

Legislative History for Connecticut Act

SB 1919	PA 528	1973
Judiciary: 304-07		4
Sen: 3380-83; 3468		5
House: 7192		1

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court when the interpreter was a friend or a neighbor or a child or a cousin of the deaf person, who was not a skilled interpreter and, in my opinion, hurt. I have interpreted in a polygraph examination. I have interpreted in Superior Court, Criminal Court, hearings, and now today, here at the Legislative body. I urge you please to recommend this bill and hopefully to follow it through so that qualified interpreters are appointed. Other people who just pull their friends or anyone who knows the sign or two really hurt. The qualification is a very important part of the interpreter's skill. I thank you.

CHAIRMAN GUIDERA: Are there any questions?

REPRESENTATIVE MESKILL: Yes, how many, sir, are there in this State who are interpreters? Who are qualified interpreters?

MARVIN SCALLOP: There are fifty interpreters in Connecticut; however, there are six classifications of interpreting skills. There are people who are listed competent to go on a one to one to the doctor's office perhaps, but not competent to interpret in court. And with the RID listing of interpreters you can pick the skilled interpreters. They are rated and graded on the RID directory.

CHAIRMAN GUIDERA: Are there any other questions? Mr. Scallop, on behalf of the Committee, thank you for your excellent testimony and please thank the three prior witnesses for their testimony. Mr. Gerald Spiegel.

GERARD SPIEGEL: Mr. Chairman, Honorable Members of the Judiciary Committee, My name is Gerard S. Spiegel of 1 Lafayette Circle, Bridgeport, Connecticut, and I represent the Sub-Contractors Association of Connecticut. I appear before you today in favor of Raised Committee Bill No. 1919, which is in substance the same bill that you had before you at the last session which was Substitute Senate Bill No. 48. The title of the bill is "An Act Concerning Bidding on Public Construction Contracts" and it is also known as the pre-filing bid bill.

I would point out to you, gentlemen, that your Committee gave this a joint favorable report at the last session. In fact it was, to my knowledge, an unanimous favorable report and it ran into some objections from the Public Works Department so some changes were made.

The bill before you today differs from last session's bill in that they have eliminated cities and political sub-divisions of the State. It applies only to State work. It applies only to sub-contracts that would be in excess of \$7,500. They made some different classifications, but they are of a

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minor nature. They took out the language that provided for substitution of sub-bids and made an effective date of January 1, 1974 to give the Department time to gear up and be able to administer the bill.

Now I have with me today, gentlemen, Mr. Henry Mozko, Sr. who is President of ADMAT Corporation of East Hartford, and a member of the Board of Directors of the Sub-Contractors Association of Connecticut. I would like to introduce him at this time to explain to you the need for this bill.

CHAIRMAN GUIDERA: One question, Mr. Spiegel, this no longer has the objection of the Department of Public Works?

GERARD SPIEGEL: It meets with their approval. I don't want to be quoted as saying they have no objection but I will say that they have worked out the language of this bill and it meets with their approval. Mr. Mozko.

HENRY MOZKO, SR.: Thank you Mr. Spiegel. Mr. Chairman, Members of the Judiciary Committee, I am here in favor of Bill No. 1919 and also I would like to add I am in favor of the Bill that preceded this one.

I think this bill needs just a bit of introduction. What it is really is to put the construction industry on the level with anything that you buy. It is just that simple, gentlemen. Every contractor, I am sure, will be in favor of it. I am sure that every owner will be in favor of it and to clarify Mr. Spiegel's statement of the Public Works Department, I have personally spoken with three of the top people there, including the Commissioner, and I found no objection in that department for the bill. As a matter of fact, just recently within the past week, Commissioner Kozlowski's people went to Boston with some of our people where the bill has been acting very well for the last twenty-five years. It also works just as well in New Jersey.

