Agency Legislative Proposal - 2018 Session

Document Name:
11.16.17_DAS_TechCodeRevisions

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Department of Administrative Services		
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Lead agency division requesting this proposal:		
Office of the State Building Inspector & Office of the State Fire Marshal		
Agency Analyst/Drafter of Proposal:		
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Title of Proposal
AAC Technical Modifications to Chapters 540 & 541 of the Connecticut General Statutes
Statutory References
C.G.S. § 29-231
C.G.S. § 29-252a (b), (c) & (f)
C.G.S. § 29-254
C.G.S. § 29-258
C.G.S. § 29-263(a)

C.G.S. § 29-266

C.G.S. § 29-291b

C.G.S. § 29-296

Proposal Summary

This proposal consists of several technical modifications to Chapters 540 & 541 (Building & Fire Code Provisions):

- C.G.S. § 29-231: technical modification to an existing boiler exception
- C.G.S. § 29-252a: Subsections (b),(c) -- delete the requirement that a contracting Commissioner certify that plans and specifications of projects meet code. Subsection (f) -- delete in its entirety
- C.G.S. § 29-254: eliminate obligation to send modification requests by U.S. mail and add a specific time-frame for appeals (45 days)
- C.G.S. § 29-258: repeal duplicative requirement regarding training duties
- C.G.S. § 29-263(a): insert reference to Fire Prevention Code in the compliance requirements
- C.G.S. § 29-266(d): add a specific time-frame for appeals (45 days)
- C.G.S. § 29-291b: eliminate obligation to use U.S. mail to correspond with the State Fire Marshal
- C.G.S. § 29-296: eliminate requirement to use U.S. mail to correspond with the State Fire Marshal

PROPOSAL BACKGROUND

Reasons for Proposal

Section 1. Amend C.G.S. § 29-231 to make a technical modification to an existing boiler exception

This language adds an exclusion for small "point of use" water heaters (less than 10-gallon capacity) that are installed in schools, hospitals, public buildings, etc. from the statutes regarding requirements for boilers and water heaters. The national standards, as adopted in the Connecticut State Codes exempts these small water heaters, but the existing state statute does not do so. This proposal makes the exemption explicit in the statute in order to align the statue with the national standard and State Codes.

Section 2. Amend subsections (b) and (c) of C.G.S. § 29-252a to delete the requirement that Commissioner of state agencies certify that the plans and specifications of projects meet code. Delete subsection (f), which unnecessarily gives the legislature the ability to change the effective date of requirements that have been in effect since 2000.

Subsections (b) and (c) of this statute include language requiring the Commissioner of a contracting agency to certify to the State Building Inspector that the agency's project complies with the State Building Code. The Office of the State Building Inspector, however, has the direct legal authority to review and inspect these projects to verify code compliance. Given that agency Commissioners, unlike OSBI staff, have no training or expertise in code compliance, the only thing a Commissioner can certify to OSBI is that the OSBI staff verified code compliance. As such, this certification adds no real value.

Subsection (f) of this statute explicitly gave the legislature the authority to review the date by which all agencies needed to obtain a building permit and (at the conclusion of the project) a certificate of occupancy from the State Building Inspector. This subsection was included in the 1990 Public Act (P.A. 90-153), which initiated the requirement and appears to have been utilized a few times in the 1990s by the legislature to postpone the implementation date of these requirements. These requirements have been in effect since 2000, so there is no longer any need for this subsection. Moreover, if the legislature decides in the future to make changes to this statute, it retains the ability to do so even without the explicit language in subsection (f).

Section 3. Make technical modifications to C.G.S. § 29- 254 to eliminate the obligation to send requests for variations and exemptions via U.S. mail and to establish a specific timeframe for filing appeals.

This proposal removes the obsolete requirement for local building officials to send requests for variations/exemption via U.S. mail to the OSBI. Email transmittal of these requests speeds up the process and has become the preferred mode of transmittal of all other requests to the office. This proposal also provides a specific timeframe of forty-five days for the appeal of a ruling of the Codes and Standards Committee to Superior Court, which is consistent with other UAPA appeals.

Section 4. Amend C.G.S. § 29-258 to repeal duplicative training duties.

This statute, which requires the Commissioner conduct a comprehensive education program for design professionals, construction industry representatives and local building officials, is duplicative of C.G.S. § 29-251c, which outlines the Commissioner's duties to conduct educational programs for stakeholders. As such, it is unnecessary and should be repealed.

Section 5. Amend subsection (a) of C.G.S. § 29-263 to include the "Fire Prevention Code," in addition to the Fire Safety Code.

This proposal makes explicit the obligation of fire marshals to review plans to ensure compliance with the Fire Prevention Code, not just the Fire Safety Code. This is merely a conforming change, as fire marshals already ensure that design plans comply with both codes.

Section 6. Amend subsection (d) of C.G.S. § 29-266, regarding the municipal appeals statute, to add a specific time-frame of 45 days for appeals.

This proposal provides a specific timeframe of **forty- five days** for the appeal of a ruling of the Codes and Standards Committee to Superior Court, which is consistent with other UAPA appeals.

Section 7. Amends C.G.S. § 29-291b to eliminate the obligation to send requests for variances and exemptions to the State Fire Marshal by U.S. mail.

This proposal removes the obsolete requirement for local building officials to send requests for variations/exemption via U.S. mail to the OSFM. Email transmittal of these requests speeds up the process and has become the preferred mode of transmittal of all other requests to the office.

Section 8. Amends C.G.S. § 29-296 to eliminate the obligation to send requests for variances and exemptions to the State Fire Marshal by U.S. mail.

This proposal removes the obsolete requirement for local building officials to send requests for variations/exemption via U.S. mail to the OSFM. Email transmittal of these

requests speeds up the process and has become the preferred mode of transmittal of all other requests to the office.

Please consider the following, if applicable:

(1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* ***NO***

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

(3) *Have certain constituencies called for this action?* **NO**

(4) *What would happen if this was not enacted in law this session***? Technical Statutory clean up. No major impacts if not enacted.**

- **Origin of Proposal __X_ New Proposal ___ Resubmission**

PROPOSAL IMPACT

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

  N/A

Agency Name:

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 (please include any municipal mandate that can be found within legislation) **Savings** Section 1: If C.G.S. § 29-231 is not changed, municipalities will incur the expense of paying for the inspections that serve no practical purpose. Sections 3, 6 & 7: Repealing the obligation to send correspondence by U.S. mail minimizes the time required to process requests for variances and exemptions and eliminates the obligation on the part of municipalities to pay for postage. Sections 3 & 5: Establishing a clear time frame for filing appeals reduces uncertainty and minimizes costs associated with long-delayed litigation.
State **Indirect Savings** Sections 3 & 5: Establishing a clear time frame for filing appeals reduces uncertainty and minimizes costs associated with long-delayed litigation.
Federal None
Additional notes on fiscal impact

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

See Reasons for Proposal

AAC Technical Modifications to Chapters 540 & 541 of the Connecticut General Statutes

Section 1 Section 29-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The provisions of this chapter shall not apply to: (1) Boilers under federal control; 2) portable boilers used in pumping, heating, steaming and drilling in the open field; (3) portable boilers used solely for agricultural purposes; (4) steam heating boilers, hot water heaters and hot water heating boilers, when used in private homes or apartment houses of not more than five families; (5) hot water heaters approved by a nationally recognized testing agency that are equipped with adequate safety devices including a temperature and pressure relief valve, **A) having a nominal water capacity of not more than ten gallons and a heat input of not more than twenty thousand British thermal units per hour in any occupancy, or B)** having a nominal water capacity of not more than one hundred twenty gallons and a heat input of not more than two hundred thousand British thermal units per hour and used solely for hot water supply carrying a pressure of not more than one hundred sixty pounds per square inch and operating at temperatures of not more than two hundred ten degrees Fahrenheit, provided such heaters are not installed in schools, day care centers, public or private hospitals, nursing or boarding homes, churches or public buildings, as defined in section 1-1. (6) hot water heaters approved by a nationally recognized testing agency that are equipped with adequate safety devices including a temperature and pressure relief valve, having a nominal water capacity of not more than one hundred twenty gallons and a heat input of not more than two hundred thousand British thermal units per hour and used solely for hot water supply carrying a pressure of not more than one hundred sixty pounds per square inch and operating at temperatures of not more than two hundred ten degrees Fahrenheit, **except when installed** in schools, day care centers, public or private hospitals, nursing or boarding homes, churches or public buildings, as defined in section 1-1, (7) antique or model boilers used in public, nonprofit engineering or scientific museums and operated for educational, historical or exhibition purposes having a shell diameter of less than twelve inches and a grate surface area of less than one square foot; and (8) public service companies, as defined in section 16-1.

