



General Assembly

January Session, 2021

Raised Bill No. 1015

LCO No. 3649



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE
SERVICES AND MODERNIZING REAL ESTATE AND CONSTRUCTION
MANAGEMENT.**

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

1 Section 1. Subsection (k) of section 4a-100 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (k) (1) Any substantial evidence of fraud in obtaining or maintaining
5 prequalification or any materially false statement in the application []
6 or update statement [or update bid statement] may, in the discretion of
7 the awarding authority, result in termination of any contract awarded
8 the contractor by the awarding authority. The awarding authority shall
9 provide written notice to the commissioner of such false statement not
10 later than thirty days after discovering such false statement. The
11 commissioner shall provide written notice of such false statement to the
12 Commissioner of Consumer Protection and the president of The
13 University of Connecticut not later than thirty days after discovering
14 such false statement or receiving such notice.

15 (2) The commissioner shall deny or revoke the prequalification of any
16 contractor or substantial subcontractor if the commissioner finds that
17 the contractor or substantial subcontractor, or a principal or key
18 personnel of such contractor or substantial subcontractor, within the
19 past five years (A) has included any materially false statement in a
20 prequalification application [] or update statement, [or update bid
21 statement,] (B) has been convicted of, entered a plea of guilty or nolo
22 contendere for, or admitted to, a crime related to the procurement or
23 performance of any public or private construction contract, or (C) has
24 otherwise engaged in fraud in obtaining or maintaining
25 prequalification. Any revocation made pursuant to this subsection shall
26 be made only after an opportunity for a hearing. Any contractor or
27 substantial subcontractor whose prequalification has been revoked
28 pursuant to this subsection shall be disqualified for a period of two years
29 after which the contractor or substantial subcontractor may reapply for
30 prequalification, except that a contractor or substantial subcontractor
31 whose prequalification has been revoked on the basis of conviction of a
32 crime or engaging in fraud shall be disqualified for a period of five years
33 after which the contractor or substantial subcontractor may reapply for
34 prequalification. The commissioner shall not prequalify a contractor or
35 substantial subcontractor whose prequalification has been revoked
36 pursuant to this subdivision until the expiration of said two-year, five-
37 year, or other applicable disqualification period and the commissioner
38 is satisfied that the matters that gave rise to the revocation have been
39 eliminated or remedied.

40 Sec. 2. Subsection (n) of section 4a-100 of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective July 1,*
42 *2021*):

43 (n) The commissioner shall establish an update statement for use by
44 contractors and substantial subcontractors for purposes of renewing or
45 upgrading a prequalification certificate [and an update bid statement]
46 for purposes of submitting a bid pursuant to section 4b-91, as amended
47 by this act.

48 Sec. 3. Subsections (d) and (e) of section 4b-91 of the general statutes
49 are repealed and the following is substituted in lieu thereof (*Effective July*
50 *1, 2021*):

51 (d) Each bid submitted for a contract described in subsection (c) of
52 this section shall include an update [bid] statement in such form as the
53 Commissioner of Administrative Services prescribes and, if required by
54 the public agency soliciting such bid, a copy of the prequalification
55 certificate issued by the Commissioner of Administrative Services. The
56 form for such update [bid] statement shall provide space for information
57 regarding all projects completed by the bidder since the date the
58 bidder's prequalification certificate was issued or renewed, all projects
59 the bidder currently has under contract, including the percentage of
60 work on such projects not completed, the names and qualifications of
61 the personnel who will have supervisory responsibility for the
62 performance of the contract, any significant changes in the bidder's
63 financial position or corporate structure since the date the certificate was
64 issued or renewed, any change in the contractor's qualification status as
65 determined by the provisions of subdivision (6) of subsection (c) of
66 section 4a-100 and such other relevant information as the Commissioner
67 of Administrative Services prescribes. [Any bid submitted without a
68 copy of the prequalification certificate, if required by the public agency
69 soliciting such bid, and an update bid statement shall be deemed
70 invalid.] Any public agency that accepts a bid submitted without a copy
71 of such prequalification certificate, if required by such public agency
72 soliciting such bid, and an update [bid] statement, may become
73 ineligible for the receipt of funds related to such bid, except the public
74 agency soliciting such bids may allow bidders no more than two
75 business days after the opening of bids to submit a copy of the
76 prequalification certificate, if required by such public agency, and an
77 update statement.

