

**Department of Administrative Services (DAS) 2016 Legislative Submissions---**  
**Technical**  
**November 10, 2015**

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1. An Act Concerning Professional Service Contract Thresholds
2. An Act Concerning Modifications To C.G.S. §16a-38 Provisions On State Construction Projects
3. An Act Repealing Obsolete Statutes Regarding Motion Pictures
4. An Act Regarding Advertising of State Construction Contract Opportunities

**Agency Legislative Proposal - 2016 Session**

**Document Name:**

111015\_DASTechnical1.On-call.doc

**State Agency:** Department of Administrative Services

Liaison: Terrence Tulloch-Reid Erin Choquette

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**Lead agency division requesting this proposal:** Office of Design & Construction

**Agency Analyst/Drafter of Proposal:** Terrence Tulloch-Reid & Erin Choquette

**Title of Proposal:**

An Act Concerning Professional Service Contract Thresholds

**Statutory Reference:** C.G.S. § 4b-55 (g)

**Proposal Summary:**

Under current law, “project,” is defined in C.G.S. §4b-55(g) as “any state program requiring consultant services if the cost of such services is estimated to exceed three hundred thousand dollars.” This proposal revises the definition of “project” to increase the threshold from \$300,000 to \$500,000.

All DAS project delivery methods require the utilization of consultant service contracts for the design and administration of the work associated with the project. The higher threshold factors in inflation as well as the increased duties and responsibilities of these professional design firms.

If a program meets the definition of a “project,” the formal consultant selection process set forth in in C.G.S. §4b-57 and C.G.S. §4b-58 are triggered. Raising the threshold for what constitutes a project will enable DAS to continue its efforts to streamline and improve the processes associated with all of its project delivery methods. Specifically, it will enable DAS to concentrate its time and resources on the

large construction projects for which the full formal selection process is truly necessary, thereby improving the turn-around time for those large projects.

This change will also improve DAS's ability to provide timely and high quality service in connection with its on-call contracts. DAS is authorized to select consultants to be on an "on-call" list established for the purpose of providing consultant services. The Commissioner of DAS may enter into an "on-call" contract with a consultant for a range of services, and issues task letters to the consultant under the contract to perform specific work. This "on-call" list enables DAS to identify and select qualified providers expeditiously, without the need for the lengthy formal selection process necessary for large-scale construction. Given the existing definition of project, however, no task letter can exceed \$300,000.00. As task letters cover a wide array of disciplines, this limitation impacts DAS across a broad spectrum of services.

## PROPOSAL BACKGROUND

### Reason for Proposal

*Please consider the following, if applicable:*

- 1) **Have there been changes in federal/state/local laws and regulations that make this legislation necessary?**

DAS is currently managing more construction projects and providing more support services to client agencies than ever before with limited staff resources.

In the past few sessions, the Administration and Legislature have supported various construction process policy changes on behalf of DAS that have allowed us to lessen staffing impact on selection panels, improve our service delivery to client agencies, increased design bid build project thresholds to reflect inflation, improved efficiencies and streamlined bidding and selection processes, and improved existing project delivery methods (i.e. design-bid build – alternative process, CMR additional early work elements) all without compromising competition or transparency.

By raising the threshold from \$300,000 to \$500,000, this proposal builds those previous efforts.

- 2) **Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?** Unknown
- 3) **Have certain constituencies called for this action?** No
- 4) **What would happen if this was not enacted in law this session?** DAS will continue to have to re-bid contracts when this cap is met, taking time and staff efforts away from administering projects and potentially increasing construction costs.

- **Origin of Proposal**     **New Proposal**                       **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

**Agencies Affected** (please list for each affected agency)

Agency Name: N/A

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

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**Summary of Affected Agency's Comments**

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Will there need to be further negotiation?     YES     NO

**Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** None

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**State** Potential indirect savings associated with improving the efficiency of the contractor selection process and the related avoidance of costly delays.