Section 2. Section 29-252a subsection (b) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The State Building Code, including any amendment to said code adopted by the State Building Inspector and Codes and Standards Committee, shall be the building code for all state agencies and the Connecticut Airport Authority.

(b) (1) No state or Connecticut Airport Authority building or structure or addition to a state or Connecticut Airport Authority building or structure: (A) That exceeds the threshold limits contained in section 29-276b and requires an independent structural

review under said section, or (B) that includes residential occupancies for twenty-five or more persons, shall be constructed until an application has been filed by (i) the commissioner of an agency authorized to contract for the construction of buildings under the provisions of section 4b-1 or 4b-51, or (ii) the executive director of the Connecticut Airport Authority, with the State Building Inspector and a building permit is issued by the State Building Inspector. Two copies of the plans and specifications for the building, structure or addition to be constructed shall accompany the application. **[The commissioner of any such agency or the executive director of the Connecticut Airport Authority shall certify that such plans and specifications are in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code]** The State Building Inspector shall review the plans and specifications for the building, structure or addition to be constructed to verify their compliance with the requirements of the State Building Code and, not later than thirty days after the date of application, shall issue or refuse to issue the building permit, in whole or in part. The State Building Inspector may request that the State Fire Marshal review such plans to verify their compliance with the Fire Safety Code.

(2) On and after July 1, 1999, the State Building Inspector shall assess an education fee on each building permit application. During the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application, and the State Building Inspector shall remit such fees, quarterly, to the Department of Administrative Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Administrative Services and shall be used for the code training and educational programs established pursuant to section 29-251c. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c.

(c) All state agencies authorized to contract for the construction of any buildings or the alteration of any existing buildings under the provisions of section 4b-1 or 4b-51 or, for any such Connecticut Airport Authority building, the Connecticut Airport Authority, shall be responsible for substantial compliance with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be. Such agencies and the Connecticut Airport Authority shall apply to the State Building Inspector for a certificate of occupancy for all buildings or alterations of existing buildings for which a building permit is required under subsection (b) of this section **[and shall certify compliance with the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be, to the State Building Inspector]** prior to occupancy or use of the facility.

(d) (1) No state or Connecticut Airport Authority building or structure erected or altered on and after July 1, 1989, for which a building permit has been issued pursuant to subsection (b) of this section, shall be occupied or used in whole or in part, until a

certificate of occupancy has been issued by the State Building Inspector, certifying that such building or structure substantially conforms to the provisions of the State Building Code and the regulations lawfully adopted under said code and the State Fire Marshal has verified substantial compliance with the Fire Safety Code and the regulations lawfully adopted under said code for such building or alteration to such building, as the case may be.

(2) No state or Connecticut Airport Authority building or structure erected or altered on and after July 1, 1989, for which a building permit has not been issued pursuant to subsection (b) of this section shall be occupied or used in whole or in part, until the commissioner of the agency erecting or altering the building or structure or, for any Connecticut Airport Authority building or structure, the executive director of the Connecticut Airport Authority, certifies to the State Building Inspector that the building or structure substantially complies with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be.

(e) The State Building Inspector or said inspector's designee may inspect or cause to be inspected any construction of buildings or alteration of existing buildings by state agencies or the Connecticut Airport Authority, except that said inspector or designee shall inspect or cause an inspection if the building being constructed includes residential occupancies for twenty-five or more persons. The State Building Inspector may order any state agency or the Connecticut Airport Authority to comply with the State Building Code. The commissioner may delegate such powers as the commissioner deems expedient for the proper administration of this part and any other statute related to the State Building Code to The University of Connecticut, provided the commissioner and the president of The University of Connecticut enter into a memorandum of understanding concerning such delegation of powers in accordance with section 10a-109ff.

[(f) The joint standing committee of the General Assembly having cognizance of matters relating to the Department of Administrative Services may annually review the implementation date in subsection (b) of this section to determine the need, if any, for revision.]

[(g)] (f) Any person aggrieved by any refusal to issue a building permit or certificate of occupancy under the provisions of this section or by an order to comply with the State Building Code or the Fire Safety Code may appeal, de novo, to the Codes and Standards Committee not later than seven days after the issuance of any such refusal or order.

[(h)] (g) State agencies and the Connecticut Airport Authority shall be exempt from the permit requirements of section 29-263 and the certificate of occupancy requirement under section 29-265.

Section 3. Section 29-254 is repealed and the following substituted in lieu thereof (*Effective from passage*):

(a) Any town, city or borough or any interested person may propose amendments to the State Building Code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, any such amendment may be restricted in application to such municipality. Each amendment to the State Building Code shall be adopted in accordance with the provisions of section 29-252b.

(b) The State Building Inspector may grant variations or exemptions from, or approve equivalent or alternate compliance with, the State Building Code where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided the intent of the law shall be observed and public welfare and safety be assured. Any application for a variation or exemption or equivalent or alternate compliance received by a local building official shall be forwarded to the State Building Inspector **[by first class mail]** not later than fifteen business days after receipt by such local building official and shall be accompanied by a letter from such local building official that shall include comments on the merits of the application. Any such determination by the State Building Inspector shall be in writing. Any person aggrieved by any decision of the State Building Inspector may appeal to the Codes and Standards Committee not later than thirty days after mailing of the decision. Any person aggrieved by any ruling of the Codes and Standards Committee may appeal **within forty-five days pursuant to C.G.S. 4-183(c)** to the superior court for the judicial district wherein the premises concerned are located.

Section 4. Section 29-258 of the general statutes is repealed. (*Effective from passage*)

Section 5. Subsection (a) of section 29-263 of the general statutes is repealed and the following substituted in lieu of (*Effective from passage*):

a) Except as provided in subsection (h) of section 29-252a and the State Building Code adopted pursuant to subsection (a) of section 29-252, after October 1, 1970, no building or structure shall be constructed or altered until an application has been filed with the building official and a permit issued. Such permit shall be issued or refused, in whole or in part, within thirty days after the date of an application. No permit shall be issued except upon application of the owner of the premises affected or the owner's authorized agent. No permit shall be issued to a contractor who is required to be registered pursuant to chapter 400, for work to be performed by such contractor, unless the name, business address and Department of Consumer Protection registration number of such contractor is clearly marked on the application for the permit, and the contractor has presented such contractor's certificate of registration as a home improvement

contractor. Prior to the issuance of a permit and within said thirty-day period, the building official shall review the plans of buildings or structures to be constructed or altered, including, but not limited to, plans prepared by an architect licensed pursuant to chapter 390, a professional engineer licensed pursuant to chapter 391 or an interior designer registered pursuant to chapter 396a acting within the scope of such license or registration, to determine their compliance with the requirements of the State Building Code and, where applicable, the local fire marshal shall review such plans to determine their compliance with the Fire Safety Code [.] **and Fire Prevention Code.** Such plans submitted for review shall be in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code [.] **and Fire Prevention Code.**

Section 6. Subsection (d) of section 29-266 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person aggrieved by any ruling of the Codes and Standards Committee may appeal **within forty-five days pursuant to C.G.S. 4-183(c)** to the superior court for the judicial district where such building or structure has been or is being erected

Section 7. Section 29-291b of the general statutes is repealed and the following is substituted in lieu thereof. (*Effective from passage*)

The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the State Fire Prevention Code where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal **[by first class mail]** not later than fifteen business days after the receipt of such application by the local fire marshal and accompanied by a letter containing the local fire marshal's comments on the merits of the application.

Section 8. Section 29-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of section 29-292 where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any

application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal **[by first class mail]** within fifteen business days of receipt by such local fire marshal and shall be accompanied by a letter from such local fire marshal that shall include comments on the merits of the application.

