

PA 11-229

SB0882

GAE	15-18, 121-122	6
House	9896-9899	4
<u>Senate</u>	<u>4815-4819, 4945-4949</u>	<u>10</u>
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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 1
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We are delighted to be here this morning with our first public hearing. We're going to be going a little bit out of order in terms of the bills, but we will stick to our original plan of the public always coming first when they are signed up, having -- you know, passing that then on to our public officials.

So this morning we're going to be starting with Item Number 3, under committee bills for review, which is Senate Bill Number 882, AN ACT CONCERNING THE EVALUATION OF CONTRACTORS AND SUBCONTRACTORS BY PRIVATE SECTOR EMPLOYEES.

This is a bill that has been submitted to the committee by the Department of Administrative Services. We do not have anyone signed up for the public, so seeing that we don't, we are delighted to be joined here by our newly-minted Commissioner of DAS, Don DeFronzo.

So Commissioner, it is a great pleasure to have you here this morning. We're all delighted, and we welcome you here, back to GAE.

COMMISSIONER DONALD DEFRONZO: Thank you very much, Senator.

I'm glad to be here and I want to thank you, first, Senator Slossberg, Representative Morin and Senator McLachlan, Representative Hwang, members of the committee, for raising the bill.

For the record, my name is Don DeFronzo. I'm the Commissioner of the Department of Administrative Services. And I -- I'll just talk briefly about the bill.

In the way of background, I was going to tell you that the DAS contractor prequalification is a screening process that evaluates construction companies to ensure that they meet certain baseline standards for work in the state construction projects.

So, by statute, prequalification unit evaluates a number of factors such as the company's financial condition, its experience in certain construction areas, record of performance, integrity, safety record, and other criteria.

And DAS has strongly believed that performance evaluations are essential to the prequalification process and we're in a constant attempt to strengthen the use of the evaluation process.

Senate Bill 882, coupled with some administrative changes we'd like to implement, will help the DAS move forward with regards to this goal. In particular, Senate Bill 882 will enable us to secure more performance evaluations for contractors seeking renewals of their prequalification certificate.

Currently, when a contractor first applies for certification, it must submit performance evaluations for three most recently completed projects. These evaluations are completed by private or public project owners, either in state or out of state. However, when a contractor files a renewal application, the process only provides for evaluations from construction projects that are completed under the prequalification programs. Those would be public programs of \$500,000 or more in value.

Passage of Senate Bill 882 will support a key change in the renewal process requiring contractors that did not work on enough large, state-funded projects during the preceding year, to provide evaluations for their three most recently completed projects, regardless of funding. This will enable DAS to obtain more complete and current views of the contractor's actual performance record.

We anticipate that this change in our renewal process will result in more evaluations from private sector owners. Senate Bill 882 makes the administrative change possible by extending the liability protections currently provided to public sector project owners who complete evaluations to private sector project owners as well. And extending this liability protection will promote compliance, and will help ensure that we receive honest evaluations from those private sector project owners.

And I would just also add that while -- while we have this bill before you, we are looking at other areas to strengthen the prequalification program, and we are also analyzing how we might make the prequalification process, and state contracting in general, a little less cumbersome and a little more business-friendly, while still achieving the purposes of ensuring that construction companies that perform work on state projects, and companies that are on the state contract -- under state contract, are capable, reliable and trustworthy. And in the weeks ahead, I look forward to having additional conversations with the committee leadership on these particular items.

So with that, Madam Chairlady, that's the

testimony. I'll be glad to answer any questions you might have.

SENATOR SLOSSBERG: Thank you very much. Thank you for your testimony.

Are there questions from the committee members?

Oh, come on. We can't let him get away without one question.

COMMISSIONER DONALD DEFRONZO: I treated you all so nicely when I was --

SENATOR SLOSSBERG: I don't -- I don't think we have any questions. You know, it's a pretty straightforward bill. I think more the interest is the last paragraph that you threw in about coming back to change some of the contracting procedures and making them more business-friendly. And certainly that's something that the committee would be delighted to work with you on.

COMMISSIONER DONALD DEFRONZO: We are -- we are doing that, and I think if Terrence hasn't done it already, he'll be contacting Chairs for a -- we're going to convene a small focus group on this topic, and if you have any business constituents, business sector constituents, who you'd like to participate in that, please let us know. We'll be glad to include them on that effort.