We don't really understand how anyone can buy construction today unless they are given a fair, level deal and what the pre-file bid really is is that instead of having a general contractor who gets hidden numbers from fifty sub-contractors and then gives the owner any number he likes, the bill really exposes the numbers of all of the people that go into the elements of constructing a building. And it is just this simple. If there are five people that are bidding on the plumbing and if one of the prices is \$100,000 and another price is \$110,000 and another is \$120,000 and another \$130,000 and another \$150,000, these numbers are pre-filed and the owner has the opportunity of getting at a first crack the best number which, in this case, would be \$100,000 and the bill demands that that particular low bidder, if he is qualified, be used on this particular construction site. Now that is really the simplicity of this bill. It is the

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way you buy your clothing. It is the way you buy your automobile. We feel very strongly that you should buy construction in this way. It's only opposed to the old archaic three hundred year old way which is as follows: The broker, the guy who really doesn't build the building, collects forty or fifty prices from hard-working sub-contractors who actually do the work on the site. He then shuffles these numbers, bats them over the head constantly' to get a lower number, pockets that money and takes it away from you, the owner.

We are not only in favor of the bill. We think it is a necessity for good administration publicly. Thank you.

GERARD SPIEGEL: Mr. Chairman, I would merely point out some of the advantages to the State of Connecticut. For example, in the State of New Jersey, they have experimented with this bill since 1968 and they permitted bidding both on a lump sum basis and a pre-filing basis. During the first year of the experiment, the savings to the State of New Jersey was approximately 7%. In 1971, the savings were in excess of 10% and in 1972, the savings were approximately 12%. This is in New Jersey. As Mr. Mozko pointed out, it has worked very well in Massachusetts for over twenty years. I believe it results in a much better quality of construction and the State would benefit greatly from the passage of this bill.

Mr. Chairman, I have some ten or eleven other gentlemen who would be very anxious to testify and let you know how much they are in favor of this bill, but with your indulgence, will just read their names and sub-contracts that they represent: Mr. Michael Ambrose of the Joseph Day Company of Milford and President of the Sub-Contractors Association of Connecticut; Mr. John Ellis, Chapter Manager for the Southern Connecticut Chapter of the National Electrical Contractors Association; Mr. Joseph Fagan, Executive Director of the Mechanical Contractors Association of Connecticut; Mr. Daniel Goodeson of Glastonbury representing the Union Chapter, Connecticut Council of Painting and Decorating Contractors; Mr. Roswell Goodman, Executive Director of the Hartford Mechanical Contractors Association; Mr. Robert Lee of A.C.&S., Inc of Wethersfield, representing the Connecticut Insulators Association; Joseph Gilhespy of the Central Conn. Chapter, National Electrical Contractors Association; Bradley Ricketson of Hartford Builders Finish, Inc. of Hartford, representing the New England Millman's Association; Mr. Francis Cicaronza of Twin City Glass Company of Newington representing the Central Connecticut Glazing Contractor's Labor Relations Association; Mr. Nicholas Civitello of the John M. Civitello Company of Elmwood representing the Mason Contractors Association of Connecticut; and Mr. Herb Fishman

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of Fishman and Sons, Inc. of South Windsor representing the Sheet Metal Manufacturers Association.

I am sure your Committee would be delighted not to hear testimony from all of them, but they register their enthusiastic support of this bill.

REPRESENTATIVE WEBBER: You remember, Jerry, this bill was before General Law two years ago and four years ago.

GERARD SPIEGEL: Maybe four years ago. I think two years ago it was before Judiciary.

REPRESENTATIVE WEBBER: We looked at this bill in a great deal of favor but we had a few problems with the Department of Public Works at that time and also with some of the departments of public works in the various communities. Now, you said earlier that you thought that those problems were solved.

GERARD SPIEGEL: Yes, Mr. Webber, the cities and municipalities are eliminated so that that took away the objection of the Conference of Mayors.

REPRESENTATIVE WEBBER: That is too bad.

GERARD SPIEGEL: Well it may be too bad but we feel if the State will adopt it and demonstrate how well it will work, then it will almost be compelled on the communities.

CHAIRMAN GUIDERA: Jerry, can you get some support for this measure from the Director of Public Works for the State of Connecticut.