Agency Legislative Proposal - 2018 Session

Document Name 11.16.17_DAS_GAEproposal

State Agency: Department of Administrative Services
Liaison: Erin Choquette & Terrence Tulloch Reid **Phone:** 860-713-5276 860-713-5085 **E-mail:** erin.choquette@ct.gov Terrence.reid@ct.gov
Lead agency division requesting this proposal: This DAS omnibus bill affects multiple units within DAS.
Agency Analyst/Drafter of Proposal: Erin Choquette & Terrence Tulloch Reid

Title of Proposal: AAC Modifications to Various Statutes Within the Department of Administrative Services
Statutory References: 4a-60g, 4b-34, 4b-91(d), 4b-103(b), 4d-12
Proposal Summary: This proposal seeks the following changes: • Amend C.G.S. § 4a-60g to revise the definition of "small contractor" for purposes of the supplier diversity program. • Amend C.G.S. § 4b-34 to eliminate the requirements to post ads for leased space in newspapers and, independent of requests for proposals for specific properties, maintain a list of individuals interested in leasing property to the State and maintain an inventory of potential space to lease.

- Amend C.G.S. § 4b-91(d) to give project owners the discretion to allow bidders cure an inadvertent failure to submit their prequalification certificate and update bid statement with the bid documents and to rename "update bid statement" to "update statement" to avoid potential confusion regarding the contents of the document.
- Amend C.G.S. § 4b-103(b) to allow the State of CT to receive the full benefits of the construction-manager-at-risk project delivery method by giving the DAS Commissioner the same discretion as the DOT Commissioner regarding the administration of such projects.
- Amend C.G.S. § 4d-12 to eliminate the requirement to submit an annual report to the legislature on agencies' requests for variances to the approved architectural components for IT systems.

PROPOSAL BACKGROUND

◊ **Reasons for Proposal**

Section 1. Amend the C.G.S. § 4a-60g definition of "small contractor."

Under existing law, a "small contractor" is defined as an entity that (1) maintains its principal place of business in Connecticut; (2) that has gross revenues not exceeding 15 million dollars in the prior fiscal year; and (3) is independent. The statute's equation of "small" with a specific gross revenue amount has been challenged frequently over the years, by both members of both parties. (See, e.g., 2005 SB 96, 2006 HB 5050, 2016 HB 5246, 2017 HB 6416). Legislators and members of the public have argued that using a specific gross revenue amount is both over-inclusive and under-inclusive and have advocated for utilizing industry-specific definitions of "small" instead. DAS has agreed that industry-specific standards would be a better way of determining which businesses are truly "small" for their industry, and thus, are in need of the assistance provided by the set-aside program.

DAS does not have the internal resources or expertise necessary to establish valid size standards for every industry. The federal Small Business Administration, on the other hand, is an entire well-established agency that does possess the necessary resources and expertise. **To avoid the fiscal impact of creating "homegrown" size standards and to improve the efficiency of the certification program, DAS, therefore, proposes to change the CT definition of "small business" to a Connecticut-based business that is certified as a small business by the federal Small Business Administration**.

This change would address the concerns raised over the years by legislators and the public by creating a more rational, data-driven, basis for defining "small contractors." It would also simplify and expedite the CT certification process because the federal program already incorporates the need for such companies to be independent and not affiliated with other entities. DAS would still verify that the SBA-certified companies are based in Connecticut. DAS would also continue to engage in the more detailed analysis required to determine if a small contractor qualifies as a "minority business enterprise."

The statutory changes will **simplify the process for certifying small contractors**, thus enabling DAS to more efficiently use its limited resources; as such, DAS expects the changes will have result in an indirect cost avoidance. DAS believes that this new method of certifying small contractors will result **expedite the certification process**, which will benefit the contractors.

Section 2. Amend C.G.S. § 4b-34 to eliminate unnecessary and obsolete requirements.

DAS has the primary responsibility for soliciting and negotiating leases for most Executive branch state agencies, as well as the Judicial branch. Pursuant to C.G.S. § 4b-34, absent extenuating circumstances, DAS is required to provide public notice of the State's space needs and specifications. **This proposal eliminates the obligation to post such notices in local newspapers and requires posting of these contract opportunities on the State Contracting Portal.**

This change will (1) save agency time and state money, (2) ensure 24/7/365 statewide access to information about the State's leasing needs, and (3) streamline agency processing of these notifications. It will also make the leasing statute 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. This would merely be a technical conforming change for the landlord and realtor community because DAS has posted information about the State's leasing needs on the Portal for several years.

The proposal also repeals (b) and (c) of C.G.S. § 4b-34. Subsection (b) requires DAS to maintain a list of prospective lessors and subsection (c) requires DAS to maintain an inventory of potential space to lease. These lists no longer have any useful purpose. In order to ensure that the leasing process and open and competitive, and to ensure that the State has accurate and up-to-date information about the realty landscape, DAS issues requests for proposals that delineate agencies' specific needs. Moreover, if DAS

had a need to conduct a general survey of available property in the state, apart from a specific request for proposal, there are several online resources that provide that service effectively and accurately. Similarly, any potential lessor who is interested in knowing about the State's realty needs can ensure that they receive notice of any requests for proposals by creating an account on the Portal. **Subsections (b) and (c) simply create additional work for DAS for no good reason, and thus should be repealed.**

Section 3. Amend 4b-91(d) to change a term of art and to give agencies the authority to allow bidders to cure an inadvertent omission in their bid documents.

This proposal changes the term "update bid statement" to "update statement" and gives project owners the discretion to allow bidders cure an inadvertent failure to submit their prequalification certificate (if required) and update statement with the bid documents.

The phrase "update bid statement" is something of a misnomer because **the form in question does not actually include information specific to the actual bid**. Rather, it is used to allow the bidder to update the information it submitted when it applied for a prequalification certificate, such as information regarding all of the projects it has worked on since it applied for prequalification, as well as information about any changes to the bidder's financial position, corporate structure and prequalification status. Accordingly, **"update statement" is a more accurate term**.

This proposal also revises an overly strict requirement associated with the bidding process. Under existing law, if a bidder inadvertently omits its update bid statement from its bid package, the project owner is required to disqualify the bid. **This draconian reaction to what may be simply a clerical oversight has, on multiple occasions, forced the State to award contracts to companies that were not the lowest, most qualified bidders, thus imposing higher costs on the State**. In one recent situation, the State was required to disqualify the lowest bidder because its bid package did not include the update bid statement and was forced to award the contract to the next lowest bidder, resulting in a $500,000 increase to the costs of the project.

As noted above, the information contained in the update bid statement is not material to the actual bid. **Bidders would not receive any competitive advantage if they were allowed to submit the update statement after the fact**. Project owners already have the discretion to allow bidders to cure other kinds of clerical errors. **Accordingly, DAS's proposal gives project owners similar discretion to allow bidders up to 2 business days after the bid opening to submit the update statement.**

Section 4. Amend C.G.S. § 4b-103(b) to allow the State to receive the full benefits of the Construction Manager-At-Risk project delivery method.

The Construction Manager at Risk (CMR) is a delivery method that entails a commitment by the Construction Manager to deliver the project within a Guaranteed Maximum Price (GMP); thereby transferring the risk of bid overages from the project owner (the State) to the CMR. Generally, the CMR will give the Owner a GMP prior to bidding the project. Moreover, because the CMR is responsible for managing and coordinating the project, and bears the overall financial risks, the CMR is not always required to bid out all elements of the project. Indeed, the standard practice in the construction industry is to allow the CMR to provide some of the actual construction of the project depending on the availability of bidders and the expertise the company has, and, in some cases, to select subcontractors without a formal bidding process. The CMR method benefits the Project Owner by creating a higher level of cost control and by reducing the burden on the Owner in managing the project.

The existing statute, however, imposes several constraints on DAS's ability to benefit from the CMR method. Specifically, C.G.S. §4b-103 prohibits CMR from performing any of the construction itself. It also requires the CMR to publicly bid and select the lowest responsible bidder for all elements of the construction work. The CMR, like a design –builder or general contractor, is required to provide a lump sum price for the completion of the construction work. Unlike the design-builder and general contractor, the CMR is limited in its ability to select the trade contractors that will play a major role in determining whether the CMR will be able to complete the work for the guaranteed maximum price. By imposing these restrictions on CMRs contracted by DAS, the statute effectively guarantees that CMRs will propose higher GMPs as a means of managing the risk imposed by public bidding, thus costing the State more money. (It should be noted that neither DOT nor UCONN have these constraints.)

DAS's proposal seeks to give the State the ability to capture the true benefits of the CMR method by allowing DAS and the CMR greater control over the selection of subcontractors and by allowing CMRs, with DAS approval, to self-perform some of the work. This increased control will also allow the CMR to better plan for and coordinate the achievement of SBE/MBE goals.