SENATOR SLOSSBERG: Terrific. Thank you very much.

COMMISSIONER DONALD DEFRONZO: Thank you very much.

SENATOR SLOSSBERG: Thank you.



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

S.B. 882**An Act Concerning the Evaluation of Contractors and
Subcontractors by Private Sector Employees**165 Capitol Avenue
Hartford, CT 06106-1658**Testimony of Donald DeFronzo
Commissioner of Administrative Services****Committee on Government Administration and Elections
February 7, 2011**

Good afternoon Senator Slossberg, Representative Morin, Senator McLachlan, Representative Hwang, and distinguished members of the Government Administration & Elections Committee. For the record, my name is Donald DeFronzo, and I am the Commissioner of the Department of Administrative Services ("DAS").

I want to thank you for raising Senate Bill 882, An Act Concerning the Evaluation of Contractors and Subcontractors by Private Sector Employees, a bill that will strengthen the DAS Construction Contractor Prequalification program.

To provide a little background, DAS contractor prequalification is a screening process that evaluates construction companies to ensure they meet certain baseline standards to work on state-funded construction projects. By statute, the prequalification unit evaluates a number of factors, such as a company's financial background, experience in certain construction classifications, record of performance, integrity, safety record, and other criteria.

DAS strongly believes that performance evaluations are essential to the prequalification process and we are attempting to strengthen their use. Senate Bill 882, coupled with some administrative changes we plan to make to the program, will help DAS move forward with regard to this goal.

In particular, Senate Bill 882 will enable us to secure more performance evaluations for contractors seeking renewals of their prequalification certificate. Currently, when a contractor first applies for certification, it must submit performance evaluations for its three most recently completed projects. These evaluations are completed by private or public projects owners, in-state or out-of-state. However, when a contractor files a renewal application, it provides only evaluations for any construction project that it completed in the preceding year that was subject to the prequalification statutes (i.e., state funded projects with a value of \$500,000 or more).

Passage of Senate Bill 882 will support a key change in the renewal process - requiring contractors that did not work on enough large state-funded projects during the preceding year to provide evaluations from their three most recently completed projects regardless of funding. This will enable DAS to obtain a more complete and current view of the contractor's actual performance record.

We anticipate that this change in our renewal process will result in more evaluations from private-sector project owners. Senate Bill 882 makes this administrative change possible by extending the liability protections currently provided to public-sector project owners who complete evaluation to the private-sector project owners as well. Extending this liability protection will promote compliance and will help ensure that we receive honest evaluations from these private-sector project owners.

I would also like to take this opportunity to let the Committee know that I have asked my staff at DAS to consider other ways to strengthen the prequalification program, particularly with regard to applicants' safety records. We are also analyzing how we can make the prequalification process - and state contracting in general - less cumbersome and more business-friendly while still achieving the purpose of ensuring that the construction companies that perform work on state projects - and companies that are on state contract - are capable, reliable and trustworthy. We will keep the Committee apprised of any progress we make as we review these topics.

Thank you for giving me the opportunity to testify today. I would be happy to answer any questions you may have.

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HOUSE**

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On page 29, Calendar 596, substitute for Senate
Bill Number 882, AN ACT CONCERNING THE STATE SET-ASIDE
PROGRAM, FILING REQUIREMENTS OF STATE CONTRACTORS, AND
EVALUATION OF CONTRACTORS AND SUBCONTRACTORS.

Favorable report of the Committee on Labor and Public
Employees.

SPEAKER DONOVAN:

Representative Morin.

REP. MORIN (28th):

Thank you, and good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, sir.

REP. MORIN (28th):

I move for acceptance of the Joint Committee's
Favorable Report and passage of the bill in
concurrence with the Senate.

SPEAKER DONOVAN:

The question is on acceptance and passage with
the Senate. Please proceed.

REP. MORIN (28th):

Mr. Speaker, the Clerk's in possession of LCO
7297, which would be Senate Amendment "A". It is a
strike-all and I -- I ask that it be called and I be

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granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Clerk, please call LCO 7297, designated Senate
"A".

THE CLERK:

LCO Number 7297, Senate "A". It's offered by
Senator Crisco.

SPEAKER DONOVAN:

Representative asks leave of the Chamber to
summarize. Any objection? Representative Morin, you
may proceed.