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**Federal** None

**Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

This change would merge seamlessly with our existing on-call process. Contracts would continue to be competitively selected on a qualifications basis through a publicly-advertised RFQ process, the process and contracts reviewed and approved by State Property Review Board and the Office of the Attorney General.

It should be noted that other agencies, such as UCONN and DOT that utilize professional service contracts have unlimited authority and have no dollar restriction

The increased threshold benefits the State in many ways:

- Provides greater flexibility in issuing task letters on larger projects.
- Relieves some administrative burdens by reducing the number of formal contract solicitations that require substantial staff time and effort, and substantially reduces the time between selection and notice to proceed with the work.
- May eliminate the need to administer multiple on-calls to fulfill the duties/needs of a project.
- Streamlines our service delivery of these professional services, and has the potential for cost savings if we are able to secure services faster and move projects faster. The formal selection process usually takes 6 months to complete. Eliminating a six month delay will translate to real savings to taxpayers as well as will significantly improve our delivery of services to our client agencies.
- Recognizes that, over time, project requirements have increased the duties and responsibilities of architect and engineer consultants, all of which require more time and effort in preparing drawings and specifications, estimating, value engineering, and construction administration.
- Simplifies the process for assigning work to our preselected on-call consultants, enabling DAS to more effectively manage projects, and day-to-day operational work flow.

## **An Act Concerning Professional Service Contract Thresholds**

Section 1. Subsection (g) of section 4b-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(g) "Project" means any state program requiring consultant services if the cost of such services is estimated to exceed [three hundred thousand dollars] **five hundred thousand dollars**;

**Agency Legislative Proposal - 2016 Session**

<b>Document Name</b>  111015_DASTechnical2.OSBI-DEEPLifeCycleCosts.doc
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<b>State Agency:</b> Department of Administrative Services		
Liaison:	Terrence Tulloch-Reid	Erin Choquette
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<b>Lead agency division requesting this proposal:</b> Construction Services		
<b>Agency Analyst/Drafter of Proposal:</b> Joseph Cassidy, Terrence Tulloch-Reid & Erin Choquette		

<b>Title of Proposal:</b>  An Act Concerning Modifications to C.G.S. 16a-38 Provisions on State Construction Projects
<b>Statutory Reference:</b> C.G.S. § 16a-38
<b>Proposal Summary:</b>  This proposal repeals subsections (b), (c), (d), (e), (i), (j) and (k) of C.G.S. §16a-38 in their entirety and makes conforming changes to the remaining subsections.  C.G.S. §16a-38 is a Department of Energy and Environmental Protection (DEEP) statute mandating DAS and DEEP to create energy performance standards and for DAS to conduct life-cycle costs analyses of state owned and leased buildings. This mandate, which was adopted in the 1970's, has been superseded by energy efficiency requirements codified in the State Building Code and the High Performance Building statutes and regulations. As such, the §16a-38 requirements, as they relate to State owned and leased buildings, are unnecessary.

DAS does not propose eliminating the subsections of this statutes that relate to the Department of Economic and Community Development and the Department of Housing's obligations relating to energy efficiency in housing projects.

## PROPOSAL BACKGROUND

### Reason for Proposal

*Please consider the following, if applicable:*

5) **Have there been changes in federal/state/local laws and regulations that make this legislation necessary?** This proposal eliminates an unnecessary statutory requirement. The State Building Code currently sets minimum requirements for energy efficiency for all building projects in the State via the *International Energy Conservation Code* portion of the State Building Code.

Moreover, the High Performance Building Regulations (HPBR) [http://www.sots.ct.gov/sots/lib/sots/regulations/title\\_16a/038k.pdf](http://www.sots.ct.gov/sots/lib/sots/regulations/title_16a/038k.pdf) adopted in accordance with C.G.S. § 16a-38k sets stringent efficiency requirements for all large State funded new construction and renovation projects. The HPBR require a demonstration of cost effectiveness through comparative modeling of alternate systems' performance via software support by the DOE. This modeling is similar to a life cycle cost analysis.