Section 5. Amend C.G.S. § 4d-12(b) to remove requirement that the Information and Telecommunication Systems executive steering committee approve or disapprove requests for variances from statewide IT standards and report to the General Assembly on those requests.

C.G.S. § 4d-12(b) requires the Information and Telecommunication Systems executive steering committee to approve or disapprove of agencies' requests for variances from statewide IT standards and report on those requests. **This statutory obligation is an artifact from the past and no longer fits with the purpose or functions of the steering committee.**

This statute was enacted in 1989, when the Department of Information Technology was created as a stand-alone agency and the goal was to centralizing all IT services across the state. In 2011, central IT services were moved into DAS and IT managers were returned to line agency control. The rapid advancements in technology coupled with the additional agency control has made holding all agencies to the same set of standards is unworkable and inefficient.

Therefore, the focus of the committee has turned from holding agencies accountable to nonexistent statewide standards, to assisting agencies and state government generally in planning for the future and in identifying which new technologies can provide added value to the operations of state government. Accordingly, **DAS seeks the repeal of this obsolete obligation.**

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

This is a new proposal. DAS has not asked the legislature to introduce any bills with the proposed language; however, DAS did request that the 4a-60(g) changes be included in the 2017 budget implementer.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED**

No other agencies will be directly affected by the proposed changes. All agencies (as well as municipalities) are likely to receive the same benefits from the 4a-60g and 4b-91(d) changes that DAS expects to receive.

Agency Name: Click here to enter text. **Agency Contact (*name, title, phone*):** Click here to enter text. **Date Contacted:** Click here to enter text. Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments Click here to enter text.
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 *(please include any municipal mandate that can be found within legislation)* Potential Indirect Savings. Municipalities that are subject to the requirements of 4a-60g may experience some savings because linking the definition of "small" to the applicable industry standards is likely to provide municipalities with a larger pool of qualified small contractors to choose from, thus increasing competition and reducing costs. Similarly, municipalities that are subject to the requirements of 4b-91(d) will be able to avoid the costs associated with the existing requirement to disqualify otherwise responsible and qualified bidders simply because of the technical defect of not including the updated prequalification statement with a bid.
State Potential Direct and Indirect Savings. As detailed in the Reasons for Proposal, these changes will enable DAS to increase efficiency, avoid unnecessary costs, and increase competition. Other state agencies, like municipalities, are subject to the requirements of 4a-60g and 4b-91(d), and will also be able to avoid costs for the reasons described above. DAS expects that the revisions to 4b-103, which will allow the State to truly capture the benefits of the CMR project delivery model, will result in concrete savings to the State.
Federal Click here to enter text.

Additional notes on fiscal impact Click here to enter text.

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

As described in the Reasons for Proposal section, the proposed legislation will enable DAS to increase efficiency, avoid unnecessary costs, avoid potential audit findings, and, in connection with the various contracting-related changes, increase competition.

An Act Concerning Modifications to Various Statutes Within the Department of Administrative Services

Section 1. Section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2019 and applicable to all certifications issued or renewed on or after that date):

(a) As used in this section and sections 4a-60h to 4a-60j, inclusive, the following terms have the following meanings:

(1) "Small contractor" means any contractor, subcontractor, manufacturer, service company or nonprofit corporation (A) that maintains its principal place of business in the state, **[**(B) that had gross revenues not exceeding fifteen million dollars in the most recently completed fiscal year prior to such application, and (C) that is independent. "Small contractor" does not include any person who is affiliated with another person if both persons considered together have a gross revenue exceeding fifteen million dollars.**] and (B) that is certified as a small business with the United States Small Business Administration.**

[(2) "Independent" means the viability of the enterprise of the small contractor does not depend upon another person, as determined by an analysis of the small contractor's relationship with any other person in regards to the provision of personnel, facilities, equipment, other resources and financial support, including bonding.]

[(3)] (2) "State agency" means each state board, commission, department, office, institution, council or other agency with the power to contract for goods or services itself or through its head.

[(4)] (3) "Minority business enterprise" means any small contractor (A) fifty-one per cent or more of the capital stock, if any, or assets of which are owned by a person or persons who (i) exercise operational authority over the daily affairs of the enterprise, (ii) have the power to direct the management and policies and receive the beneficial interest of the enterprise, (iii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, and (iv) are members of a minority, as such term is defined in subsection (a) of section 32-9n, or are individuals with a disability, or (B) which is a nonprofit corporation in which fifty-one per cent or more of the persons who (i) exercise operational authority over the enterprise, (ii) possess managerial and technical competence and experience directly related to the principal business activities of the enterprise, (iii) have the power to direct the management and policies of the enterprise, and (iv) are members of a minority, as defined in this subsection, or are individuals with a disability.

[(5)] (4) "Affiliated" means the relationship in which a person directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another person.

[(6)] (5) "Control" means the power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract or through any other direct or indirect means. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, twenty per cent or more of any voting securities of another person.

[(7)] (6) "Person" means any individual, corporation, limited liability company, partnership, association, joint stock company, business trust, unincorporated organization or other entity.

[(8)] (7) "Individual with a disability" means an individual (A) having a physical or mental impairment that substantially limits one or more of the major life activities of the individual, which mental impairment may include, but is not limited to, having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or (B) having a record of such an impairment.

[(9)] (8) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 or any predecessor statutes thereto.

[(10)] (9) "Municipality" means any town, city, borough, consolidated town and city or consolidated town and borough.

[(11)] (10) "Quasi-public agency" has the same meaning as provided in section 1-120.

[(12)] (11) "Awarding agency" means a state agency or political subdivision of the state other than a municipality.

[(13)] (12) "Public works contract" has the same meaning as provided in section 46a-68b.

[(14)] (13) "Municipal public works contract" means that portion of an agreement entered into on or after October 1, 2015, between any individual, firm or corporation and a municipality for the construction, rehabilitation, conversion, extension, demolition or repair of a public building, highway or other changes or improvements in real property, which is financed in whole or in part by the state, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees but excluding any project of an alliance district, as defined in section 10-262u, financed by state funding in an amount equal to fifty thousand dollars or less.

[(15)] (14) "Quasi-public agency project" means the construction, rehabilitation, conversion, extension, demolition or repair of a building or other changes or improvements in real property pursuant to a contract entered into on or after October 1, 2015, which is financed in whole or in part by a quasi-public agency using state funds, including, but not limited to, matching expenditures, grants, loans, insurance or guarantees.

(b) (1) It is found and determined that there is a serious need to help small contractors, minority business enterprises, nonprofit organizations and individuals with disabilities to be considered for and awarded state contracts for the purchase of goods and services, public works contracts, municipal public works contracts and contracts for quasi-public agency projects. Accordingly, the necessity of awarding such contracts in compliance with the provisions of this section, sections 4a-60h to 4a-60j, inclusive, and sections 32-9i to 32-9p, inclusive, for advancement of the public benefit and good, is declared as a matter of legislative determination.

(2) Notwithstanding any provisions of the general statutes, and except as set forth in this section, the head of each awarding agency shall set aside in each fiscal year, for award to small contractors, on the basis of competitive bidding procedures, contracts or portions of contracts for the construction, reconstruction or rehabilitation of public buildings, the construction and maintenance of highways and the purchase of goods and services. The total value of such contracts or portions thereof to be set aside by each such agency shall be at least twenty-five per cent of the total value of all contracts let by the head of such agency in each fiscal year, provided a contract for any goods or services which have been determined by the Commissioner of Administrative Services to be not customarily available from or supplied by small contractors shall not be included. Contracts or portions thereof having a value of not less than twenty-five per cent of the total value of all contracts or portions thereof to be set aside shall be reserved for awards to minority business enterprises.

(3) Notwithstanding any provision of the general statutes, and except as provided in this section, on and after October 1, 2015, each municipality when awarding a municipal public

works contract shall state in its notice of solicitation for competitive bids or request for proposals or qualifications for such contract that the general or trade contractor shall be required to comply with the provisions of this section and the requirements concerning nondiscrimination and affirmative action under sections 4a-60 and 4a-60a. Any such contractor awarded a municipal public works contract shall, on the basis of competitive bidding procedures, (A) set aside at least twenty-five per cent of the total value of the state's financial assistance for such contract for award to subcontractors who are small contractors, and (B) of that portion to be set aside in accordance with subparagraph (A) of this subdivision, reserve a portion equivalent to twenty-five per cent of the total value of the contract or portion thereof to be set aside for awards to subcontractors who are minority business enterprises. The provisions of this section shall not apply to any municipality that has established a set-aside program pursuant to section 7-148u where the percentage of contracts set aside for minority business enterprises is equivalent to or exceeds the percentage set forth in this subsection.

