



**Substitute Senate Bill No. 1076**

**Public Act No. 21-198**

**AN ACT CONCERNING THE SUBMISSION OF UPDATE STATEMENTS, THE REMOVAL OF REFERENCES TO UPDATE BID STATEMENTS AND THE GRANTING OF EASEMENTS ON STATE LAND.**

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

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 Subsection (k) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that

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the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial subcontractor, within the past five years (A) has included any materially false statement in a prequalification application [,] or update statement, [or update bid statement,] (B) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or (C) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

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

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

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

(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.] 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, except the public agency soliciting such bids may allow bidders no more than two business days after the opening of bids to submit a copy of the prequalification certificate, if required by such public agency, and an update statement.

(e) Any person who bids on a contract described in subsection (c) of

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this section shall certify under penalty of false statement at the conclusion of the bidding process that the information in the bid is true, that there has been no substantial change in the bidder's financial position or corporate structure since the bidder's most recent prequalification certificate was issued or renewed, other than those changes noted in the update [bid] statement, and that the bid was made without fraud or collusion with any person.

Sec. 4. Section 4b-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

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

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