6) **Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?** Unknown

7) **Have certain constituencies called for this action?** Design Community

8) **What would happen if this was not enacted in law this session?** Given the other efficiency standards, there would be no effect. The life cycle cost process mandated by these subsections has become little more than a paper exchange, simply to comply with this statutory requirement.

• **Origin of Proposal**      X   **New Proposal**                             **Resubmission**

*If this is a resubmission, please share:*

(5) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*



- (6) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (7) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (8) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

**Agencies Affected** (please list for each affected agency)

Agency Name: Department of Energy and Environmental Protection
Agency Contact (name, title, phone): Diane Duva – Director
Date Contacted: Week of the 9/28
Robert LaFrance & Liz Mcauliffe were contacted on 10/20
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing

<b>Summary of Affected Agency’s Comments</b>
<b>Awaiting confirmation from DEEP, but initial discussions did not indicate any concerns with this proposal.</b>

Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO
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**Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal</b> None
<b>State</b> Minimal indirect savings associated with streamlining the process and eliminating unnecessary work.
<b>Federal</b> None
Additional notes on fiscal impact

**Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

As detailed above, this proposal eliminates the statutory mandate to perform an unnecessary and redundant analysis. The State Building Code currently sets minimum requirements for energy efficiency for all building projects in the State via the *International Energy Conservation Code* portion of the State Building Code and the High Performance Building Regulations (HBPR) sets stringent efficiency requirements for all large State funded new construction and renovation projects. Given these other efficiency standards, the repeal of this section has no practical effect. The life cycle cost process mandated by these subsections has become little more than a paper exchange, simply to comply with this statutory requirement.

### **An Act Concerning Modifications to C.G.S. 16a-38 Provisions on State Construction Projects**

Section 1. Section 16a-38 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) As used in this section, subsection (e) of section 4b-23, sections 16a-38a and 16a-38b, unless the context otherwise requires: (1) "Major capital project" means the construction or renovation of a major facility; (2) "major facility" means any building owned by the state or constructed or renovated wholly or partly with state funds, including a state-financed housing project, which is used or intended to be used as a school or which has ten thousand or more gross square feet, or any other building so owned, constructed or renovated which is designated a major facility by the Commissioner of Administrative Services; (3) "renovation" means additions, alterations or repairs to a major facility which the Commissioner of Administrative Services finds will have a substantial effect upon the energy consumption of the facility; (4) "life-cycle cost" means the cost, as determined by the methodology identified in the National Institute of Standards and Technology's special publication 544 and interagency report 80-2040, available as set forth in the Code of Federal Regulations, Title 15, Part 230, of a major facility including the initial cost of its construction or renovation, the marginal cost of future energy capacity, the cost of the energy consumed by the facility over its expected useful life or, in the case of a leased facility, over the remaining term of the lease, and the cost of operating and maintaining the facility as such cost affects energy consumption; (5) "energy performance standard" means a rate of energy consumption which is the minimum practically achievable, on a life-cycle cost basis, by adjusting maintenance or operating procedures, modifying a building's equipment or structure and utilizing renewable sources of energy; (6) "energy audit" means an evaluation of, recommendations for and improvements of the energy consumption characteristics of all passive, active and operational energy systems and components by demand and type of energy used including the internal energy load imposed on a building by its occupants, equipment and components, and the external energy load imposed on a building by the climatic conditions at its location; (7)

"renewable sources of energy" means energy from direct solar radiation, wind, water, geothermal sources, wood and other forms of biomass; (8) "cost effective" means that savings exceed cost over a ten-year period; (9) "state agency" means any department, board, commission, institution, or other agency of this state; and (10) "covered products" means the consumer products set forth as covered products in the Energy Policy and Conservation Act, 42 USC 6292.