(4) Notwithstanding any provision of the general statutes, and except as provided in this section, on and after October 1, 2015, any individual, firm or corporation that enters into a contract for a quasi-public agency project shall, prior to awarding such contract, notify the contractor to be awarded such project of the requirements of this section and the requirements concerning nondiscrimination and affirmative action under sections 4a-60 and 4a-60a. Any such contractor awarded a contract for a quasi-public agency project shall, on the basis of competitive bidding procedures, (A) set aside at least twenty-five per cent of the total value of the state's financial assistance for such contract for award to subcontractors who are small contractors, and (B) of that portion to be set aside in accordance with subparagraph (A) of this subdivision, reserve a portion equivalent to twenty-five per cent of the total value of the contract or portions thereof to be set aside for awards to subcontractors who are minority business enterprises.

(5) Eligibility of nonprofit corporations under the provisions of this section shall be limited to predevelopment contracts awarded by the Commissioner of Housing for housing projects.

(6) In calculating the percentage of contracts to be set aside under subdivisions (2) to (4), inclusive, of this subsection, the awarding agency or contractor shall exclude any contract that may not be set aside due to a conflict with a federal law or regulation.

(c) The head of any awarding agency may, in lieu of setting aside any contract or portions thereof, require any general or trade contractor or any other entity authorized by such agency to award contracts, to set aside a portion of any contract for subcontractors who are eligible for set-aside contracts under this section. Nothing in this subsection shall be construed to diminish the total value of contracts which are required to be set aside by any awarding agency pursuant to this section.

(d) The head of each awarding agency shall notify the Commissioner of Administrative Services of all contracts to be set aside pursuant to subdivision (2) of subsection (b) or subsection (c) of this section at the time that bid documents for such contracts are made available to potential contractors.

(e) The awarding authority shall require that a contractor or subcontractor awarded a contract or a portion of a contract under this section perform not less than thirty per cent of the work with the workforces of such contractor or subcontractor and shall require that not less than fifty per cent of the work be performed by contractors or subcontractors eligible for awards under this section. A contractor awarded a contract or a portion of a contract under this section shall not subcontract with any person with whom the contractor is affiliated. No person who is affiliated with another person shall be eligible for awards under this section if both affiliated persons considered together would not qualify as a small contractor or a minority business enterprise under subsection (a) of this section. The awarding authority shall require that a contractor awarded a contract pursuant to this section submit, in writing, an explanation of any subcontract to such contract that is entered into with any person that is not eligible for the award of a contract pursuant to this section, prior to the performance of any work pursuant to such subcontract.

(f) The awarding authority may require that a contractor or subcontractor awarded a contract or a portion of a contract under this section furnish the following documentation: (1) A copy of the certificate of incorporation, certificate of limited partnership, partnership agreement or other organizational documents of the contractor or subcontractor; (2) a copy of federal income tax returns filed by the contractor or subcontractor for the previous year; **[**and**]** (3) evidence of payment of fair market value for the purchase or lease by the contractor or subcontractor of property or equipment from another contractor who is not eligible for set-aside contracts under this section**; (4) evidence that the principal place of business of the contractor or subcontractor is in Connecticut; and (5) evidence that the contractor or subcontractor is certified with the United States Small Business Administration as a small business.**

(g) The awarding authority or the Commissioner of Administrative Services or the Commission on Human Rights and Opportunities may conduct an audit of the financial, corporate and business records and conduct an investigation of any small contractor or minority business enterprise which applies for or is awarded a set-aside contract for the purpose of determining eligibility for awards or compliance with the requirements established under this section.

(h) The provisions of this section shall not apply to (1) any awarding agency for which the total value of all contracts or portions of contracts of the types enumerated in subdivision (2) of subsection (b) of this section is anticipated to be equal to ten thousand dollars or less, or (2) any

municipal public works contract or contract for a quasi-public agency project for which the total value of the contract is anticipated to be equal to fifty thousand dollars or less.

(i) In lieu of a performance, bid, labor and materials or other required bond, a contractor or subcontractor awarded a contract under this section may provide to the awarding authority, and the awarding authority shall accept a letter of credit. Any such letter of credit shall be in an amount equal to ten per cent of the contract for any contract that is less than one hundred thousand dollars and in an amount equal to twenty-five per cent of the contract for any contract that exceeds one hundred thousand dollars.

(j) (1) Whenever the awarding agency has reason to believe that any contractor or subcontractor awarded a state set-aside contract has wilfully violated any provision of this section, the awarding agency shall send a notice to such contractor or subcontractor by certified mail, return receipt requested. Such notice shall include: (A) A reference to the provision alleged to be violated; (B) a short and plain statement of the matter asserted; (C) the maximum civil penalty that may be imposed for such violation; and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. The awarding agency shall send a copy of such notice to the Commission on Human Rights and Opportunities.

(2) The awarding agency shall hold a hearing on the violation asserted unless such contractor or subcontractor fails to appear. The hearing shall be held in accordance with the provisions of chapter 54. If, after the hearing, the awarding agency finds that the contractor or subcontractor has wilfully violated any provision of this section, the awarding agency shall suspend all set-aside contract payments to the contractor or subcontractor and may, in its discretion, order that a civil penalty not exceeding ten thousand dollars per violation be imposed on the contractor or subcontractor. If such contractor or subcontractor fails to appear for the hearing, the awarding agency may, as the facts require, order that a civil penalty not exceeding ten thousand dollars per violation be imposed on the contractor or subcontractor. The awarding agency shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to the contractor or subcontractor named in such order. The awarding agency may cause proceedings to be instituted by the Attorney General for the enforcement of any order imposing a civil penalty issued under this subsection.

(k) (1) On or before January 1, 2000, the Commissioner of Administrative Services shall establish a process for certification of small contractors and minority business enterprises as eligible for set-aside contracts. Each certification shall be valid for a period not to exceed two years, unless the Commissioner of Administrative Services determines that an extension of such certification is warranted, provided any such extension shall not exceed a period of six months from such certification's original expiration date. **[**Any paper application for certification shall be no longer than six pages.**]** **Any certification issued prior to January 1,**

2019 shall remain valid for the term listed on such certification unless revoked pursuant to subdivision (2) of this subsection. The Department of Administrative Services shall maintain on its web site an updated directory of small contractors and minority business enterprises certified under this section.

(2) The Commissioner of Administrative Services may deny an application for the initial issuance or renewal of such certification after issuing a written decision to the applicant setting forth the basis for such denial. The commissioner may revoke such certification for cause after notice and an opportunity for a hearing in accordance with the provisions of chapter 54. Any person aggrieved by the commissioner's decision to deny the issuance or renewal of or to revoke such certification may appeal such decision to the Superior Court, in accordance with the provisions of section 4-183.

(3) Whenever the Commissioner of Administrative Services has reason to believe that a small contractor or minority business enterprise who has applied for or received certification under this section has included a materially false statement in his or her application, the commissioner may impose a penalty not exceeding ten thousand dollars after notice and a hearing held in accordance with chapter 54. Such notice shall include (A) a reference to the statement or statements contained in the application alleged to be false, (B) the maximum civil penalty that may be imposed for such misrepresentation, and (C) the time and place of the hearing. Such hearing shall be fixed for a date not later than fourteen days from the date such notice is sent. The commissioner shall send a copy of such notice to the Commission on Human Rights and Opportunities.

(4) The commissioner shall hold a hearing prior to such revocation or denial or the imposition of a penalty[, unless such contractor or subcontractor fails to appear]. If, after the hearing, the commissioner finds that the contractor or subcontractor has wilfully included a materially false statement in his or her application for certification under this subsection, the commissioner shall revoke or deny the certification and may order that a civil penalty not exceeding ten thousand dollars be imposed on the contractor or subcontractor. If such contractor or subcontractor fails to appear for the hearing, the commissioner may, as the facts require, revoke or deny the certification and order that a civil penalty not exceeding ten thousand dollars be imposed on the contractor or subcontractor. The commissioner shall send a copy of any order issued pursuant to this subsection to the contractor or subcontractor named in such order. The commissioner may cause proceedings to be instituted by the Attorney General for the enforcement of any order imposing a civil penalty issued under this subsection.

