

PA13-177

SB0889

Higher Education	473-475, 479-483, 535-536	10
House	8237-8267	31
Senate	2955-2964, 3061-3062	12
		53

H – 1173

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 24
7971 – 8345**

DEPUTY SPEAKER ORANGE:

And will the Clerk please announce tally.

THE CLERK:

In concurrence with the Senate, Senate Substitute
Bill 1003.

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Absent and Not Voting	10

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The bill passes in
concurrence with the Senate.

Will the Clerk please call Calendar Number 652?

THE CLERK:

Yes, Madam Speaker, on Page 35, Calendar Number
652, Favorable Report of the Joint Standing Committee
on Government Administration and Elections, Senate
Substitute Bill 889, AN ACT CONCERNING THE UNIVERSITY
OF CONNECTICUT AND COMPETITIVE BIDDING FOR
AGRICULTURAL PURCHASES BY CONSTITUENT UNITS OF HIGHER
EDUCATION.

DEPUTY SPEAKER ORANGE:

Representative Gregory Haddad of the 54th.

REP. HADDAD (54th):

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Representative Haddad.

REP. HADDAD (54th):

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO Number 7667 -- 7667. I'd ask the Clerk to please call the amendment, and I be granted the leave of the Chamber to -- to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 7667, which has been designated Senate Amendment "A".

THE CLERK:

Yes, Madam Speaker. Senate Amendment "A",
Substitute House -- or, LCO 7667, introduced by
Senator Bye, et al.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Objection? Hearing

none, Representative Haddad.

REP. HADDAD (54th):

Thank you, Madam Speaker. Madam Speaker, the underlying bill does four things. It allows the University of Connecticut to administer construction projects using the design/build method of construction consistent with what happens with the Department of Construction Services. It also exempts purchases of \$50,000 or less of certain agricultural and food products from competitive bidding processes. The amendment itself removes two additional sections of the -- of the bill. It removes the ability for UConn to advertise certain construction projects using the internet only, and it removes a process for exempting from disclosure under Freedom of Information the residential addresses of the University of Connecticut Health Center employees who -- who work with inmates involved with the Department of Corrections. I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of Senate Amendment "A". Will you remark on Senate "A".

Representative Timothy LeGeyt of the 17th. You have the floor, sir.

REP. LEGEYT (17th):

Thank you, Madam Speaker. Good evening.

DEPUTY SPEAKER ORANGE:

Good evening, sir.

REP. LEGEYT (17th):

I'd like to pose a couple of questions to the proponent of the amendment, if I may?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. LEGEYT (17th):

Thank you, Madam Speaker. Through you, this amendment details some of the specifications for the process whereby the University can choose to award a design/build contract, and I'm wondering, through you, what distinguishes a design/build contract from another construction method?

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. It's a good question. With a design/build project, the design of the building and the construction of the building are combined into a single contract and bid together. Under the standard use of -- of other kinds of

construction methods, typically the design is bid -
- is bid separate from the construction. So this
allows the University to do the two processes
together. Typically this allows for projects to be
completed on a -- on an accelerated schedule which can
also result in cost savings to the University.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And in fairness, with
the benefits of a design/build, I'm wondering if the
Vice-chair of the Higher Ed Committee could share what
the concerns would be.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker, I think the
design/build process isn't appropriate for all kinds
of construction projects. It works well when the
construction projects are simple and straightforward
kinds of projects where the design is not intend -- is
not anticipated to -- to be elaborate. And so while
there are cost savings to be achieved, it's -- it's

not a process that would work well with intricate --
intricate -- I'm sorry, intricate construction
projects. Through you -- through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And what is the --
what is the process if there are changes that are
required during the construction process. Through
you.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. As I understand the
process for both a regular construction method, and
also for design/build, if the -- if the -- the change
order is initiated by the builder, it would be the
builder's responsible -- responsibility for -- for
making those changes and for paying for those changes.
If the University or the -- the contracting entity is
responsible for making a change ordered, then that
would be the responsibility of the University.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. With regard to the process whereby a design/build -- a design/builder is selected, the amendment talks about establishing a selection panel, and I'm wondering if the good Representative could share some of the procedures that the selection panel would follow to make their choice. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. Yes, the -- the amendment does specify the process that has to be used by the University in initiating a design/build project. It requires that the University establish a selection committee, and that they, prior to posting the project for proposals, come up with a -- a process for -- for scoring the -- the proposals that come in for the project. That scoring method should be developed by the University, and it can be done on a case-by-case basis as appropriate for the specific project that's being bid.