[(b) (1) Except as provided in subsection (f) of this section, the Commissioner of Administrative Services and the Commissioner of Energy and Environmental Protection shall jointly establish and publish standards for life-cycle cost analyses required by this section for buildings owned or leased by the state. Such life-cycle cost analyses for buildings shall provide, but shall not be limited to, information on the estimated initial cost of each energy-consuming system being compared and evaluated, annual operating and maintenance costs of all energy-consuming systems over the useful life of the building, cost of energy, salvage value and the estimated replacement cost for each energy-consuming system or component expressed in annual terms for the useful life of the building.

(2) Except as provided in subsection (f) of this section, the Commissioner of Administrative Services and the Commissioner of Energy and Environmental Protection may jointly establish and publish standards for life-cycle cost analyses required by this section for equipment and appliances owned or leased by the state which are not covered products, and for such equipment and appliances which are covered products. In establishing such standards, the commissioners shall consider the criteria set forth in subsection (j) of this section.

(c) No state agency shall obtain preliminary design approval for a major capital project unless the Commissioner of Administrative Services makes a written determination that the design is cost effective on a life-cycle cost basis. To make such a determination, the commissioner (1) shall require documentation that the design meets or exceeds the standards set forth in the National Bureau of Standards Handbook 135, or subsequent corresponding handbook of the United States Department of Commerce and the State Building Code, and (2) may require additional documentation, including, but not limited to, a life-cycle cost analysis that complies with the standards established pursuant to subdivision (1) of subsection (b) of this section.

(d) All design proposals for major capital projects shall include at least two differing energy systems for space heating, cooling and hot water to supplement the passive features designed into the building. Such proposals may include computer or other analytical modeling or simulation but shall not be construed to require the development of architectural or mechanical design plans for each such system. All cost evaluations of the competing energy systems shall be based on life-cycle costs. A life-cycle cost analysis for each competing energy system determined by the Commissioner of Administrative

Services to meet the standards of subsection (b) of this section shall be included as part of the design proposal for all projects. No major capital project shall be approved by the Commissioner of Administrative Services or by the State Properties Review Board pursuant to section 4b-23, after June 30, 1980, unless the proposed project achieves to the maximum extent practicable the energy performance standards established in accordance with subsection (b) or (g) of this section.

(e) All applications for state funding of major capital projects shall be accompanied by a life-cycle cost analysis which the Commissioner of Administrative Services has determined complies with the standards established pursuant to subsection (b) of this section. The Commissioner of Administrative Services or the Commissioner of Energy and Environmental Protection may require such a life-cycle cost analysis for projects other than major capital projects.]

[(f)] **(b)** The Commissioner of Economic and Community Development and the Commissioner of Energy and Environmental Protection shall jointly establish and publish energy performance standards for buildings constructed as part of state-owned and state-financed housing projects and establish standards for life-cycle cost analyses for such projects. In establishing such standards, the commissioners shall consider (1) the coordination, positioning and solar orientation of the project on its situs, (2) the amount of glazing, degree of sun shading and direction of exposure, (3) the levels of insulation incorporated into the design, (4) the variable occupancy and operating conditions of the facility, (5) all architectural features which affect energy consumption, and (6) the design and location of all heating, cooling, hot water and electrical systems.

[(g)] **(c)** [Notwithstanding any provision in this section concerning the review of life-cycle cost analyses by the Commissioner of Administrative Services, a] A life-cycle cost analysis of a major capital project prepared for the Department of Housing shall be reviewed by the Commissioner of Economic and Community Development and the Commissioner of Energy and Environmental Protection to determine if such analysis is in compliance with the life-cycle cost analyses standards established for such project under subsection [(f)] **(b)** of this section.

[(h)] **(d)** Each state agency preparing a life-cycle cost analysis under this section shall submit a summary of the analysis to the Commissioner of Energy and Environmental Protection.

[(i) Except as provided in subsection (f) of this section, the Commissioner of Administrative Services and the Commissioner of Energy and Environmental Protection shall jointly establish and publish energy performance standards for existing and new buildings owned or leased by the state. Such standards shall require maximum efficiency in energy use in all such buildings and maximum practicable use of renewable sources of energy in all such buildings. In establishing such standards, the commissioners shall

consider (1) the coordination, positioning and solar orientation of the project on its situs, (2) the amount of glazing, degree of sun shading and direction of exposure, (3) the levels of insulation incorporated into the design, (4) the variable occupancy and operating conditions of the facility, (5) all architectural features which affect energy consumption, and (6) the design and location of all heating, cooling, hot water and electrical systems.

