



## LEGISLATIVE CHANGE: Effective October 1, 2023

### DAS Construction Contractor Prequalification Program

- Contractors bidding on a contract for work for the state or a municipality that is estimated to cost more than \$1,000,000 and is funded, in whole or in part, by state funds must be prequalified. Effective October 1, 4a-100 of the general statutes is increasing the requirement for prequalification for projects *from \$500,000 to \$1,000,000*. See specific details [here](#).
- Responses to solicitations *over \$500,000 but under \$1,000,000 will not* require DAS Prequalification however the solicitation will require the bidder to provide specific information including but not limited to business organization information, legal administrative procedures, qualification status, and workforce development initiatives. See specific details [here](#).

### Public Act No. 23-204, Section 433 - 436

Sec. 433. Subsection (a) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(a) As used in this section: (1) "Prequalification" means prequalification issued by the Commissioner of Administrative Services to bid on a contract or perform work pursuant to a contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state or a municipality, except a public highway or bridge project or any other construction project administered by the Department of Transportation, or to perform work under such a contract as a substantial subcontractor;

2) "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than [five hundred thousand] one million dollars; (3) "principals and key personnel" includes officers, directors, shareholders, members, partners and managerial employees; (4) "aggregate work



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capacity rating" means the maximum amount of work an applicant is capable of undertaking for any and all projects; (5) "single project limit" means the highest estimated cost of a single project that an applicant is capable of undertaking; (6) "contract" means an agreement for work for the state or a municipality that is estimated to cost more than [five hundred thousand] one million dollars and is funded, in whole or in part, by state funds; and (7) "substantial subcontractor" means a person who performs work with a value in excess of [five hundred thousand] one million dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than [five hundred thousand] one million dollars.

Sec. 434. Subsection (c) of section 4a-101 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(c) As used in this section, "public agency" means a public agency, as defined in section 1-200, "contract" means an agreement for work for the state or a municipality that is estimated to cost more than [five hundred thousand] one million dollars and is funded, in whole or in part, by state funds, "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract and "substantial subcontractor" means a substantial subcontractor, as defined in section 4a-100.

Sec. 435. Subsection (a) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(a) (1) As used in this section, "prequalification classification" means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100, "public agency" has the same meaning as provided in section 1-200, "awarding authority" means the Department of Administrative Services, except "awarding authority" means (A) the Joint Committee on Legislative Management, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of the joint



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committee, (B) a constituent unit of the state system of higher education, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of such constituent unit, or (C) the Military Department, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of said department and "community court project", "downtown Hartford higher education center project", "correctional facility project", "juvenile residential center project" and "priority higher education facility project" have the same meanings as provided in section 4b-55.

(2) Except as provided in subdivision (3) of this subsection, every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state that is estimated to cost more than [five hundred thousand] one million dollars shall be awarded to the lowest responsible and qualified general bidder who is prequalified pursuant to section 4a-100 on the basis of competitive bids in accordance with the procedures set forth in this chapter, after the awarding authority has invited such bids by posting notice on the State Contracting Portal. The awarding authority shall indicate the prequalification classification required for the contract in such notice.

(3) The requirements set forth in subdivision (2) of this subsection shall not apply to (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) a contract awarded by the Commissioner of Administrative Services for (i) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less, (ii) a community court project, (iii) the downtown Hartford higher education center project, (iv) a correctional facility project, (v) a juvenile residential center project, or (vi) a student residential facility for the Connecticut State University System that is a priority higher education facility project.

(4) Every contract for the construction, reconstruction, alteration,

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remodeling, repair or demolition of any public building or any other public work by a public agency that is paid for, in whole or in part, with state funds and that is estimated to cost more than [five hundred thousand] one million dollars shall be awarded to a bidder that is prequalified pursuant to section 4a-100 after the public agency has invited such bids by posting notice on the State Contracting Portal, except for (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less. The awarding authority or public agency, as the case may be, shall indicate the prequalification classification required for the contract in such notice.

(5) (A) The Commissioner of Administrative Services may select contractors to be on lists established for the purpose of providing contractor services for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public works project administered by the Department of Administrative Services involving an expense to the state of one million five hundred thousand dollars or less. The commissioner shall use the prequalification classifications established pursuant to section 4a-100 to determine the specific categories of services that contractors may perform after being selected in accordance with this subparagraph and subparagraph (B) of this subdivision and awarded a contract in accordance with subparagraph (C) of this subdivision. The commissioner may establish a separate list for projects involving an expense to the state of less than [five hundred thousand] one million dollars for the purpose of selecting and utilizing the services of small contractors and minority business enterprises, as such terms are defined in section 4a-60g.