GERARD SPIEGEL: I believe yes sir. I qualified my remark earlier because I have not personally met with the Commissioner or his department but I understand they have worked in conjunction with our Legislative Committee and that they endorse this bill. They have no objection to it, but I don't want to be quoted as saying it myself because I didn't talk to them.

CHAIRMAN GUIDERA: Well why don't you check into it Jerry. Get a letter from him or, you know, some communication. I think it will give us some clout, speaking for myself. Thank you Jerry. Any other questions? Jack Pickett.

JOHN PICKETT: Mr. Chairman, Members of the Committee, I am appearing here today concerning Committee Bill No. 1611. I might say at the outset I see that half of my Middletown law firm is here concerning the Middlesex County Law Library so I'll get my digs in for that too.

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SENATOR FAULISO:

I was ready to oppose it. This is an incredible confession.

THE CHAIR:

Will you agree to Consent? Senator Alfano, did you motion to Consent? That's your indication. Motion has been made to the Consent Calendar. Hearing no objection, so ordered.

THE CLERK:

On Page 9 of the Calendar. CALENDAR NO. 924. FILE NO. 923. Substitute for Senate Bill No. 1919. AN ACT CONCERNING BIDDING ON PUBLIC CONSTRUCTION CONTRACTS.

Favorable report of the Committee on JUDICIARY.

SENATOR GUIDERA:

Mr. President.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR GUIDERA:

Mr. President, the bill provides that every contract for the construction, re-construction, alteration, remodeling, repair or demolition of any public building for work by the state which is estimated to cost more than one-half million dollars, shall

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be awarded to the lowest possible, responsible and qualified general bidder on the basis of competitive bids, in accordance with the procedures set forth in the act, after the Public Works Department has invited such bids by advertisements inserted in at least one newspaper, once, with a circulation in each county in the state. The term "lowest, responsible and qualified bidder" is defined to mean the bidder whose bid is the lowest of those bidders possessing the skill, ability, and integrity necessary for faithful performance of the work, and who shall certify that he is able to furnish labor that can work in harmony with all the other elements of labor employed, or to be employed, on the work. This particular bill is needed to provide an equitable method of bidding on construction contracts within the state, and to give the state an opportunity to select contractors and sub-contractors. It specifies the type of project which must be put to public bid. The actual form which the bid must take. The terms of any sub-contract entered into between the state and the sub-contractor. And the exact manner and time schedule within which bids must be submitted. The bill is flexible, in that it permits the Public Works Commissioner to negotiate with the lowest, responsible, qualified bidder - where the lowest bid comes in at a price in excess of funds which have been appropriated for the project. The Public Works Commissioner also has the discretion to reject any and all bids if

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he feel that it is in the best interests of the state to do so. The bill will give some very definite guidelines for the Public Works Commissioner to follow in advertising state works for bids and definite guidelines for those interested in working for the state, in which the bid must be submitted. And the type of contracts they will be expected to execute if they are successful in obtaining the work. Mr. President, the necessity of this bill, in a nutshell, is to set forth very clearly, for all contractors and sub-contractors and the Commissioner of Public Works of the state of Connecticut, the exact manner and form in which public bidding shall take place - so that no impropriety will exist within the governmental structure of the state of Conn. or within the bidding process in the state of Connecticut.

Thank you, Mr. President.

THE CHAIR:

Senator Lyons.

SENATOR LYONS:

Mr. President, may the record show that under Rule 15, I'm absenting myself from the Chamber?

THE CHAIR:

Journal, so note, under Rule 15.

Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, I rise to support this bill. This bill assures that the owners of the state of Connecticut receive the

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lowest possible qualified bid at the time of bidding on a construction project, \$500,000 or more. It eliminates the past practice of bid-shopping. It's a good bill. The state will benefit by this. It will not cost the state any money, but rather, save the state much money. It's a good bill, and I urge adoption.

THE CHAIR:

Is there objection to the bill?

SENATOR CIARLONE:

I move that we place this matter on the Consent Calendar, if there is no objection.

THE CHAIR:

Very well, so ordered.

That completes the controversial items, Senator Rome.