(j) Except as provided in subsection (f) of this section, the Commissioner of Administrative Services and the Commissioner of Energy and Environmental Protection may jointly establish and publish energy performance standards for equipment and appliances owned or leased by the state which are not covered products, and for such equipment and appliances which are covered products. Any such standards shall require maximum energy efficiency for all such equipment and appliances and, for equipment and appliances owned or leased by the state which are covered products, shall be more stringent than the corresponding federal energy conservation standards set forth in the Energy Policy and Conservation Act, 42 USC 6295, or federal regulations adopted thereunder. In establishing such standards, the commissioners shall consider, without limitation, (1) the initial cost of the equipment or appliance, (2) the projected useful lifetime of the equipment or appliance, (3) the projected cost of the energy that the equipment or appliance will consume over its projected useful lifetime, (4) the estimated operating costs for maintenance and repair, over the projected useful lifetime of the equipment or appliance, and (5) the positive or negative salvage value of the equipment or appliance upon disposal at the conclusion of its projected useful lifetime.

(k) Any life-cycle cost analysis standards established pursuant to subdivision (2) of subsection (b) of this section and any energy performance standards established pursuant to subsection (j) of this section shall be implemented in accordance with the purchasing requirements set forth in chapter 58, and any regulations adopted thereunder, and the provisions of this section and section 16a-38j.]

**Agency Legislative Proposal - 2016 Session**

**Document Name**

**111015\_DASTechnical3.OSFMMotionPictures.doc**

**State Agency:**

Department of Administrative Services

Liaison: Terrence Tulloch-Reid

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**Lead agency division requesting this proposal:** Office of the State Fire Marshal

**Agency Analyst/Drafter of Proposal:** State Fire Marshal William Abbott, Terry Brouwer, OSFM, Terrence Tulloch-Reid, & Erin Choquette

**Title of Proposal**

**An Act Repealing Obsolete Statutes Regarding Motion Pictures**

**Statutory References:** C.G.S. § 29-109, C.G.S. § 29-111, C.G.S. §29-112, C.G.S. §29-113, C.G.S. §29-115, C.G.S. §29-117, C.G.S. §29-120, C.G.S. §29-127

**Proposal Summary**

We propose repealing the above listed statutes dealing with motion picture theaters as obsolete or unnecessary. To the extent that these statutes include provisions relating to the requirements for certificates of approval and other fire and safety requirements for the motion picture theaters, they are unnecessary because the State Fire Safety, Building and Fire Prevention Codes all contain construction and operational requirements for Motion Picture Project Rooms and their associated auditoriums.

Moreover, these statutes apply to the use of photographic film, including films made of nitrocellulose or other highly combustible materials, which are effectively obsolete. Nationally, the theater industry has moved away from the use of

photographic film, i.e. the ribbon-type film displayed on screens through projectors using bulbs. In today's industry, films are downloaded to the DVD players via satellite and may even be operated remotely. The display of highly flammable cellulose nitrate film no longer occurs.

It should be noted that this proposal does not affect the statutory requirements for motion pictures that are still germane to the industry and are enforceable by local police departments:

- C.G.S. §29-128a – prohibition on X-rated films;
- C.G.S. §29-128b – display of film rating required; and
- C.G.S. §29-128f – unlawful use of a recording device – film piracy

## PROPOSAL BACKGROUND

### Reason for Proposal

*Please consider the following, if applicable:*

- 1) ***Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*** Changes in the industry have made these sections effectively obsolete. Nationally, the theater industry has changed from the use of ribbon-type film displayed on screens through projectors using bulbs to the use of digital recording displayed through devices akin to DVD players. The display of highly flammable cellulose nitrate film no longer occurs.