78 (e) Any person who bids on a contract described in subsection (c) of
79 this section shall certify under penalty of false statement at the
80 conclusion of the bidding process that the information in the bid is true,
81 that there has been no substantial change in the bidder's financial

82 position or corporate structure since the bidder's most recent
83 prequalification certificate was issued or renewed, other than those
84 changes noted in the update [bid] statement, and that the bid was made
85 without fraud or collusion with any person.

86 Sec. 4. Subsection (e) of section 4b-21 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July 1,*
88 *2021*):

89 (e) After receiving notification from the secretary that such land,
90 improvement or interest may be treated as surplus, the Commissioner
91 of Administrative Services shall offer to convey such land, improvement
92 or interest to the municipality in which the land, improvement or
93 interest is located, including, but not limited to, by selling, leasing,
94 exchanging or entering into agreements concerning such land,
95 improvement or interest, provided (1) prior to such conveyance, the
96 municipality by vote of its legislative body accepts such conveyance,
97 and (2) a resolution of such municipal action, verified by the clerk of the
98 municipality, is delivered to the Commissioner of Administrative
99 Services not more than [one hundred twenty] sixty days after receiving
100 notice from the commissioner regarding the proposed conveyance. If
101 the municipality fails to deliver such resolution to the commissioner
102 within such [one-hundred-twenty-day] sixty-day period, the
103 municipality shall be deemed to have declined the proposed
104 conveyance, provided the commissioner may extend the [one-hundred-
105 twenty-day period] sixty-day deadline by not more than an additional
106 [sixty] thirty days. The municipality shall waive all rights to purchase
107 the land, improvement, interest or part thereof if the municipality
108 declines or is deemed to have declined the conveyance of such land,
109 improvement, interest or part thereof.

110 Sec. 5. Section 4b-22a of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective July 1, 2021*):

112 (a) Notwithstanding any provision of the general statutes, the
113 Commissioner of Administrative Services may (1) grant easements with

114 respect to land owned by the state to a public service company, as
115 defined in section 16-1, the owner of a district heating and cooling
116 system, a municipal water or sewer authority or a telecommunications
117 company, as defined in section 16-1, subject to the approval of the Office
118 of Policy and Management, the agency having supervision of the care
119 and control of such land and the State Properties Review Board, and (2)
120 acquire easements with respect to land not owned by the state in
121 connection with a Department of Administrative Services project,
122 subject to the approval of the State Properties Review Board. No
123 easement granted under subdivision (1) of this section shall be for the
124 disposal or storage of radioactive or hazardous waste materials. The
125 commissioner shall provide notice of any easement granted under said
126 subdivision to the chief executive official of the municipality, and the
127 members of the General Assembly representing the municipality, in
128 which the land is located.

129 (b) Notwithstanding any provision of the general statutes, the
130 Commissioner of Administrative Services may (1) grant rights-of-way
131 or other easements with respect to land owned by the state to the federal
132 government or any political subdivision of the state for public purposes
133 if the commissioner finds that such purposes are not in conflict with the
134 public interest, subject to the approval of the Office of Policy and
135 Management, the agency having supervision of the care and control of
136 such land, and the State Properties Review Board, and (2) acquire
137 easements with respect to land owned by the federal government or any
138 political subdivision of the state for public purposes if the commissioner
139 finds that such purposes do not conflict with the public interest, subject
140 to the approval of the State Properties Review Board.

