



General Assembly

**Substitute Bill No. 1015**

January Session, 2021



**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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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27 substantial subcontractor whose prequalification has been revoked  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31 whose prequalification has been revoked on the basis of conviction of a  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. Section 4b-92 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective July 1, 2021*):

88 As used in this chapter and except as otherwise provided, "lowest  
89 responsible and qualified bidder" means the bidder who is prequalified  
90 pursuant to section 4a-100, and whose bid is the lowest of those bidders  
91 possessing the skill, ability and integrity necessary to faithful  
92 performance of the work based on objective criteria considering past  
93 performance and information contained in the update [bid] statement  
94 submitted pursuant to section 4b-91, as amended by this act. Essential  
95 information in regard to such qualifications shall be submitted with the  
96 bid in such form as the awarding authority may require by specification  
97 in the bid documents and on the bid form. Every general bid shall be  
98 accompanied by a bid bond or a certified check in an amount which shall  
99 be ten per cent of the bid, provided no such bid bond or certified check  
100 shall be required in relation to any general bid in which the total  
101 estimated cost of labor and materials under the contract with respect to  
102 which such general bid is submitted is less than fifty thousand dollars.  
103 Failure to execute a contract awarded as specified and bid shall result in  
104 the forfeiture of such bid bond or certified check. In considering past  
105 performance the awarding authority shall evaluate the skill, ability and  
106 integrity of bidders in terms of the bidders' fulfillment of contract  
107 obligations and of the bidders' experience or lack of experience with  
108 projects of the nature and scope of the project for which the bids are  
109 submitted.

110 Sec. 5. Subsection (e) of section 4b-21 of the general statutes is  
111 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
112 *2021*):

113 (e) After receiving notification from the secretary that such land,  
114 improvement or interest may be treated as surplus, the Commissioner  
115 of Administrative Services shall offer to convey such land, improvement  
116 or interest to the municipality in which the land, improvement or

117 interest is located, including, but not limited to, by selling, leasing,  
118 exchanging or entering into agreements concerning such land,  
119 improvement or interest, provided (1) prior to such conveyance, the  
120 municipality by vote of its legislative body accepts such conveyance,  
121 and (2) a resolution of such municipal action, verified by the clerk of the  
122 municipality, is delivered to the Commissioner of Administrative  
123 Services not more than [one hundred twenty] sixty days after receiving  
124 notice from the commissioner regarding the proposed conveyance. If  
125 the municipality fails to deliver such resolution to the commissioner  
126 within such [one-hundred-twenty-day] sixty-day period, the  
127 municipality shall be deemed to have declined the proposed  
128 conveyance, provided the commissioner may extend the [one-hundred-  
129 twenty-day period] sixty-day deadline by not more than an additional  
130 [sixty] thirty days. The municipality shall waive all rights to purchase  
131 the land, improvement, interest or part thereof if the municipality  
132 declines or is deemed to have declined the conveyance of such land,  
133 improvement, interest or part thereof.

134 Sec. 6. Section 4b-22a of the general statutes is repealed and the  
135 following is substituted in lieu thereof (*Effective July 1, 2021*):

136 (a) Notwithstanding any provision of the general statutes, the  
137 Commissioner of Administrative Services may (1) grant easements with  
138 respect to land owned by the state to a public service company, as  
139 defined in section 16-1, the owner of a district heating and cooling  
140 system, a municipal water or sewer authority or a telecommunications  
141 company, as defined in section 16-1, subject to the approval of the Office  
142 of Policy and Management, the agency having supervision of the care  
143 and control of such land and the State Properties Review Board, and (2)  
144 acquire easements with respect to land not owned by the state in  
145 connection with a Department of Administrative Services project,  
146 subject to the approval of the State Properties Review Board. No  
147 easement granted under subdivision (1) of this section shall be for the  
148 disposal or storage of radioactive or hazardous waste materials. The  
149 commissioner shall provide notice of any easement granted under said

150 subdivision to the chief executive official of the municipality, and the  
151 members of the General Assembly representing the municipality, in  
152 which the land is located.

153 (b) Notwithstanding any provision of the general statutes, the  
154 Commissioner of Administrative Services may (1) grant rights-of-way  
155 or other easements with respect to land owned by the state to the federal  
156 government or any political subdivision of the state for public purposes  
157 if the commissioner finds that such purposes are not in conflict with the  
158 public interest, subject to the approval of the Office of Policy and  
159 Management, the agency having supervision of the care and control of  
160 such land, and the State Properties Review Board, and (2) acquire  
161 easements with respect to land owned by the federal government or any  
162 political subdivision of the state for public purposes if the commissioner  
163 finds that such purposes do not conflict with the public interest, subject  
164 to the approval of the State Properties Review Board.