REP. MORIN (28th):

Thank you, Mr. Speaker. I just want to say that
this was brought forth -- a majority of this bill was
brought out because the new Commissioner of the
Department of Administrative Service brought -- small
and large business groups into focus groups and
listened to the concerns they had about how -- easy it
is to do business in the State of Connecticut and with
the State of Connecticut and I move adoption. Thank
you, Mr. Speaker.

SPEAKER DONOVAN:

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The question is on adoption. Care to remark further? Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. I -- I come rising in support of this bill as well. This bill is all about helping small businesses gain jobs and that's something we could use a lot more of, so I rise in support of this. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Care to remark further? If not, let me try your minds. All those in favor of the amendment, please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Those opposed, Nay? The Ayes have it. The amendment is adopted. Remark further on the bill as amended? Remark further on the bill as amended? If not, staff and guests come to the Well of the House, members take your seats, the machine will be open.

THE CLERK:

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The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have -- have all the members voted? The machine will be locked. Clerk -- please take -- Clerk, please announce the tally.

THE CLERK:

Senate Bill Number 882, as amended by Senate "A", in concurrence with the Senate.

Total Number voting	147
Necessary for passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER DONOVAN:

Bill as amended is passed.

REP. SHARKEY (88th):

Mr. Speaker, I move for the suspension of our rules for the immediate --

SPEAKER DONOVAN:

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Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

If there is no objection, I would ask that this item be placed on the Consent Calendar.

THE CHAIR:

Senator Boucher, do you object?

SENATOR BOUCHER:

No, Mr. President.

Actually, I was going to state for the record that we did have questions regarding this bill that were amply answered by our Deputy Treasurer this afternoon, and we have no objection to putting this on Consent. Thank you.

THE CHAIR:

Thank you, Senator.

There's no objections. This item will be placed on the Consent Calendar.

Mr. Clerk.

THE CLERK:

Calendar page 41, Calendar Number 368, File Number 599, substitute for Senate Bill 882, AN ACT CONCERNING THE STATE SET-ASIDE PROGRAM FILING REQUIREMENTS OF STATE CONTRACTORS AND EVALUATION

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OF THE CONTRACTORS AND SUBCONTRACTORS, Favorable
Report of the Committee on Government
Administration and Elections, Judiciary and
Labor. Clerk is in possession of amendment.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

I move the Joint Committee's Favorable
Report on passage of the bill.

THE CHAIR:

On acceptance of passage, will you remark?

SENATOR SLOSSBERG:

Yes. Mr. President, the Clerk has another
amendment, LCO Number 7297. It is also a strike-
all amendment. And I would ask that it be called
and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7297, which was to be designated Senate
Amendment Schedule "A" is offered by Senator
Slossberg of the 14th District.

THE CHAIR:

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Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Mr. President.

I move adoption.

THE CHAIR:

On adoption, will you remark?

SENATOR SLOSSBERG:

Yes. Mr. President, this bill makes changes that will help Connecticut become a more business friendly environment, for companies seeking to do business with the State, without diminishing the integrity of the State's contracting processes.

The bill includes recommendations from the Department of Administrative Services, to modify various State Procurement Laws, in an effort to reduce paperwork in the State contracting process, for companies seeking to do business with the State; to reduce financial documentation barriers that small companies face, when attempting to obtain certification in DIS's construction contract or prequalification program. And it encourages Connecticut entrepreneurs to open and develop small businesses, by modifying the State set-aside

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statutes and encourage that truthful and accurate performance evaluations are performed on contractors seeking to bid on State-funded construction projects.

In addition, the bill also requires the Department of Administrative Services to study ways to legally increase the number of State contracts awarded to in-state bidders.

THE CHAIR:

Thank you, Senator.

Will you remark further on the amendment?
Will you remark further on the amendment? If not, I'll try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed, nay. The ayes have it. The amendment's adopted.

Senator Stillman, will you remark on the -- further on the bill as amended? Will you remark further on the bill as amended?

Senator Slossberg.

SENATOR SLOSSBERG:

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Thank you, Mr. President. If there's no objection, I'd ask that this also be placed on the Consent Calendar.

THE CHAIR:

Hearing, seeing no objections, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Number 369, File Number 597,
substitute for Senate Bill 939, AN ACT CONCERNING
REVISIONS TO ELECTIONS RELATED STATUTES,
Favorable Report of the Committee on Government
Administration and Elections, and Planning and
Development. Clerk is in possession of
amendments.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

I move the Joint Committee's Favorable
Report and passage of the bill.