141 Sec. 6. Subsection (a) of section 4b-3 of the general statutes is repealed
142 and the following is substituted in lieu thereof (*Effective July 1, 2021, and*
143 *applicable to any appointments made on or after said date*):

144 (a) There is established a State Properties Review Board which shall
145 consist of six members appointed as follows: The speaker of the House
146 and president pro tempore of the Senate shall jointly appoint three

147 members, one of whom shall be experienced in matters relating to
148 commercial architecture, one experienced in commercial building
149 construction matters and one in matters relating to commercial
150 engineering; and the minority leader of the House and the minority
151 leader of the Senate shall jointly appoint three members, one of whom
152 shall be experienced in matters relating to the purchase, sale and lease
153 of commercial real estate and buildings, one experienced in [business
154 matters] complex commercial real estate development generally and
155 one experienced in the management and operation of state institutions.
156 No more than three of said six members shall be of the same political
157 party. One of the members first appointed by the speaker and the
158 president pro tempore shall serve a two-year term, one shall serve a
159 three-year term and one shall serve a four-year term. One of the
160 members first appointed by the minority leaders of the House and
161 Senate shall serve a two-year term, one shall serve a three-year term and
162 one shall serve a four-year term. All appointments of members to
163 replace those whose terms expire shall be for a term of four years and
164 until their successors have been appointed and qualified. If any vacancy
165 occurs on the board, the appointing authorities having the power to
166 make the initial appointment under the provisions of this section shall
167 appoint a person for the unexpired term in accordance with the
168 provisions hereof.

169 Sec. 7. Subsection (f) of section 4b-3 of the general statutes is repealed
170 and the following is substituted in lieu thereof (*Effective July 1, 2021*):

171 (f) The State Properties Review Board shall review and approve or
172 disapprove real estate acquisitions, sales, leases and subleases proposed
173 by the Commissioner of Administrative Services or proposed by the
174 Chief Court Administrator pursuant to the authority delegated to the
175 Chief Court Administrator by the Commissioner of Administrative
176 Services, the acquisition, other than by condemnation, or the sale or
177 lease of any property by the Commissioner of Transportation under
178 subdivision (11) of section 13b-4, subject to section 4b-23, as amended
179 by this act, and subsection (h) of section 13a-73 and [review, for
180 approval or disapproval,] any contract for a project described in

181 subsection (h) of section 4b-91. [Such review shall consider all aspects of
182 the proposed actions, including feasibility and method of acquisition
183 and the prudence of the business method proposed.] The board shall not
184 grant approval under this subsection if it has determined based on
185 objective evidence that the applicable department has failed to comply
186 with the applicable provision of the general statutes or agency
187 regulation related to the proposed action. The board shall also cooperate
188 with and advise and assist the Commissioner of Administrative Services
189 and the Commissioner of Transportation in carrying out their duties.
190 The board shall have access to all information, files and records directly
191 relevant to its evaluation of the agency's compliance with the applicable
192 provision of the general statutes or agency regulation, including
193 financial records, of the Commissioner of Administrative Services and
194 the Commissioner of Transportation, and shall, when necessary, be
195 entitled to the use of personnel employed by said commissioners. The
196 board shall approve or disapprove any acquisition of development
197 rights of agricultural land by the Commissioner of Agriculture under
198 section 22-26cc. The board shall hear any appeal under section 8-273a
199 and shall render a final decision on the appeal within thirty days
200 thereafter. The written decision of the board shall be a final decision for
201 the purposes of sections 4-180 and 4-183. The provisions of this section
202 shall not apply to any airport, airport site or any part thereof operated
203 by the Connecticut Airport Authority established pursuant to section
204 15-120bb.