When the proposals come in, the -- the selection

panel is responsible for -- for measuring -- for -- for using their predetermined process to score each design/builder's qualifications and past performances, and evaluating the technical merit of the competitive proposal, and each design/builder's projected project cost. So, it -- it requires first for a matrix to be established prior to going to bid, and then that requires them to apply that matrix when the proposals get submitted. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And it's my sense that one of the concerns about a design/build is that we're putting so much of the responsibility for the project into the hands of a single person or organization by combining architectural and construction services together. So I'm wondering if there are any special procedures for prequalification that the University could use to make sure that they get someone who -- or an entity who is not going to cause problems as the project is undertaken. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. Yes, there are. The -- while this does allow the University to bid a project using design/build, and to select a single contractor to -- to do both aspects of the project, it does not change the -- the responsibility of the University to use contractors that are prequalified through the Department of Administrative Services' current procedures for prequalifying contractors. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Thank you, Madam Speaker. And I would like to say that I think that this amendment is well thought out, and that the answers to my questions satisfy me that the process is thoroughly screened and prepared so that this should be a good process going forward, and I encourage my colleagues to support this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the amendment? Will you care to remark further on the amendment?

Representative Steve Mikutel on the amendment,
sir.

REP. MIKUTEL (45th):

Yes. Thank you, Madam Speaker. Madam Speaker, I -- I rise only to voice my concern about one part of the amendment which deals with carving out another exemption from the FOI laws. Over the last 20 years we have carved out many exemptions, and I'm concerned that we keep carving out exemptions from the FOI law and -- and at some point, I know Representative Dargan has a list pages long of the exemptions that we've carved out over the years. I don't know. I -- it gets to the point where we have to think what we're doing to the FOI law as it was originally intended.

So I just wanted to put that on the record, voice my concern about this. It's another exemption, and it may determine my outcome on the vote. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Mikutel.

Will you care to remark further on the amendment before us?

Representative Aman. You have the floor, sir.

REP. AMAN (14th):

Thank you, Madam Speaker. In general, I approve of a design bill concept of putting all of the responsibility to one person. However, it does lead to certain problems if the state, or in this case, the University, isn't very carefully monitoring the process. I do have some questions, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Proceed.

REP. AMAN (14th):

Yes, in the summary, or at some point, it talked -- I believe the proponent said it works primarily for simple projects, and I'm wondering if something like dormitory or apartments would fall under what the proponent classifies as relatively simple projects. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. I think it depends on -- perhaps on site characteristics and other things, but I think that, for the most part, fairly straightforward projects like dorms, which is mentioned in the OFA and the OLR analysis, and also I

think it also mentions parking garages, are typically the kinds of projects that are -- that would be eligible for the University to decide to use the design/build construction method.

I -- I would mention that -- that subsequent to the passage of UConn 2000, the University has created a Construction Management Oversight Committee, which is responsible for developing policies for managing and -- and providing oversight for construction projects. It is made up of appointees not just from the University, but also from some -- some legislative and gubernatorial appointments, and they would be part of the process for determining if a project was appropriate for design/build. Through you -- through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes. Looking at it, around Line 24, it talks about the thing that the design/builder project would be responsible for, and one of them it does say is design, and I know there is a committee for the University that will be reviewing bids and things, and I'm wondering how much detail will this committee give

to the bidders for a design/build project? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Haddad.

REP. HADDAD (54th):

Through you, Madam Speaker. I think the bill requires that -- that scope of the project be well defined prior to the issuance of the proposal, and it further requires that the -- the matrix that is developed by the selection committee would be made available to those who might respond to the proposal so that they would understand exactly what it was that the University was looking for in terms of the scope of the project. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes. This -- these projects are done on a fixed-cost basis except for change orders, which is one of the advantages. There is a variety of different regulations throughout our contracting standards. I'm thinking of some that require certain minority participation. There's others that talk about artwork and things along those lines. And through you, now

Mr. Speaker, if those same requirements are going to be placed on the person bidding on the design project. Through you, Mr. Speaker.

(Deputy Speaker Ryan in the Chair.)