SENATOR ROME:

Mr. President, I would move that we recess for forty-five minutes to take up some other matters on the Calendar. The technical sessions over the weekend created a number of double-starred items for us. I'd like to have a chance to review them and the Minority Leader would also. There are some more judges, if ---- We'll recess for forty-five minutes, Sir?

THE CHAIR:

Very well. The Senate will ---

SENATOR ROME:

Mr. President, I move suspension of the rules for immediate

Bills also passed SB-1573, SB-2224, SB-2040, SB-2430, SB-2169, SB-1707, SB-2468, SB-2433, 3468
SB-2406, SB-1658, SB-2074, SB-1788, SB-1784, SB-1799, SB-1576, SB-2202, SB-1740, SB-2163,
SB-1923, HB-8985, HB-8429, SB-1919, SB-1585, SB-2476, SB-2185, SB-2318, SB-2086, SB-2015, SB-2025,
SB-2320, SB-1683, SB-2419, SB-2048, SB-1997, HB-8123, HB-8185, HB-8630, HB-8932, HB-8776, HB-8893,
HB-9014, HB8869, HB-9068, HB-9142, HB-8523, HB-9225, HB-9228, HB-9064, HB-9312, HB-9320, HB-8717,
HB-9159, HJR-145, SB-1652, SB-1818, SB-1842, SB-2475, SB-2407, SB-2002, SB-1926, SB-1932, SB-2477.
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SENATOR ROME:

Mr. President, may I now renew my motion. With all of those items, I move for acceptance of the Joint Committee's favorable report and passage of the bill as amended, where that motion appropriately includes that comment of the items that have been referred to in my original motion, and have been added by the Senators, or have been deleted.

THE CHAIR:

I couldn't possibly repeat the motion. All those in favor, signify by saying Aye - Opposed, Nay. The Ayes have it.

THE CONSENT CALENDAR IS UNANIMOUSLY ADOPTED AS NUMERATED BY THE MAJORITY LEADER. Bills passed on the Consent Calendar SB-1768, SB-1666, SB-2056, SB-1938, SB-1890, SB-1870, SB-2067, HB-8973, SB-2281, SB-2275, SB-1889 and SB-1636.

SENATOR ROME:

Mr. President, there are a number of items to read in. I don't think we'll take any more Judicial Nominations tonight, with the consent of the Judiciary Chairman. I would move that we adjourn subsequent to reading-in of further bills, so that all may leave at this point. The adjournment will be until tomorrow at 1:00 P.M.

Caucus in the Republican Caucus Room at 11:00 A.M., and in the Democrat Caucus Room at 12:00, and immediately after this Session - in the Democrat Caucus Room.

THE CHAIR:

We'll adjourn after reading in the bills, to 1:00 P.M. tomorrow. Senator Petroni?

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MR. SPEAKER:

It will be removed from the list.

REP. CRETELLA (87th):

I move acceptance of the Joint Committee's Favorable Reports and passage of the bills as consent items. Calendar #944, Sub. S.B. No. 1685, File #852, Calendar #980, Sub. S.B. No. 1919. File #923, Calendar #1000, Sub. S.B. No. 1799, File #895, Calendar #1012, S.B. No. 2015, File #936. Calendar #1017, Sub. S.B. No. 2419. File #964 that concludes this portion of the program.

MR. SPEAKER:

All those in favor of acceptance of the Joint Committees' Favorable Reports and passage of the bills indicate by saying Aye. Opposed. The bills are passed.

REP. CRETELLA (87th):

Mr. Speaker, I move suspension of the rules for the immediate consideration of all one starred items on today's Consent Calendar.

MR. SPEAKER:

The question is on suspension of the rules for immediate consideration of the one starred items on today's Consent Calendar.

REP. PEARSON (121st):

I would like to remove one of the one starred items from the Consent Calendar. Calendar #1056, S.B. No. 2189, File #878 on page 5.

MR. SPEAKER:

In accordance with our rules that item will be removed from the list of Consent items. ~~Without~~ objection the rules are suspended.