(B) The commissioner shall invite contractors to submit qualifications for each specific category of services sought by the department by posting notice of such invitation on the State Contracting Portal. The notice shall be in the form determined by the commissioner, and shall set forth the information that a contractor is required to submit to be



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considered for selection. Upon receipt of the submittal from the contractor, the commissioner shall select, for each specified category, those contractors who (i) are determined to be the most responsible and qualified, as such terms are defined in section 4b-92, to perform the work required under the specified category, (ii) have demonstrated the skill, ability and integrity to fulfill contract obligations considering their past performance, financial responsibility and experience with projects of the size, scope and complexity required by the state under the specified category, and (iii) for projects with a cost exceeding [five hundred thousand] one million dollars, have the ability to obtain the requisite bonding. The commissioner shall establish the duration that each list remains in effect, which in no event may exceed three years.

(C) For any public building or public works project involving an expense to the state of one million five hundred thousand dollars or less, the commissioner shall invite bids from only those contractors selected pursuant to subparagraphs (A) and (B) of this subdivision for the

specific category of services required for the particular project. The commissioner shall determine the form of bid invitation, the manner of, and time for, submission of bids, and the conditions and requirements of such bids. The contract shall be awarded to the lowest responsible and qualified bidder, subject to the provisions of sections 4b-92 and 4b-94. In the event that fewer than three bids are received in response to an invitation to bid under this subdivision, or that all the bids are in excess of the amount of available funds for the project, the commissioner may negotiate a contract with any of the contractors submitting a bid, or reject the bids received and rebid the project in accordance with this section.

Sec. 436. Subsection (j) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(j) No person whose subcontract exceeds [five hundred thousand] one million dollars in value may perform work as a subcontractor on a project for the construction, reconstruction, alteration, remodeling,



repair or demolition of any public building or any other public work by the state or a municipality, except a public highway or bridge project or any other construction project administered by the Department of Transportation, which project is estimated to cost more than [five hundred thousand] one million dollars and is paid for, in whole or in part, with state funds, unless, at the time of the bid submission, the person is prequalified in accordance with section 4a-100. The provisions of this subsection shall not apply to the downtown Hartford higher education center project.

### **Public Act No. 23-204, Section 437**

Sec. 437. (NEW) (Effective October 1, 2023) (a) As used in this section, "contract" means a contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state or a municipality that is funded, in whole or in part, by state funds, except a public highway or bridge project or any other construction project administered by the Department of Transportation. Any bid of a contractor or substantial contractor on a contract to perform work with a value of more than five hundred thousand dollars but less than one million dollars in response to an invitation to bid issued by the Commissioner of Administrative Services, shall include the following information: (1) The bidder's form of organization; (2) the bidder's principals and key personnel and any names under which the bidder, principals or key personnel conducted business during the past five years; (3) any legal or administrative proceedings settled or concluded adversely against the bidder or any of the bidder's principals or key personnel within the past five years which relate to the procurement or performance of any public or private construction contract; (4) any legal or administrative proceedings concluded adversely against the bidder or any of the bidder's principals or key personnel within the past five years which relate to the nonpayment or underpayment of wages or benefits to the bidder's, principal's or key personnel's employees during the performance of any public or private construction contract; (5) any administrative proceedings that concluded adversely against the bidder during the past five years with the imposition of any civil penalties pursuant to

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section 31-69a of the general statutes or the issuance of any stop work orders pursuant to section 31-288 of the general statutes; (6) a statement of whether (A) the bidder has been disqualified pursuant to section 4a-100, 4b-95, 31-57c or 31-57d of the general statutes, (B) the bidder is disqualified or prohibited from being awarded a contract pursuant to section 31-57b of the general statutes, (C) the bidder has been disqualified by another state, (D) the bidder has been disqualified by a federal agency or pursuant to federal law, (E) the bidder's registration has been suspended or revoked by the Department of Consumer Protection pursuant to section 20-341gg of the general statutes, (F) the bidder has been disqualified by a municipality, and (G) the matters that gave rise to any such disqualification, suspension or revocation have been eliminated or remedied; and (7) other information as the commissioner deems relevant to the determination of the bidder's qualifications and responsibilities. Any failure to disclose any of the information required under this subsection shall disqualify a contractor or substantial subcontractor from any associated bid on a contract.

(b) Any employer performing work under a contract pursuant to subsection (a) of this section shall participate in a workforce development program in which newly hired employees and existing employees are given the opportunity to develop skills. Such program may include, but need not be limited to: (1) An apprenticeship training through an apprenticeship program registered with the Labor Department or a federally recognized state apprenticeship agency that complies with the requirements of 29 CFR 29 and 29 CFR 30, as each may be amended from time to time, and (2) pre-apprenticeship training that will enable students to qualify for registered apprenticeship training.

(c) Not later than October 1, 2023, and annually thereafter, the Commissioner of Administrative Services shall hold one training session for the purpose of discussing state contracting requirements.