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. Yes, the bill does not exempt design/build projects from any of the other kinds of requirements that are typically required for construction-at-risk projects. Through you, Madam -- Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. Following up on that, since it's a fixed-cost contract, will the participants in this be required to pay prevailing wage and follow all of the prevailing wage requirements? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker -- through you, Mr. Speaker, the answer is yes to the question.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

It -- it also talks about the projects over \$500,000, the design/builder needs to be prequalified which is pretty -- if I remember right, that is the standard for prequalifications that anyone has to do. But there's always a question about subcontractors and they fall. Since the builder is required, in this case to have a fixed-cost, fixed-design, all responsibility, will the subcontractors, even if their subcontract is over \$500,000, which is something that would not be unusual, will they also have to be prequalified, or will they fall under the qualifications of the design/builder, and also who has been prequalified? Will they have to put -- be prequalified, and also post a bond? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. My understanding of that process is that it is largely unchanged by this bill, and the answer is yes, that the subcontractors also need to be prequalified, and -- and be appropriately bonded. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes, and the -- the last part of it talks about the cost of any site acquisition. Again, since it is a completed cost basis that they have, I can understand if the builder owns the land, there can be some very different bids between various companies on a design/build project if they're supplying the land. And I'm wondering how the committee, when cost is so important, is going to decide between locations, site work -- or site location, especially, and how it relates to the universities. Through you, Mr. Speaker, how is that going to be determined?

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. Yes, the -- the selection committee will have that responsibility,

although I would say that in the case of the University of Connecticut which we're talking about here today -- I suppose if it's in Mansfield now, they own most of our town -- much of our town anyways, and so site selection is -- I don't anticipate being a large concern in these kinds of projects. I can't -- I'm hard-pressed to think of a project that the University has conducted that -- where they have had to acquire a site because they have such a large campus as it is. So -- so in the rare occurrence when site acquisition is part of the process, I suspect the University could either decide not to use design/build as a process, or would have to spell out in its -- in its -- in the -- in the matrix that they have to produce prior to the proposals being solicited -- would have to spell out what -- where -- both where an appropriate site would be, and perhaps what it would entail to acquire the site. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. The -- that is a fairly common thing. The problem with doing that, and it's something this committee's going to have to monitor very carefully,

is when they put out a design/build contract, and they specify sites -- the type of site that they would like, very often what happens is there's only one site in town or in the area that meets the requirements, and therefore it becomes very difficult to get an accurate design/build cost if the builder or the designer happens to own that particular site. So it is something that can be a problem. And I -- I do think that you may see some of that occurring, especially in a dormitory, graduate school apartments, et cetera, that don't have to be built right next to the campus, that they can be built a commuting distance away, and very often economically built -- be built farther away from it.

We have talked entirely on this about the University of Connecticut. Will the other community colleges, and the college system, be able to take advantage of this, or is this limited only to the University of Connecticut. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker, this section of the bill applies only to the University of Connecticut,

and not to other constituent units.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Just to follow up on that, is there other parts of this bill, or others that are coming forward that addresses the other colleges, and if not, what was the committee's thinking as to why they limited it just to the University of Connecticut?

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker, there's a section of the bill -- the underlying bill -- and it's touched upon in the amendment, that deals with purchasing of agricultural products and encouraging the universities to use locally-grown farmers -- to purchase locally-grown products from local farmers, and that section of the bill would apply to all constituent units of higher education in -- in the state.

The -- the section that we're referring to though now, the extension of design/build authority, and this bill is just limited to the University of Connecticut.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

From that answer I presume that the amendment was put on this bill because of that particular paragraph, and it was a way of making a connection and allowing it. I would hope that the committee in the future will look at our other colleges, community colleges, et cetera, to try to do the same thing. I do see a -- do see potential problems in the design/build, but in general it has worked very, very well for many projects around the country, and I encourage the State of Connecticut to participate more in -- in this sort of getting construction done. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Christopher Davis of the 57th District.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. A few questions to the proponent of the amendment, if I may?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. Has the University of Connecticut indicated any projects that they potentially would use this design/build process on? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker, I have not -- not had a conversation with the university about specific projects, but I think they still have some allocation available to them under the UConn 2000 authorizations previously passed by the legislature. And the university sure looks like a construction zone and has for the last ten years. I -- I suspect there'll be projects that quality in the future. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And under current state contracting laws, would the university be prohibited from using the design/build process if this amendment is not adopted? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. Yes, they need this legislation in order to use design/build construction methods on their -- on their projects.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And would the University of Connecticut be the only state agency that would be allowed to use design/build if this amendment was adopted, and then the bill adopted, and then the bill eventually signed into law? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker, the answer is no, and that actually allows me to clarify an answer that I provided to Representative Aman earlier. The Department of Construction Services and the department -- in the -- currently is permitted to use design/build, so -- and -- and I believe that that agency is also responsible for doing construction projects on the other State University campuses.