165 Sec. 7. Section 4b-53 of the general statutes is repealed and the  
166 following is substituted in lieu thereof (*Effective July 1, 2021*):

167 (a) For purposes of this section, the following terms have the  
168 following meanings: (1) "State building" means any building or facility  
169 owned or leased by the state of Connecticut and open to the public or  
170 intended for such use, exclusive of any shed, warehouse, garage,  
171 building of a temporary nature or building located on the grounds of a  
172 correctional institution; (2) "proposal development expenses" means the  
173 cost of preparing a detailed drawing, model or plan as determined by  
174 the Department of Economic and Community Development or the  
175 Department of Administrative Services, in accordance with subsections  
176 (e) and (f) of this section; [and] (3) "work of art" means an integrated  
177 work of art or a nonintegrated work of art, but excludes landscape  
178 architecture or landscape gardening; (4) "integrated work of art" means  
179 art work which is to be an integrated part of such state building,  
180 including, but not limited to, fresco, mosaic, sculpture and other  
181 architectural embellishment or functional art created by a professional  
182 artist, artisan or craftsman; [,] and (5) "nonintegrated work of art"

183 means any work of visual art which is not to be an integrated part of  
184 such state building, including, but not limited to, a drawing, painting,  
185 sculpture, mosaic, photograph, work of calligraphy or work of graphic  
186 art or mixed media. ["Work of art" as used in this section shall not  
187 include landscape architecture or landscape gardening.]

188 (b) The State Bond Commission, in the allocation of proceeds of state  
189 bonds for purposes of construction, reconstruction or remodeling of any  
190 state building, shall allocate for works of art, with respect to each such  
191 project and for the purposes of subsection (c) of this section, an amount  
192 from such proceeds not less than one per cent of the total estimated cost  
193 of such construction, reconstruction or remodeling, exclusive of (1) the  
194 cost of any land acquisition, (2) any nonconstruction costs including the  
195 cost of such work of art, and (3) any augmentations to such cost,  
196 provided any such allocation for work of art as provided in this section  
197 must be approved, prior to authorization of such allocation by the State  
198 Bond Commission, by the Commissioner of Administrative Services in  
199 consultation with the Department of Economic and Community  
200 Development. Each such allocation shall specify the maximum amount,  
201 if any, that may be spent on integrated works of art and the maximum  
202 amount, if any, that may be spent on nonintegrated works of art, for  
203 each such project. Such allocation may be used in accordance with  
204 subsections (e) and (f) of this section, to reimburse any artist, artisan,  
205 craftsperson or person who creates a work of art, for proposal  
206 development expenses when the Department of Economic and  
207 Community Development or the Department of Administrative  
208 Services requests such proposal development or to compensate persons  
209 who, at the request of the Department of Economic and Community  
210 Development or the Department of Administrative Services, determine  
211 whether such works of art require proposal development.

212 (c) There is established within the General Fund a state building  
213 works of art account, which shall be a separate, nonlapsing account. The  
214 moneys within said account shall be used (1) for the purchase of works  
215 of art from distinguished Connecticut artists, which shall be placed on

216 public view in state buildings, (2) to establish a bank of major works of  
217 art, from which individual works of art may be circulated among state  
218 buildings, public art museums and nonprofit galleries, and (3) for repair  
219 of all works of art acquired under this section. The Department of  
220 Economic and Community Development, in consultation with the  
221 Commissioner of Administrative Services, shall adopt regulations in  
222 accordance with the provisions of chapter 54, which shall (A) indicate  
223 the portion of the one per cent allocation under subsection (b) of this  
224 section, up to one quarter of such allocation, which shall be deposited in  
225 the General Fund and credited to said account, (B) set forth the manner  
226 in which the moneys in said account shall be allocated and expended  
227 for the purposes of this subsection, and (C) establish procedures to  
228 ensure accountability in maintaining the integrity of such bank of works  
229 of art.

230 (d) There is established a subaccount within the state buildings works  
231 of art account, established pursuant to subsection (c) of this section, to  
232 be known as the "maintenance account" to be used solely for the  
233 conservation, repair and cleaning of [artworks] works of art  
234 commissioned and purchased for state buildings pursuant to this  
235 section. The Department of Economic and Community Development, in  
236 the case of nonintegrated works of art, or the Department of  
237 Administrative services, in the case of integrated works of art, shall  
238 determine what percentage of the one per cent allocation pursuant to  
239 subsection (b) of this section, up to ten per cent of such allocation, to  
240 credit to said subaccount.

241 (e) The Department of Economic and Community Development  
242 shall, with respect to a nonintegrated work of art in any project under  
243 subsection (b) of this section, be responsible for the selection of any  
244 artist, artisan or craftsman, review of any design or plan, and  
245 execution, completion, acceptance and placement of such work of art. [,  
246 provided any work of art to be located in any building under the  
247 supervision, security, utilization and control of the Joint Committee on  
248 Legislative Management shall be approved by said committee. The



249 Commissioner of Administrative Services, in consultation with said]  
250 Said department [,] shall (1) [shall] be responsible for the contractual  
251 arrangements with any such artist, artisan or craftsman, and (2) [shall]  
252 adopt regulations concerning implementation of the purposes of  
253 [subsection (b) of this section and] this subsection.

254 (f) The Department of Administrative Services shall, with respect to  
255 integrated works of art in any project under subsection (b) of this  
256 section, be responsible for the selection of any artist, artisan or  
257 craftsperson, review of any design or plan, and execution, completion,  
258 acceptance and placement of such work of art. Said department shall (1)  
259 be responsible for the contractual arrangements with any such artist,  
260 artisan or craftsman, and (2) adopt regulations in accordance with the  
261 provisions of chapter 54 concerning implementation of the purposes of  
262 subsection (b) of this section and this subsection.

263 (g) Any work of art to be located in any building under the  
264 supervision, security, utilization and control of the Joint Committee on  
265 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-92
Sec. 5	July 1, 2021	4b-21(e)
Sec. 6	July 1, 2021	4b-22a
Sec. 7	July 1, 2021	4b-53

**GAE** Joint Favorable Subst.