205 Sec. 8. Subsection (i) of section 4b-23 of the general statutes is repealed
206 and the following is substituted in lieu thereof (*Effective July 1, 2021*):

207 (i) As used in this subsection, (1) "project" means any state program,
208 except the downtown Hartford higher education center project, as
209 defined in section 4b-55, requiring consultant services if the cost of such
210 services is estimated to exceed [one] five hundred thousand dollars; [or,
211 in the case of a constituent unit of the state system of higher education,
212 the cost of such services is estimated to exceed three hundred thousand
213 dollars, or in the case of a building or premises under the supervision of
214 the Office of the Chief Court Administrator or property where the

215 Judicial Department is the primary occupant, the cost of such services is
216 estimated to exceed three hundred thousand dollars;] (2) "consultant"
217 means "consultant" as defined in section 4b-55; and (3) "consultant
218 services" means "consultant services" as defined in section 4b-55. Any
219 contracts entered into by the Commissioner of Administrative Services
220 with any consultants for employment (A) for any project under the
221 provisions of this section, (B) in connection with a list established under
222 subsection (d) of section 4b-51, or (C) by task letter issued by the
223 Commissioner of Administrative Services to any consultant on such list
224 pursuant to which the consultant will provide services valued in excess
225 of [one] five hundred thousand dollars, shall be subject to the approval
226 of the Properties Review Board prior to the employment of such
227 consultant or consultants by the commissioner. The Properties Review
228 Board shall, not later than thirty days after receipt of such selection of or
229 contract with any consultant, approve or disapprove the selection of or
230 contract with any consultant made by the Commissioner of
231 Administrative Services pursuant to sections 4b-1 and 4b-55 to 4b-59,
232 inclusive. If upon the expiration of the thirty-day period a decision has
233 not been made, the Properties Review Board shall be deemed to have
234 approved such selection or contract.

235 Sec. 9. Section 4b-53 of the general statutes is repealed and the
236 following is substituted in lieu thereof (*Effective July 1, 2021*):

237 (a) For purposes of this section, the following terms have the
238 following meanings: (1) "State building" means any building or facility
239 owned or leased by the state of Connecticut and open to the public or
240 intended for such use, exclusive of any shed, warehouse, garage,
241 building of a temporary nature or building located on the grounds of a
242 correctional institution; (2) "proposal development expenses" means the
243 cost of preparing a detailed drawing, model or plan as determined by
244 the Department of Economic and Community Development or the
245 Department of Administrative Services, in accordance with subsections
246 (e) and (f) of this section; [and] (3) "work of art" means an integrated
247 work of art or a nonintegrated work of art, but excludes landscape
248 architecture or landscape gardening; (4) "integrated work of art" means

249 art work which is to be an integrated part of such state building,
250 including, but not limited to, fresco, mosaic, sculpture and other
251 architectural embellishment or functional art created by a professional
252 artist, artisan or craftsperson; [,] and (5) "nonintegrated work of art"
253 means any work of visual art which is not to be an integrated part of
254 such state building, including, but not limited to, a drawing, painting,
255 sculpture, mosaic, photograph, work of calligraphy or work of graphic
256 art or mixed media. ["Work of art" as used in this section shall not
257 include landscape architecture or landscape gardening.]

258 (b) The State Bond Commission, in the allocation of proceeds of state
259 bonds for purposes of construction, reconstruction or remodeling of any
260 state building, shall allocate for works of art, with respect to each such
261 project and for the purposes of subsection (c) of this section, an amount
262 from such proceeds not less than one per cent of the total estimated cost
263 of such construction, reconstruction or remodeling, exclusive of (1) the
264 cost of any land acquisition, (2) any nonconstruction costs including the
265 cost of such work of art, and (3) any augmentations to such cost,
266 provided any such allocation for work of art as provided in this section
267 must be approved, prior to authorization of such allocation by the State
268 Bond Commission, by the Commissioner of Administrative Services in
269 consultation with the Department of Economic and Community
270 Development. Each such allocation shall specify the maximum amount,
271 if any, that may be spent on integrated works of art and the maximum
272 amount, if any, that may be spent on nonintegrated works of art, for
273 each such project. Such allocation may be used in accordance with
274 subsections (e) and (f) of this section, to reimburse any artist, artisan,
275 craftsperson or person who creates a work of art, for proposal
276 development expenses when the Department of Economic and
277 Community Development or the Department of Administrative
278 Services requests such proposal development or to compensate persons
279 who, at the request of the Department of Economic and Community
280 Development or the Department of Administrative Services, determine
281 whether such works of art require proposal development.