And so while I believe the other State University campuses can utilize design/build as a construction option, if they're -- if they're doing the construction project through the Department of Administrative Services and the Department of Construction Services. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And so this -- UConn is able to do their own construction services, while the other State Universities and community colleges have to go through the Department of Construction Services? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. Yes.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And that's existing law? Or this amendment would make that change? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. That is existing law.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And I think it was touched upon briefly with the discussion of the agricultural products, but would the design/build also include a local preference? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. The -- the bill does not specifically egress -- address local preferences. I -- I know that the -- the underlying construction, you know, statutes governing construction are usually very careful about local preferences because we don't want to violate interstate commerce laws and that sort of stuff. So I, you know, I don't have a complete answer for you, but I know that whatever the rules are that exist for other construction projects would -- would be in place for -- for these construction

projects as well. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. So there's nothing in this amendment that would prohibit the university perhaps from offering local preference to a design/builder? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. I believe that's governed by our current state statutes, and I'm sorry that that's somewhat outside of the scope of this bill, and I would not be able to give you a complete answer on what our current statutes require around local contractors.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. And is the proponent of the amendment aware of how many design/build firms there may be in existence in Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. No, I don't know the answer to that question.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker. I only ask that because I assume that there's many design/build companies here in Connecticut that would be able to bid for these projects, but I certainly would hope that they all would take advantage of it, but I want to make sure it's not an industry that perhaps is not being taken advantage of because they weren't able to do projects previously, and now they would be able to. So, through you, Mr. Speaker, is there anything prohibiting them to adopt public/private partnerships to perform these design/build projects? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Haddad.

REP. HADDAD (54th):

Through you, Mr. Speaker. I'm not aware of any

restrictions to the university engaging in public/private partnerships to accomplish, you know, these kinds of construction projects. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. C. DAVIS (57th):

Thank you, Mr. Speaker, and I thank the kind gentleman for his answers. I think this is an idea that certainly has merit. It has been proven that the design/build projects actually do save the state money, and in fact, when we're talking about potentially building -- or bonding a significant amount of money for projects at the University of Connecticut, it certainly is a responsibility of us to try to make sure that we do it in a most cost-effective way. And I think this bill and this amendment, which will be added to the bill, will certainly make it that much more cost effective to do projects at the University of Connecticut. So I thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the amendment before us? Will you remark

further on the amendment before us? If not, I will try your minds. All those in favor, please signify by saying Aye.

REPRESENTATITVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, Nay. The Ayes have it, and the amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative LeGeyt of the 17th District. Sir, you have the floor.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I -- one could -- one could think that these are two very different and unrelated topics for -- to be included in the bill, but the fact that they both apply to the University of Connecticut as well as other constituent units, and they both involve some kind of bidding, is the bond that brings them together in this particular bill. But I think that they're both important. Certainly the design/build process is important and valuable for the University of Connecticut to have access to in a structured and controlled way, which I think this bill

provides.

Also, the attempt to codify some process whereby agricultural products that are grown locally can be given preference by the University of Connecticut and other constituent units when it's time to purchase to provide the meals that the University and the other constituent units provide, I think is very important. We like to -- we all like to favor locally-grown produce, and we all would like the University to be able -- and the other constituent units to be able to take advantage of that.

And so I'm rising in support of this bill. I urge -- urge my colleagues to support it, and I think it's a good bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, will staff and guests please come to the Well of the House? Will the Members please take your -- oh, Representative Tercyak. Okay, never mind. If not, will staff and guests please come to the Well of the House? Will Members please take your seats? The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will Members please report to the Chamber immediately?

(Deputy Speaker Sayers in the Chair.)

DEPUTY SPEAKER SAYERS:

Have all the Members voted? Have all the Members voted? Please check the board to see that your vote has been properly cast. If all the Members have voted, then the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

THE CLERK:

In concurrence with the Senate, Substitute Senate Bill 889, as amended by Senate "A".

Total Number Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Those voting Nay	11

DEPUTY SPEAKER SAYERS:

The bill as amended passes, in concurrence with
the Senate.

Will the Clerk please call Calendar 510?

THE CLERK:

Yes, Madam Speaker. On Page 18, House Calendar 510, Favorable Report of the Joint Standing Committee on Judiciary, Substitute House Bill 6677, AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.

DEPUTY SPEAKER SAYERS:

Representative Morris.