(l) On or before August first of each year, each awarding agency setting aside contracts or portions of contracts under subdivision (2) of subsection (b) of this section shall prepare a report establishing small and minority business state set-aside program goals for the twelve-month period beginning July first in the same year. Each such report shall be submitted to the

Commissioner of Administrative Services, the Commission on Human Rights and Opportunities and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and government administration.

(m) On or before November first of each year and on a quarterly basis thereafter, each awarding agency setting aside contracts or portions of contracts under subdivision (2) of subsection (b) of this section shall prepare a status report on the implementation and results of its small business and minority business enterprise state set-aside program goals during the three-month period ending one month before the due date for the report. Each report shall be submitted to the Commissioner of Administrative Services and the Commission on Human Rights and Opportunities. Any awarding agency that achieves less than fifty per cent of its small contractor and minority business enterprise state set-aside program goals by the end of the second reporting period in any twelve-month period beginning on July first shall provide a written explanation to the Commissioner of Administrative Services and the Commission on Human Rights and Opportunities detailing how the awarding agency will achieve its goals in the final reporting period. The Commission on Human Rights and Opportunities shall: (1) Monitor the achievement of the annual goals established by each awarding agency; and (2) prepare a quarterly report concerning such goal achievement. The report shall be submitted to each awarding agency that submitted a report, the Commissioner of Economic and Community Development, the Commissioner of Administrative Services and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and government administration. Failure by any awarding agency to submit any reports required by this section shall be a violation of section 46a-77.

(n) Nothing in this section shall be construed to apply to the janitorial or service contracts awarded pursuant to subsections (b) to (d), inclusive, of section 4a-82.

(o) The Commissioner of Administrative Services may adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section.

Section 2. Section 4b-34 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Except as provided under subsection **[**(e)**]** **(c)** of this section, whenever it appears from the specifications of the requesting agency or institution that the space needs equal or exceed two thousand five hundred square feet and the Commissioner of Administrative Services has determined that such needs will be met by lease of space, the commissioner shall give public notice of such space needs and specifications by advertising**[**, at least once, in a newspaper

having a substantial circulation in the area in which such space is sought**,]** **on the State Contracting Portal** no less than fifteen days prior to the date of final selection. A copy of such notice shall be sent to the regional chapter of the Connecticut Association of Realtors serving the area in which such space is sought. The provisions of this subsection shall not be construed to require the commissioner to lease space only from persons responding to such advertisements.
[(b) The commissioner shall maintain a list of prospective lessors, which shall be updated at least annually after suitable notice to the public through the various media in the state.
(c) The commissioner shall maintain and continuously update an inventory of potential space to lease.**]**
[(d)] **(c)** Whenever space sufficient to meet the needs of a requesting agency or institution is owned by a political subdivision of the state and is available for lease, the commissioner may lease such space without complying with the requirements of subsection (a) of this section, if he has determined that the rent and other terms of the proposed lease are at least as favorable to the state as prevailing rental rates and terms for privately owned space.
[(e)] **(d)** The provisions of subsection (a) of this section shall not apply in the case of (1) a terminating lease which the commissioner decides to renegotiate, if the commissioner submits his proposal to the State Properties Review Board not later than nine months before the expiration of such lease, (2) a lease (A) which is renegotiated or on holdover status, for a term of not more than eighteen months, and (B) which is for an agency that is scheduled to move into a state-owned building, or (3) the lease of new facilities following a declaration by the commissioner that (A) an emergency exists because a state facility has been damaged, destroyed or otherwise rendered unusable due to any cause, and (B) such emergency would adversely affect public safety or the proper conduct of essential state governmental operations. The State Properties Review Board shall approve or disapprove a lease proposal under subdivision (3) of this subsection within five days after receipt of the proposal.

Section 3. Subsection (d) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(d) Each bid submitted for a contract described in subsection (c) of this section shall include an update **[**bid**]** statement in such form as the Commissioner of Administrative Services prescribes and, if required by the public agency soliciting such bid, a copy of the prequalification certificate issued by the Commissioner of Administrative Services. The form for such update **[**bid**]** statement shall provide space for information regarding all projects completed by the bidder since the date the bidder's prequalification certificate was issued or renewed, all projects the bidder currently has under contract, including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes

in the bidder's financial position or corporate structure since the date the certificate was issued or renewed, any change in the contractor's qualification status as determined by the provisions of subdivision (6) of subsection (c) of section 4a-100 and such other relevant information as the Commissioner of Administrative Services prescribes. **[**Any bid submitted without a copy of the prequalification certificate, if required by the public agency soliciting such bid, and an update bid statement shall be deemed invalid**]**. **The public agency soliciting such bids may allow bidders no more than two business after the opening of such bids to submit a copy of the prequalification certificate, if required by the public agency soliciting such bid, and an update statement.** Any public agency that accepts a bid submitted without a copy of such prequalification certificate, if required by such public agency soliciting such bid, and an update **[**bid**]** statement may become ineligible for the receipt of funds related to such bid.

Section 4. Subsection (b) of section 4b-103 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018).

[(b) Except as provided in subsections (c) and (d) of this section, 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 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.]

(b) The commissioner may permit the construction manager at risk to self-perform a portion of the construction work if the commissioner determines that the construction manager at risk can perform the work more cost effectively than a subcontractor. All work not performed by the construction manager at risk shall be performed by trade subcontractors selected by a process approved by the commissioner. The construction manager at risk contract shall have a guaranteed maximum price for the cost of

construction that shall be determined not later than ninety (90) days after the selection of the trade subcontractors. Construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition.

Section 5. Subsection (b) of section 4d-12 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage).

(b) There is established an information and telecommunication systems executive steering committee consisting of the following members or their designees: The Commissioner of Administrative Services, the Secretary of the State and the Secretary of the Office of Policy and Management and not more than four other members who are commissioners of an executive branch state agency, appointed jointly by the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management. The Commissioner of Administrative Services, or a designee, shall serve as chairperson of the committee. The Department of Administrative Services shall serve as staff to the committee. The committee shall (1) review and approve or disapprove the annual information and telecommunication systems strategic plan developed under section 4d-7, state agency estimates of expenditure requirements for information and telecommunication systems established under section 4d-11, and major telecommunication initiatives, **[**(2) review, in consultation with the Department of Administrative Services, and approve or disapprove variances to (A) the list of approved architectural components for information and telecommunication systems for state agencies, (B) the strategic plan, and (C) appropriations for information and telecommunication systems,**]** and **[**(3)**] (2)** advise the Department of Administrative Services on the organization and functions of the department in regards to information and telecommunication systems. The committee shall submit a report on each approved variance to the General Assembly, in accordance with the provisions of section 11-4a. Such report shall include the reasons for the variance and the results of a cost-benefit analysis on the variance.**]**

Agency Legislative Proposal - 2018 Session

Document Name: 11.16.17_DAS_SchoolConstructionStandards

State Agency: Department of Administrative Services		
Liaison: : Phone: E-mail:	Terrence Tulloch-Reid (860) 713-5085 terrence.reid@t.gov	Erin Choquette (860) 713-5276 erin.choquette@ct.gov
Lead agency division requesting this proposal: Office of School Construction Grants and Review		
Agency Analyst/Drafter of Proposal: Josh Scollins		

Title of Proposal **AAC School Construction Space Standards**
Statutory References **C.G.S. §10-284**
Proposal Summary **Allow for school construction space standards to be set by DAS policy rather than regulation and eliminate the requirement that these standards be set on a county-wide basis.**

PROPOSAL BACKGROUND

§ 10-284. Approval or disapproval of applications by Commissioner of Administrative Services. Allow for school construction space standards to be set by policy rather than regulation and eliminate requirement that these standards be set on a county-wide basis.

Reasons for Proposal

This requested modification would allow DAS to be more flexible and responsive when it comes to setting space standards for school construction projects. There exists a special committee of the General Assembly to scrutinize school construction projects (C.G.S. 10-283a) providing ample legislative oversight and involvement in the school construction process. Given the very specific and ever-changing nature of school sizing standards, requiring that these standards be set through regulation creates unnecessary and potentially harmful delay and complication to an already complicated process. Also, the requirement that these standards be set on a county-wide basis creates a requirement that is overly broad and not necessarily responsive to the needs of the municipality in which the school is being built.