Moreover, the State Fire Safety, Building and Fire Prevention Codes contain construction and operational requirements for Motion Picture Project Rooms and their associated auditoriums. For those few facilities where ribbon-type film may be used, the building and fire safety codes contain specific requirements for such theaters.

- 2) **Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?** Unknown
- 3) **Have certain constituencies called for this action?** State Fire Marshal identified these obsolete provisions.
- 4) **What would happen if this was not enacted in law this session?** Unnecessary and obsolete statutes would remain law.

**Origin of Proposal**       **New Proposal**                       **Resubmission**

*If this is a resubmission, please share:*

- 5) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- 6) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- 7) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- 8) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

**Agencies Affected** (please list for each affected agency)

Agency Name: N/A

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency's Comments**

Will there need to be further negotiation?     YES     NO

**FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** None

**State** None

**Federal** None

Additional notes on fiscal impact



**POLICY AND PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

The proposal repeals obsolete and unnecessary statutes regarding motions pictures theaters. It does not affect general statutory requirements still germane to the industry, all of which would be enforceable by any police department:

C.G.S. §29-128a – prohibition on X-rated films;

C.G.S. §29-128b – display of film rating required; and

C.G.S. §29-128f – unlawful use of a recording device – film piracy

**An Act Repealing Obsolete Statutes Regarding Motion Pictures**

Sec. 1. Sections 29-109, 29-111, 29-112, 29-113, 29-115, 29-117, 29-120 and 29-127 of the general statutes are repealed.

*(Effective July 1, 2016)*

**Agency Legislative Proposal - 2016 Session**

<b>Document Name</b> <b>111015_DASTechnical4.ConstructionAdvertisements.doc</b>
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<b>State Agency:</b> Department of Administrative Services	
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<b>Lead agency division requesting this proposal:</b> Construction Services	
<b>Agency Analyst/Drafter of Proposal:</b> Terrence Tulloch-Reid & Erin Choquette	

<b>Title of Proposal</b> An Act Regarding Advertising of State Construction Contract Opportunities
<b>Statutory References:</b> C.G.S. § 4b-24 (b), C.G.S. § 4b-57, C.G.S. §4b-103
<b>Proposal Summary</b> <p>This bill eliminates newspaper advertisement requirements from the Division of Construction Services' construction bidding and notification processes and requires posting of these contract opportunities on the State Contracting Portal. These changes will (1) save agency time and state money, (2) ensure 24/7/365 statewide access to construction contracting opportunities, and (3) streamline agency processing of these notifications. These changes will also make the construction contracting statutes consistent with the requirements of C.G.S. § 4e-13, which require all such contract opportunities to be posted on the Portal, and with other state contracting statutes, including C.G.S. § 4a-57, that require posting on the State Contracting Portal only.</p> <p>This would merely be a technical conforming change for the contracting community for many reasons: (1) construction contract opportunities have been posted on the Portal for several years; (2) C.G.S. § 4b-91, which establishes the process for bidding</p>

design-bid-build projects, was revised in 2009 to require requests for bids to be posted on the Portal and to eliminate the requirement for newspaper advertising; and (3) Construction Managers at Risk (CMRs) have been using the State Contracting Portal to advertise for sub-bids since at least 2009. Therefore, the contracting community is well aware that they need to access the Portal to be notified of these opportunities.

## PROPOSAL BACKGROUND

### Reason for Proposal

*Please consider the following, if applicable:*

- (1) **Have there been changes in federal/state/local laws and regulations that make this legislation necessary?** This legislation is not necessary, but it is advisable. The State Contracting Portal has been actively used for contracting opportunities for at least a decade (and for construction-related contracts since 2008/09). Other DAS statutes, including § 4a-57 (DAS goods and services contracts); § 4b-91 (DCS Design-Bid-Build Contracts) have already been amended to eliminate the need for newspaper advertising. The Portal works well, and vendors seeking contracts with the State are very familiar with it. Moreover, C.G.S. § 4e-13 requires that all state contract opportunities be posted on the Portal.
- (2) **Has this proposal or something similar been implemented in other states? If yes, what is the outcome?** Unknown
- (3) **Have certain constituencies called for this action?** No.
- (4) **What would happen if this was not enacted in law this session?** DAS would continue to expend funds on a communication tool that is outdated and obsolete.