REP. MORRIS (140th):

Thank you, Madam Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question is on acceptable of the Joint Committee's Favorable Report and passage of the bill. Will you remark further, sir?

REP. MORRIS (140th):

The Clerk has an amendment. I ask him to call the amendment, and that I be given leave -- granted

S - 661

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 10
2837 - 3149**

cah/med/gbr
SENATE

15
May 23, 2013

Those voting Nay	0
Absent, not voting	0

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, it's -- I think it's very gratifying that we started the day on -- on such a note of cordial bipartisanship so that even if the -- even if the rest of the day goes straight downhill from here, at least we can say we -- at least we can say we started on a high note so that --

Madam President, if we -- the next item, Calendar Page 37, Calendar 177, if we could pass that temporarily. We're work -- waiting for an amendment and if the Clerk would call the -- the next item marked go, Calendar Page 41, Calendar 377, Senate Bill 889.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 41, Calendar 377, Substitute for Senate Bill Number 889, AN ACT CONCERNING THE UNIVERSITY OF CONNECTICUT AND COMPETITIVE BIDDING FOR AGRICULTURAL PURCHASES BY THE CONSTITUENT UNITS OF HIGHER EDUCATION, Favorable Report of the Committee on Higher Education. There are amendments.

THE CHAIR:

Thank you.

Good afternoon, Senator Bye.

SENATOR BYE:

cah/med/gbr
SENATE

16
May 23, 2013

Good afternoon, Madam President, how are you today?

THE CHAIR:

Fine and yourself, Ma'am?

SENATOR BYE:

Good.

I would like to move acceptance of the Joint
Committee's Favorable Report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage.

Will you remark, Ma'am?

SENATOR BYE:

Yes, Madam President, the Clerk is in possession of
LCO 7667. I ask that it be called and I be granted
leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 7667, Senate "A", offered by Senator Bye
and Representatives Godfrey and Willis.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Okay, I move adoption.

THE CHAIR:

Motion is on adoption.

Will you remark, Ma'am?

cah/med/gbr
SENATE

17
May 23, 2013

SENATOR BYE:

Yes, thank you, Madam President.

What this amendment does is three things. The original bill, 889, had a -- had a part of it that exempted UCONN Health Center staff who worked with corrections officers from Freedom of Information and we removed that section of the bill. We also accommodated some members who wanted to be sure in the final section of the bill that farm-raised seafood were included in considerations for Connecticut agricultural products so we added those and the third thing we did was we removed a section of the bill that allowed -- would allow -- would have allowed the University of Connecticut to post its projects only on the internet.

Through you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?

Seeing none, I'll try your minds. Please say aye if in favor of Senate "A".

SENATORS:

Aye.

THE CHAIR:

Opposed?

Senate "A" is adopted.

Senate Bye.

SENATOR BYE:

Aye aye aye.

THE CHAIR:

Aye aye aye is right.

SENATOR BYE:

Madam President, now I'd like to describe this bill and I think this bill does a couple of really important things for the University of Connecticut and its building projects as well as for all of our universities and community colleges.

The main part of this bill what it does is it allows UCONN to move to a design-build project status so that they can hire one person who will both design and build construction projects and it goes through very specific steps as to how those projects can be approved.

It also adds -- we added a portion to this bill that will allow universities in the state to purchase products from Connecticut farms. If they are less than \$50,000, they can give preference if there is a comparable price. What came to our attention is that University of Connecticut has a lot of farms out there as do -- does Western and a lot of our campuses but they're not allowed to purchase products from the farms right nearby because of the scale and the rules around how to do that.

So this bill will make that much easier for all of our campuses and we think it's good for our students and their health but we also think it's great for our farmers.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Good after -- good afternoon, Madam President.

THE CHAIR:

cah/med/gbr
SENATE

19
May 23, 2013

Good afternoon.

SENATOR BOUCHER:

Madam President, I rise to support this bill. It has certainly had a great deal of discussion and back and forth and interestingly enough it kept changing as different concerns were brought up and in the typical style of this Committee it took everyone's suggestions, ideas and input into consideration to finally get a bill that seems to appease and -- everyone and at least follow with the major intent.

There was some change on here originally in trying to streamline the bill by only having the postings for this design bill just on the internet but because of concerns that were brought, that was taken out and it continues to be advertised in its fashion.

Also the bill does indeed create an efficient process in the design-build that has a scoring process and the design-build contract that would be included would be in the permitting design engineering construction and if acc -- applicable, the site acquisition as well.