- **Origin of Proposal __X_ New Proposal ___ Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)
  N/A

Agency Name: 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 (please include any municipal mandate that can be found within legislation) Potential savings due to an expedited and more appropriate process for apply for a school construction grant.
State Potential savings from an expedited and more appropriate process for reviewing applications for school construction grants.
Federal N/A
Additional notes on fiscal impact

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

See Reasons for Proposal

An Act Concerning School Construction Space Standards

Section 1 Section 10-284 subsection (a) of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage).

(a) The Commissioner of Administrative Services shall have authority to receive and review applications for state grants under this chapter, and to approve any such application, or to disapprove any such application if (1) it does not comply with the requirements of the State Fire

Marshal or the Department of Public Health, (2) it is not accompanied by a life-cycle cost analysis approved by the Commissioner of Administrative Services, (3) it does not comply with the provisions of sections 10-290d and 10-291, (4) it does not meet (A) the standards or requirements established in regulations adopted in accordance with section 10-287c, or (B) school building categorization requirements described in section 10-283, (5) the estimated construction cost exceeds the per square foot cost for schools established in **[**regulations**]** **policies** adopted by the Commissioner of Administrative Services **[for the county in which the project is proposed to be located]**, (6) on and after July 1, 2014, the application does not comply with the school safety infrastructure criteria developed by the School Safety Infrastructure Council, pursuant to section 10-292r, except the Commissioner of Administrative Services may waive any of the provisions of the school safety infrastructure criteria if the commissioner determines that the application demonstrates that the applicant has made a good faith effort to address such criteria and that compliance with such criteria would be infeasible, unreasonable or excessively expensive, or (7) the Commissioner of Education determines that the proposed educational specifications for or theme of the project for which the applicant requests a state grant duplicates a program offered by a technical education and career school or an interdistrict magnet school in the same region.

Agency Legislative Proposal – 2018 Session

Document Name **11.16.17_DAS_SmokeDetectors**

State Agency: **Department of Administrative Services**
Liaison: Terrence Tulloch-Reid Erin Choquette Phone: (860) 713-5085 (860) 713-5276 E-mail: terrence.reid@t.gov erin.choquette@ct.gov
Lead agency division requesting this proposal: Office of the State Building Inspector & Office of the State Fire Marshal
Agency Analyst/Drafter of Proposal: Terrence Tulloch-Reid & Erin Choquette

Title of Proposal **AAC Smoke Detection and Warning Equipment in Residential Buildings**
Statutory Reference **C.G.S. § 29-292**
Proposal Summary The language being offered by DAS accomplishes three goals: 1. Clarifies the existing requirements for smoke and carbon monoxide detection in one- and two-family homes and requires detectors in all homes.

2. Repeals unnecessary and outdated language.

3. Removes statutory language that prevents Connecticut homeowners from taking advantage of technological advancements.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Smoke and carbon monoxide detectors save lives. There is absolutely no debate over this basic fact. The need for this legislation arises from the convoluted nature of the statute requiring the Fire Safety Code to incorporate requirements regarding smoke and carbon monoxide detectors, C.G.S. § 29-292.

Section § 29-292 directs the State Fire Marshal and the Codes and Standards Committee to adopt a Fire Safety Code. In general, the Fire Safety Code does not apply to private dwellings occupied by one- or two-families. Because of the long-held public policy encouraging the installation of smoke and carbon monoxide detectors, however, the General Assembly has periodically added language to this statute to require changes to the Fire Safety Code requiring these life-saving devices in one- and two-family residences.

In general, the code that applies to a particular structure is the code that was in effect as of the date the structure was built or was significantly renovated. (Any renovation or addition significant enough to require a building permit must meet the current code, regardless of the year of construction.) Thus, whether any particular one- or two-family dwelling is required to have smoke and carbon detectors depends on the year the dwelling was built or significantly renovated. For example, a house built on or after October 1, 1985, is required to have smoke detection equipment that uses both alternating current and batteries. However, homes built prior to that are only required to use batteries and not alternating current.

As a result of these piecemeal efforts, however, the public policy is lost in confusing verbiage and code references. Specifically, the existing statute requires the Code include provisions for:

- **Carbon monoxide detection and warning equipment in new residential buildings and schools after October 1, 2005**;

- **Smoke detection and warning equipment in residential buildings designed to be occupied by two or more families**;
- **Equipment complying with the Fire Safety Code in new residential buildings designed to be occupied by one family for which a building permit for new occupancy was issued on or after October 1, 1978**; and
- Equipment capable of operation using **alternating current and batteries in new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy was issued on or after October 1, 1985.**

Clarifies that smoke and carbon monoxide detection should be required in <u>all</u> one- and two-family homes.

This language also emphasizes that this requirement does not create any new opportunities or authority for local fire marshals one- and two- family homes.

Repeals unnecessary and outdated language.

Subparagraphs (2) and (3) of subsection (a) and subsection (c) are all either repetitive of other statutes or contain technical requirement language that has long been part of the state's fire and building codes. The proposal also updates the description of the code-making process to reflect the changes passed in 2016.

Removes statutory language that prevents Connecticut homeowners from taking advantage of technological advancements.

Codifying detailed code requirements in statute is not ideal and can lead to unintended consequences, such as preventing people in Connecticut from taking advantage of technological advancements. This proposal eliminates a prime example of this problem. Current language in subsection (a) requires homes built after 1985 to have smoke detection equipment that uses alternating current, which means hard-wired smoke alarms. Technological advancements in the industry have resulted in wireless smoke alarms. Because state statute prevents us from allowing for its use in code; however, Connecticut homebuilders cannot take advantage of this advancement.

(1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* ***NO***

(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?* **CT Fire Marshals Association, Local Fire Marshals,**

(4) *What would happen if this was not enacted in law this session?* **C.G.S. 29-292 would remain poorly constructed lacking clear guidance to stakeholders on the existing smoke and warning equipment requirements. Current statute also limits the type of smoke detection/warning equipment required in residential buildings.**

- **Origin of Proposal __X_ New Proposal ___ Resubmission**

If this is a resubmission, please share:

DAS has not proposed this legislation before; however, a bill spearheaded by the Connecticut Fire Marshals Association was raised in the Public Safety & Security Committee last session (HB 7092). DAS supported the concept and worked with CFMA, as well as the CT Homebuilders Association to improve the language. The bill had a public hearing but was not voted out of committee.

There were unsuccessful efforts late in the session to revive the concept as an amendment.

(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?* **Yes. DAS and CFMA had a very productive meeting with the Public Safety Committee House Chair Verrengia and House Ranking Member Sredinski along with the only outstanding opposed stakeholder, the CT Realtors. Representatives of the stakeholders listed below met with the CT Realtors in early November 2017 to try to identify and resolve the CT Realtors' concerns. CFMA, Homebuilders support the bill. On 11/16/17, a representative from the CT Realtors Association advised DAS that it has not changed its position.**

(3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* ***State Building Inspector, State Fire Marshal, CT Fire Marshals Association, CT Homebuilders.***

(4) *What was the last action taken during the past legislative session?* **See above**

PROPOSAL IMPACT

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

Agency Name: 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 __X_NO

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

Municipal (please include any municipal mandate that can be found within legislation) **None--- The local FM is the local authority for these issues—and the bill doesn't create any new enforcement duties.**
State **None**
Federal **None**
Additional notes on fiscal impact

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

The requirements to have smoke detection and warning equipment for one and two family dwellings have been in place for decades therefore, any concerns of this being a new mandate "or "camel's toe under the tent" are inaccurate. Statute has clearly been under the tent of code requirements for a very long time---based on the existing smoke/CO2 equipment requirements.

This bill does not change or create any new requirements Local fire marshals and building inspectors **do not** have any authority to inspect already-built one- and two-family homes.

AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT IN RESIDENTIAL BUILDINGS.