Origin of Proposal       New Proposal       Resubmission

*If this is a resubmission, please share:*

- (9) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* We did not include this proposal in previous legislative packages due to concerns about the impact on print media.
- (10) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* None
- (11) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* DAS has never been a part of any discussion but we believe TCORS has had concerns with concepts similar to this.

(12) *What was the last action taken during the past legislative session? N/A*

**PROPOSAL IMPACT**

**AGENCIES AFFECTED** (please list for each affected agency)

<b>Agency Name:</b> N/A
<b>Agency Contact</b> (name, title, phone):
<b>Date Contacted:</b>
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b>
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

**FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal</b> None
<b>State</b> This proposal will result in minimal direct savings. DAS spent \$ 7,567 in FY 13, \$4,211 in FY14, and \$8,147 in FY15 on newspaper advertisements for these contract opportunities. We also anticipate indirect savings as a result of the elimination of unnecessary steps in the process and increased efficiency.
<b>Federal</b> None
<b>Additional notes on fiscal impact</b>

**POLICY AND PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

As detailed above, this proposal is simply a conforming change that streamlines the advertisement process and will improve our delivery of construction services.
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## **An Act Regarding Advertising of State Construction Contract Opportunities**

Section 1. Subsection (b) of section 4b-24b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The commissioner may designate projects to be accomplished on a total cost basis for (1) new facilities to provide for the substantial space needs of a requesting agency, (2) the installation of mechanical or electrical equipment systems in existing state facilities, or (3) the demolition of any state facility that the commissioner is authorized to demolish under the general statutes. If the commissioner designates a project as a designated total cost basis project, the commissioner may enter into a single contract with a private developer which may include such project elements as site acquisition, architectural design and construction. The commissioner shall select a private developer from among the developers who are selected and recommended by the award panels established in this subdivision. All contracts for such designated projects shall be based on competitive proposals received by the commissioner, who shall give notice of such project, and specifications for the project, by advertising[, at least once, in a newspaper having a substantial circulation in the area in which such project is to be located] **on the State Contracting Portal**. No contract which includes the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a person who is not prequalified for the work in accordance with section 4a-100. The commissioner shall determine all other requirements and conditions for such proposals and awards and shall have sole responsibility for all other aspects of such contracts. Such contracts shall state clearly the responsibilities of the developer to deliver a completed and acceptable product on a date certain, the maximum cost of the project and, as a separate item, the cost of site acquisition, if applicable. No such contract may be entered into by the commissioner without the prior approval of the State Properties Review Board and unless funding has been authorized pursuant to the general statutes or a public or special act.

Section 2. Subsection (a) of section 4b-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Whenever consultant services are required by the commissioner in fulfilling the responsibilities under section 4b-1, and in the case of each project, the commissioner shall invite responses from such firms by [advertisements inserted at least once in one or more newspapers having a circulation in each county in the state] **on the State Contracting Portal** except that the commissioner may receive consultant services under a contract entered into pursuant to subsection (d) of section 4b-51. The commissioner shall prescribe, by regulations adopted in accordance with chapter 54, the advance notice

required for, the manner of submission, and conditions and requirements of, such responses.

Section 3. Subsection (b) of section 4b-103 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The Commissioner of Administrative Services shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction that shall be determined not later than the time of the receipt and approval by the commissioner of the trade contractor bids. Each construction manager at-risk shall invite bids and give notice of opportunities to bid on project elements, by advertising [, at least once, in one or more newspapers having general circulation in the state] **on the State Contracting Portal**. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the commissioner, award any related contracts for project elements to the responsible qualified contractor submitting the lowest bid in compliance with the bid requirements, provided (1) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (2) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.