In addition no design-build contract for which the total cost is estimated to be more than \$500,000 may be awarded to a design builder who is not pre-qualified for the project by the state. So that is in there as well.

Additionally there was some consideration put into our -- the areas of agriculture that included some concerns about farm-raised seafood, pork, lamb and eggs and other such things as we're used to doing and it's certainly a good thing to promote within our state.

I do want though, however for clarification if I may, Madam President, just to have some clar -- further class -- clarification by the good chairman of the Higher Education Committee if I could.

THE CHAIR:

Please proceed, Ma'am.

SENATOR BOUCHER:

Yes in the language of the bill that talks about the scoring and the design-build, does this process require the University to adhere to its scoring system when awarding the contract?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much.

And finally we know that in the past we've had some issues with regards to construction at our largest university. Do we have a -- currently a good oversight in place both on -- coming in on budget and for efficiency in consideration that this is giving for the latitude?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes the -- the University has a very strict oversight now of their construction projects.

Through you.

cah/med/gbr
SENATE

21
May 23, 2013

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Madam President, that's very good to hear. Again this was a bill that -- that was worked very carefully with a great deal of cooperation and input by all parties and should be supported.

Thank you very much.

THE CHAIR:

Thank you.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thanks, Madam President.

It is a noble bill and I will be in support of it but through you, Madam President, I have one simple question for Senator Bye.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you.

Through you, Madam President, and you may recall that Senator Meyer and I went through this I believe it was yesterday. When we use the word comparable, are we talking in percentage terms 1 percent, 2½ percent, 5 percent? What -- what sort of range are we talking about?

THE CHAIR:

Senator Bye.

cah/med/gbr
SENATE

22
May 23, 2013

SENATOR BYE:

Through you, Madam President, for clarification, I just want to be clear that Senator Frantz is talking about the section about the purchases of farm goods.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

That -- that's correct.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, let me just con -- let me just look at that for one second.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

The Senate will come back to order.

Senator Bye.

SENATOR BYE:

Through you, Madam President, though I'm -- I am not an attorney, I think the word comparable is to be taken on its face that the University will have a responsibility not to, for example, spend 50 percent more simply to buy eggs down the street.

cah/med/gbr
SENATE

23
May 23, 2013

I think the other thing is, you know, these are -- these will not be bulk purchases. These will be smaller purchases but comparable to me would mean, for example, within about 10 percent of the price from a larger distributor.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And 10 percent, through you, Madam President, to you, Senator Bye, seems like it's on the upper range of what would be considered comparable because these are smaller contracts and, you know, on a -- on a per case basis but the overall budget of the school -- of the University is so big that this will start to add up.

So it is important I think for all of us to -- to understand that and -- and if -- if it were say a little bit lower, would you feel comfortable with that or do you want to stick with the 10 percent?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, I was picking on the upper limit. I mean I am comfortable at saying something like 5 percent.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

cah/med/gbr
SENATE

24
May 23, 2013

Thank you.

That makes me very happy. Thanks I'm done with my questioning. I think we should all do whatever we can to support Connecticut businesses within reason and I -- I know we certainly do that in -- in all of our businesses and we do that also in our campaigns. We try to keep the printing and everything else local.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I want to be sure to thank my Ranking Member, Senator Boucher, for her input on this bill as well as other members and recognize the work of Representative Haddad recognizing this as a concern at the University of Connecticut and others in terms of the agricultural purchases and looking for a way for that so I just want to thank them.

And if there are no -- no objections, I ask that this be moved to Consent.

THE CHAIR:

Seeing no objections, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call as the next item Calendar Page 36, Calendar 152, Senate Bill 465

cah/med/gbr
SENATE

121
May 23, 2013

Mr. Clerk.

THE CLERK:

On Page 2, Calendar 49, Senate Bill 523; Page 15,
Calendar 489, Senate Bill Number 871.

On Page 35, Calendar 44, Senate Bill Number 809; on
Page 36, Calendar 152, Senate Bill 465.

On Page 37, Calendar 177, Senate Bill 972 and on Page
40, Calendar 293, Senate Bill 814.

Page 41, Calendar 359, Senate Bill 1099 and Calendar
377, Senate Bill 889.

On Page 43, Calendar 400, Senate Bill 1137 and on Page
45, Calendar 488, Senate Bill 1153.

THE CHAIR:

Thank you.

Please announce that the machine is open on the first
Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll
call on today's Consent Calendar ordered in the
Senate.