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

Section 1. Section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) **[**(1)**]** The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the **[**same**]** code in accordance with the provisions of section 29-292a. The **[**code**]** Fire Safety Code shall be based on a nationally recognized model fire code and shall be revised **[**as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code**]** not later than eighteen months following the date of first publication of **[**such revisions to the code**]** any new edition of such model code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. The **[**regulations in said**]** code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto except in private dwellings occupied by one or two families, which shall be inspected, upon complaint or request of an owner or occupant, only for the purpose of determining whether the requirements specified in said codes relative to carbon monoxide and smoke detection and warning equipment have been satisfied, and upon all premises, and shall include provision for **[**(A)**]** (1) carbon monoxide detection and warning equipment in **[**(i)**]** (A) new residential buildings **[**not exempt under regulations adopted pursuant to this subsection and**]** designed to be occupied by one or two families, **[**for which a building permit for new occupancy is issued on or after October 1, 2005, and (ii)**]** and (B) all public or nonpublic school buildings, and **[**(B)**]** (2) smoke detection and warning equipment in **[**(i)**]** residential buildings designed to be occupied by **[**two**]** one or more families. **[**, (ii) new residential buildings designed to be

occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (iii) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries.**]**

[(2) Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm.

(3) Said regulations shall (A) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon monoxide; (B) provide the requirements for testing and inspecting carbon monoxide detection and warning equipment installed in public or nonpublic school buildings and shall include, but not be limited to, the frequency with which such equipment shall be tested and inspected; (C) require that, for a public or nonpublic school building, (i) any carbon monoxide detection equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2075, or (ii) any carbon monoxide warning equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2034; (D) require the installation and maintenance of such detection or warning equipment to comply with the manufacturer's instructions and with the standards set forth by the National Fire Protection Association; and (E) prohibit, for public and nonpublic school buildings for which a building permit for new occupancy is issued on or after January 1, 2012, the installation of any battery-operated carbon monoxide warning equipment or any plug-in carbon monoxide warning equipment that has a battery as its back-up power source.**]**

(b) (1) (A) No certificate of occupancy shall be issued for any residential building designed to be occupied by [two or more families, or any new residential building designed to be occupied by] one or more families, for which a building permit for new occupancy is issued on or after October 1, 1978, unless the local fire marshal or building official has certified that such building is equipped with smoke detection and warning equipment complying with the Fire Safety Code, the Fire Prevention Code and the State Building Code.

(B) No certificate of approval shall be issued for any residential building designed to be occupied by one or more families unless the local fire marshal or building official has certified that such building is equipped with smoke detection and warning equipment complying with the Fire Safety Code, the Fire Prevention Code and the State Building Code.

(2) No certificate of occupancy or certificate of approval shall be issued for any (A) new residential building, not exempt under [regulations adopted pursuant to subsection (a) of this section and designed to be occupied by one or two families] the Fire Safety Code, for which a building permit for new occupancy is issued on or after October 1, 2005, or (B) public or nonpublic school building for which a building permit for new occupancy is issued on or after January 1, 2012, unless the local fire marshal or building official has certified that such residential or school building is equipped with carbon monoxide detection and warning equipment complying with the Fire Safety Code and the State Building Code.

[(c) (1) No municipality, local or regional board of education, or supervisory agent of a nonpublic school, and (2) no employee, officer or agent of such municipality, board of education or supervisory agent acting without malice, in good faith and within the scope of his or her employment or official duties shall be liable for any damage to any person or property resulting from the failure to detect carbon monoxide within a public school building, provided carbon monoxide detection equipment is installed and maintained in accordance with the manufacturer's published instructions and with the regulations established pursuant to this section.]


STATE OF CONNECTICUT
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UPDATED REVISED
11/8/17
Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1018Budget.doc; OTG1018Policy.doc): 11.16.17_DAS_StatePersonnelActRev

State Agency: Department of Administrative Services		
Liaison: : Phone: E-mail:	Terrence Tulloch-Reid (860) 713-5085 terrence.reid@t.gov	Erin Choquette (860) 713-5276 erin.choquette@ct.gov
Lead agency division requesting this proposal: Statewide Human Resources Division		
Agency Analyst/Drafter of Proposal: Joshua Scollins		

Title of Proposal AAC Technical Modifications To The State Personnel Act
Statutory References **C.G.S. § 5-218(b)** **C.G.S. § 5-221a** **C.G.S. § 5-243** **Regs., Conn. State Agencies § 5-243-1(d)**
Proposal Summary

DAS proposes the following technical modifications to the State Personnel Act:

C.G.S. § 5-218(b) technical modification to reflect shortened time frame necessary due to technological advancements. Change the two week posting requirement to at least five business days.

C.G.S. §5-221a technical modification to reflect shortened time frame necessary due to technological advancements. Change the twelve day appeal window to five business days.

C.G.S. §5-243 technical modification to remove reference to a "mandatory retirement age."

PROPOSAL BACKGROUND

- **C.G.S. § 5-218(b) technical modification to reflect shortened time frame necessary due to technological advancements. Change the two week posting requirement to "at least five business days." Make physical bulletin board posting optional.**

  Reasons for Proposal

  This requested modification is the logical result of the State's updates to its employment application system. The original policy was created when such notification and requests were done on paper (via newspapers and bulletin boards) and the extended time period was necessary to allow job seekers to be notified of openings. Now, with the fully electronic process implemented by DAS, that extra time is not necessary.

  DAS's proposal establishes a new minimum time period ("at least five business days") that allows agencies to keep postings open longer if business needs dictate. The proposal also removes the requirement that job openings be posted on a physical bulletin board. In the modern, digital age, job seekers no longer expect or want to go to a physical location to view job postings. The better way to ensure a fair, open and competitive process is to post job openings via the internet.

- **C.G.S. §5-221a technical modification to reflect shortened time frame necessary due to technological advancements. Change the twelve day appeal window to five business days.**

  Reasons for Proposal

  This requested modification is also a result of the State's update of its employment application system. The original policy was created when extra time was necessary to

account for the time it took to mail paper notifications to the applicants and for the applications to physically mail back their appeals. Under the new system, this process is entirely electronic and no time is spent in post.

- **C.G.S. §5-243 technical modification to remove reference to a "mandatory retirement age."**
    - **Eliminate citing reference Regs., Conn. State Agencies § 5-243-1(d)**

Reasons for Proposal

This change removes an antiquated reference to an Executive branch "mandatory retirement age" which no longer exists.

Please consider the following, if applicable:

(1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* ***Yes to the change to*** **§5-243. The elimination of the mandatory retirement age makes this a dead letter law.**

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

(3) *Have certain constituencies called for this action?* **No**

(4) *What would happen if this was not enacted in law this session***? Technical Statutory clean up. Minor, but unnecessary, delay to the hiring process.**

- **Origin of Proposal __X_ 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)

All agencies would indirectly benefit from the shortened time periods by enabling them to recruit qualified applications and fill positions more quickly.

Agency Name: 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 (please include any municipal mandate that can be found within legislation) None
State Potential savings. If the hiring process is expedited, the state may see a decreased cost from savings on overtime.
Federal None
Additional notes on fiscal impact

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

See Reasons for Proposal

AAC Technical Modifications to the State Personnel Act

Section 1 Section 5-218 subsection (b) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Commissioner of Administrative Services shall give public notice of such examinations for positions in the classified service at least **[two weeks]** **five business days** in advance by posting, or causing to be posted, an appropriate notice on the bulletin board maintained in or near the quarters of the Department of Administrative Services **[and]** **or** on the Internet web site of the department and by submitting the notice to the director of the state employment service. Such notice shall set forth the time and place of the examination and shall be accompanied by a copy of the official description of the position, and provide the work location, salary and weights to be given for the weighted parts of the examination, if applicable, provided once such notice has been given, the weights established in the notice for the weighted parts of the examination shall not be altered in any manner.

Section 2. Section 5-221a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

An applicant for employment or an employee in the classified service may appeal the rejection of such applicant's or employee's application, in writing, to the Commissioner of Administrative Services not later than **[twelve]** **five business** days after the **[mailing]** **transmittal** of such rejection notice by providing supplementary information on qualifications as may be necessary. Such applicant or employee may request a review of such rejection by an independent human resource professional who shall render a final decision on the applicant's or employee's appeal within fifteen days thereafter.

Section 3. Section 5-243 is repealed and the following substituted in lieu thereof (*Effective from passage*):

Resignations from the classified service **[and reemployment of former state employees who have retired but who have not reached the mandatory retirement age]** shall be subject to regulations issued by the Commissioner of Administrative Services.

Section 4. Regulations of Connecticut State Agencies Section 5-243-1 subsection (d) is repealed (*Effective from passage*).