THE CHAIR:

On acceptance and passage, will you remark?

SENATOR SLOSSBERG:

Yes. The Clerk has LCO Number 7438. It is

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Thank you, Madam President.

THE CHAIR:

And at this time, I'd ask if there's --
seeing no objection, the bill will be put on
Consent.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Good evening,
again, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR LOONEY:

Madam President would like to have the Clerk
call the items on the Consent Calendar, so that
we might move to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

An immediate roll call has been ordered in
the Senate on the First Consent Calendar. Will
all Senators please return to the Chamber?

Immediate roll call has been ordered in the
Senate on the Consent Calendar. Will all
Senators please return to the Chamber?

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Madam President, the items placed on the First Consent Calendar begin on Calendar page 1, Calendar 571, House Joint Resolution Number 122; Calendar 593, Senate Joint Resolution Number 52; Calendar page 3, Calendar Number 130, substitute for Senate Bill 999; Calendar page 5, Calendar Number 221, substitute for Senate Bill 858; Calendar 222, substitute for Senate Bill 973; Calendar page 7, Calendar Number 270, substitute for Senate Bill 212; Calendar 299, substitute for Senate Bill 139; Calendar 304, substitute for Senate Bill 860; Calendar page 10, Calendar Number 439, substitute for Senate Bill 1216; Calendar page 11, Calendar 456, substitute for Senate Bill 927; Calendar page 29, Calendar Number 41, substitute for Senate Bill 98; Calendar page 31, Calendar Number 114, substitute for Senate Bill 881; Calendar page 32, Calendar 140, substitute for Senate Bill 863; Calendar page 34, Calendar Number 201, substitute for Senate Bill 1038; Calendar page 35, Calendar 215, Senate Bill 227; Calendar 236, Senate Bill 371; Calendar page 37, Calendar Number 271, substitute for Senate Bill 1111, Calendar page 38, Calendar

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293, substitute for Senate Bill 1103; Calendar page 39, Calendar 303, substitute for Senate Bill 764; Calendar page 40, Calendar 342, Senate Bill 843; Calendar page 41, Calendar 362, substitute for Senate Bill 1217; Calendar 368, substitute for Senate Bill 882; Calendar 369, substitute for Senate Bill 939; Calendar page 43, Calendar 382, substitute for Senate Bill 1224; Calendar page 44, Calendar 398, substitute for Senate Bill 1044; Calendar page 45, Calendar 410, House Bill 5021; Calendar page 46, Calendar 434, substitute for Senate Bill 1219.

Madam President, that completes the items placed on the First Consent Calendar.

THE CHAIR:

We'll wait a moment. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, there is one item that we will need to remove from the Consent Calendar, because it needs to be amended and be reconsidered and then amended, and that is Calendar page 5, Calendar 222, Senate Bill 973. If that item might be removed from the Consent

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Calendar and called after the Consent Calendar,
so it can be corrected?

THE CHAIR:

The bill is removed from the Consent
Calendar. At this time, Mr. Clerk, will you re-
announce the roll call vote and the machine will
be open?

THE CLERK:

Immediate roll call has been ordered in the
Senate on the Consent Calendar. Will all
Senators please return to the Chamber? Immediate
roll call has been ordered in the Senate on the
Consent Calendar. Will all Senators please
return to the Chamber?

THE CHAIR:

All members voted? All members have noted.
The machine will be closed. Mr. Clerk, will you
call the tally?

THE CLERK:

Motions on adoption and Consent Calendar

Number 1:

Total number voting	36
Those voting Yea	36
Those voting Nay	0

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Those absent, not voting 0

THE CHAIR:

The Consent Calendar passed. Mr. Clerk, do you want to recall that bill? Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Madam President, if that item might -- might be passed temporarily, I believe the amendment that would be a strike-all that we needed is not -- not here yet. So we will pass that item.

SB913

Madam President would yield the floor for Members for purposes of announcements or points of personal privilege.

THE CHAIR:

Are there any announcements or points of personal privilege? Any point of personal privilege or announcements? Seeing none.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, it's our intention to convene tomorrow at 11:00. Also, advise Members that you should make the weekend, especially Saturday, available for possible session, as