THE CHAIR:

Have all members voted? If all members have voted,
please check the board to make sure your vote is
accurately recorded. If all members have voted, the
machine will be closed and the Clerk will announce the
tally.

THE CLERK:

Today's Consent Calendar.

Total Voting

36

cah/med/gbr
SENATE

122
May 23, 2013

Voting Yea	36
Voting Nay	0
Absent, not voting	0

THE CHAIR:

Consent Calendar 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, before moving to the item which will be marked for the order of the evening, I believe the Clerk is in possession of Senate Agenda Number 2 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agenda Number 2. It's dated Thursday, May 23, 2013. Copies have been made. They are on Senators' desks.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I move all items on Senate Agenda Number 2 dated Thursday, May 23, 2013 to be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

So ordered.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HIGHER EDUCATION
AND
EMPLOYMENT ADVANCEMENT
PART 2
241 - 483**

2013

EMPLOYMENT ADVANCEMENT COMMITTEE

that every officer would derive their powers and indemnification under one statute. And unfortunately, that's not the case. There are many statutes where we have law enforcement professions in Connecticut that are covered by certain statutes and derive their powers from other statutes.

And this happens to be one where for all intensive purposes, it looks like maybe an oversight or something that was -- there was excluded at some point. Thank you.

SENATOR BYE: Thank you. Thank you again for your testimony.

Next we have Tom Trutter followed by Patty O'Neil.

TOM TRUTTER: Good afternoon, Co-Chairs, Ranking Members and members of the Higher Education and Employment Advancement Committee. My name is Tom Trutter. I'm the Associate Vice-President for Campus, Planning, Design and Construction at the University of Connecticut Health Center.

I am here on behalf of the Health Center and the University of Connecticut to thank you for raising Senate Bills 889, An Act Concerning Advertisements for the University of Connecticut's Construction Project, and 890, An Act Concerning Design Build Contracts at the University of Connecticut. And ask for your support of both of these measures. Both of these bills will conform UCONN 2000 statutes with the current statutes for other state agencies.

The proposed change in Raised Bill 889, An Act Concerning Advertisements for the University of Connecticut's Construction Projects conforms the UCONN 200 statutes with the current Department

EMPLOYMENT ADVANCEMENT COMMITTEE

of Administrative Services practice and statutory framework regarding advertisements, and competitive bids, and proposal for goods and services.

In 2009, the DAS changed their statutes to allow for internet only advertising for competitive bids and proposals for goods and services exceeding \$50,000. Last year, through PA 12-129, this practice was extended to public higher education institutions for purchases of goods and services.

Now we are requesting that the UCONN 2000 statutes be amended to eliminate the requirement for newspaper advertisements for bids and RFPs for construction projects. Posting the bids and RFPs on the internet -- internet would still be required under the proposed language.

With regard to bill -- Raised Bill 890, An Act Concerning Design-Build Contracts at the University of Connecticut, we are requesting the authority for the University to enter into design-build construction contracts. Currently, the university is limited to design-bid build and construction manager at risk contracts. Adding design-build authority will provide the flexibility to utilize this approach on appropriate projects, as other agencies do.

For example, Connecticut Department of Construction Services has the authority to use design-build method of contracting for construction projects. And this method is -- of contracting used routinely for construction -- constructing relatively straight forward buildings, like resident halls and parking garages. Also, many municipalities have used design-build for building schools.

The advantage to design-build is it aggregates

EMPLOYMENT ADVANCEMENT COMMITTEE

both the design and construction into a single contract. In doing so, the university would be able to shorten the project schedules and potentially reduce cost by overlapping the design and construction phases. And again on appropriate projects.

We are grateful for your continued support to the University of Connecticut Health Center and the University at large. And urge your support for bills 889 and 890. Thank you.

SENATOR BYE: Thank you, Tom, for your testimony.

Are there any questions?

Rep. Willis.

REP. WILLIS: Hello.

TOM TRUTTER: Hello.

REP. WILLIS: Nice to see you. I wanted to talk -- ask you a little bit more. I'm trying to remember when we did the construction redesign that set up the committee and oversight at the university. And at that time we didn't look at design bid bill? Do you -- were you --

TOM TRUTTER: That's my understanding. And I'm not fluent in that history. But, the way this statute currently reads design-build is not explicitly authorized in that language.

REP. WILLIS: And it is recognized for -- for dorms and parking, though, design-build?

TOM TRUTTER: Not for the University of Connecticut. So, for other agencies they have that explicit authority. But the University does not.

