructuring
359 Recommendations and School Closures approved by the board of
360 education for the Hartford school district on January 23, 2018.

361 Sec. 11. (*Effective from passage*) Notwithstanding the provisions of
362 section 10-285a of the general statutes, as amended by this act, or any
363 regulation adopted by the State Board of Education or the Department
364 of Administrative Services pursuant to said section 10-285a concerning
365 the reimbursement percentage that a local board of education may be
366 eligible to receive for a school building project, the town of Hartford
367 may use the reimbursement rate of ninety-five per cent for any school
368 building project related to the implementation of the District Model for
369 Excellence Restructuring Recommendations and School Closures
370 approved by the board of education for the Hartford school district on
371 January 23, 2018, provided the town of Hartford files an application for
372 such school building project prior to June 30, 2022, and meets all other
373 provisions of chapter 173 of the general statutes or any regulation
374 adopted by the State Board of Education or the Department of
375 Administrative Services pursuant to said chapter 173 and is eligible for

376 grant assistance pursuant to said chapter 173.

377 Sec. 12. (*Effective from passage*) (a) Except as otherwise provided in
 378 subsection (b) of this section, notwithstanding the provisions of section
 379 10-285a of the general statutes, as amended by this act, or any
 380 regulation adopted by the State Board of Education or the Department
 381 of Administrative Services pursuant to said section 10-285a concerning
 382 the reimbursement percentage that a local board of education may be
 383 eligible to receive for a school building project, the town of Tolland
 384 may use the reimbursement rate of eighty-nine per cent for the
 385 renovation project at Birch Grove Primary School (Project Number 142-
 386 0083) to address the emergency situation at said school relating to the
 387 presence of pyrrhotite in the foundation.

388 (b) Notwithstanding the provisions of section 10-285a of the general
 389 statutes, as amended by this act, or any regulation adopted by the State
 390 Board of Education or the Department of Administrative Services
 391 pursuant to said section 10-285a concerning the reimbursement
 392 percentage that a local board of education may be eligible to receive for
 393 a school building project, the town of Tolland may use the
 394 reimbursement rate of one hundred per cent for the portable
 395 classrooms project at Birch Grove Primary School (Project Number
 396 142-0081) to address the emergency situation at said school relating to
 397 the presence of pyrrhotite in the foundation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	10-283(a)(2)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	10-286h(c)
Sec. 5	<i>from passage</i>	10-285a
Sec. 6	<i>July 1, 2020</i>	10-287(b)
Sec. 7	<i>from passage</i>	10-283(b)(1)
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section