282 (c) There is established within the General Fund a state building

283 works of art account, which shall be a separate, nonlapsing account. The
284 moneys within said account shall be used (1) for the purchase of works
285 of art from distinguished Connecticut artists, which shall be placed on
286 public view in state buildings, (2) to establish a bank of major works of
287 art, from which individual works of art may be circulated among state
288 buildings, public art museums and nonprofit galleries, and (3) for repair
289 of all works of art acquired under this section. The Department of
290 Economic and Community Development, in consultation with the
291 Commissioner of Administrative Services, shall adopt regulations in
292 accordance with the provisions of chapter 54, which shall (A) indicate
293 the portion of the one per cent allocation under subsection (b) of this
294 section, up to one quarter of such allocation, which shall be deposited in
295 the General Fund and credited to said account, (B) set forth the manner
296 in which the moneys in said account shall be allocated and expended
297 for the purposes of this subsection, and (C) establish procedures to
298 ensure accountability in maintaining the integrity of such bank of works
299 of art.

300 (d) There is established a subaccount within the state buildings works
301 of art account, established pursuant to subsection (c) of this section, to
302 be known as the "maintenance account" to be used solely for the
303 conservation, repair and cleaning of [artworks] works of art
304 commissioned and purchased for state buildings pursuant to this
305 section. The Department of Economic and Community Development, in
306 the case of nonintegrated works of art, or the Department of
307 Administrative services, in the case of integrated works of art, shall
308 determine what percentage of the one per cent allocation pursuant to
309 subsection (b) of this section, up to ten per cent of such allocation, to
310 credit to said subaccount.

311 (e) The Department of Economic and Community Development
312 shall, with respect to a nonintegrated work of art in any project under
313 subsection (b) of this section, be responsible for the selection of any
314 artist, artisan or craftsperson, review of any design or plan, and
315 execution, completion, acceptance and placement of such work of art.],
316 provided any work of art to be located in any building under the

317 supervision, security, utilization and control of the Joint Committee on
 318 Legislative Management shall be approved by said committee. The
 319 Commissioner of Administrative Services, in consultation with said]
 320 Said department [,] shall (1) [shall] be responsible for the contractual
 321 arrangements with any such artist, artisan or craftsman, and (2) [shall]
 322 adopt regulations concerning implementation of the purposes of
 323 [subsection (b) of this section and] this subsection.

324 (f) The Department of Administrative Services shall, with respect to
 325 integrated works of art in any project under subsection (b) of this
 326 section, be responsible for the selection of any artist, artisan or
 327 craftsperson, review of any design or plan, and execution, completion,
 328 acceptance and placement of such work of art. Said department shall (1)
 329 be responsible for the contractual arrangements with any such artist,
 330 artisan or craftsman, and (2) adopt regulations in accordance with the
 331 provisions of chapter 54 concerning implementation of the purposes of
 332 subsection (b) of this section and this subsection.

333 (g) Any work of art to be located in any building under the
 334 supervision, security, utilization and control of the Joint Committee on
 335 Legislative Management shall be approved by said committee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	4a-100(k)
Sec. 2	July 1, 2021	4a-100(n)
Sec. 3	July 1, 2021	4b-91(d) and (e)
Sec. 4	July 1, 2021	4b-21(e)
Sec. 5	July 1, 2021	4b-22a
Sec. 6	July 1, 2021, and applicable to any appointments made on or after said date	4b-3(a)
Sec. 7	July 1, 2021	4b-3(f)
Sec. 8	July 1, 2021	4b-23(i)
Sec. 9	July 1, 2021	4b-53

Statement of Purpose:

To remove references to "update bid statement", to reduce certain deadlines for the disposition of surplus real property, to expand the Department of Administrative Services' ability to grant and receive easements, to clarify the State Property Review Board's scope and standard of review, to raise the threshold for review of construction consultant contracts and to give the department authority over integrated works of art in state buildings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]