REP. WILLIS: Was it --

EMPLOYMENT ADVANCEMENT COMMITTEE

that time having multiple other meetings going on. I apologize. Simple question is that have you had this -- some any serious opposition to this? And if so, who is it by?

TOM TRUTTER: I am not aware of any opposition.

SENATOR BYE: Thank you. Seems like a common sense proposal.

TOM TRUTTER: Thank you.

SENATOR BYE: And --

Representative Willis.

Come back.

REP. WILLIS: I apologize. I -- I was doing the -- doing them separately in terms of -- I wanted to ask you questions about advertising. You know -- obviously, the legislature has been looking at this issue for municipalities and there's been tremendous push back from the newspaper industry. Obviously because of the revenue loss. And this body has been somewhat sensitive to that.

SB 889

Could you tell me how much this is going to save the University? Or projected to save the University?

TOM TRUTTER: Typically each one of the advertisements cost between three and \$400 per project. It's hard for me to extrapolate exactly how many project across the entire spectrum of both the health center and the Storrs campus we do per year. But at the health center, we could easily do -- you know 20 to 30 maybe even 40 projects. And I'd imagine that number is far exceeded at the Storrs campus. So, it's in that range for us in terms of

dollars.

REP. WILLIS: And are those advertisements -- do you get people outside of Connecticut who bid as a result of seeing the newspapers versus -- you know -- if you go on the internet, you may get bids from well outside of the state.

TOM TRUTTER: I think that we -- the practices that we advertise, certainly all the construction projects, through DAS construction portal. And I think people -- the contractors and architects that are interested in doing business with the university and doing the business with the state know that that's the place to go to watch for notices and advertisements for -- for projects.

So, it's -- I think that the day of looking at a newspaper and picking up an ad out of a newspaper, perhaps, is passed. Where people know that they need to go to the DAS portal.

REP. WILLIS: And -- and would you say now that most of the people that respond from a newspaper advertisement, legal notice are in state? Do you have like the percentage of companies we're doing business with? Because I'd be interested in that.

TOM TRUTTER: I don't know that number. I mean -- and again, I think there's -- there's services out there that watch newspapers for companies. And so they'll pay for a service for somebody to watch the service. And then they'll get notice through that. On whether they're in state or out of state, I think most major construction companies, if you will, have that kind of service that they procure as well.

But I don't have a percentage for you in terms of in state versus out of state in watching advertisements in the newspapers.

REP. WILLIS: Well, I could see where a big company -- you know -- some of the big construction companies like the ones that are doing the work at the UCONN Health Center, obviously they come from all over. Because it's a multi -- you know -- million dollar bid. But in terms of maybe a small -- you know -- under \$50,000 -- so, under 50,000 you still would be advertising legal notices? Is that --

TOM TRUTTER: No. I believe that the proposed legislation would be for all projects.

REP. WILLIS: Everything?

TOM TRUTTER: Yes.

REP. WILLIS: Okay. So, for the smaller bids, the smaller contracts, are those jobs coming from in state primarily?

TOM TRUTTER: There's a -- certainly a larger percentage of our smaller projects that are more attractive to the in state firms. It's just for the large -- for the small projects, for somebody to come from out of state and travel and all the additional costs --

REP. WILLIS: Right.

TOM TRUTTER: -- associated with that --

REP. WILLIS: That basically --

TOM TRUTTER: -- it just doesn't make as much sense. So, a large preponderance of our small projects are for Connecticut contractors.

REP. WILLIS: Well the only reason I mention all of this is because there is always concerns raised in -- from my colleagues that -- you know -- we

EMPLOYMENT ADVANCEMENT COMMITTEE

should do more business -- you know -- UCONN should be doing more business with in state companies and hiring people from Connecticut. And even with Jackson Labs, I heard complaints about -- you know -- bringing people, not hiring local people.

So, this is a question that is frequently asked. So, I just wanted to through it out to you. Thank you.

TOM TRUTTER: Thank you.

SENATOR BYE: Representative LeGeyt.

REP. LEGEYT: Thank you Madam Chair. Good afternoon.

TOM TRUTTER: Good afternoon.

REP. LEGEYT: I'm -- I'm following up on a question that Chairman Willis asked regarding the threshold in dollars that would cause the provision of this bill to kick in. \$50,000 by your testimony, is the threshold that which in conformity with DAS, UCONN would be able to post a -- post a design-build or an RFP on the internet only. Is that correct?

TOM TRUTTER: I believe that there -- and I would have to double check this for you. But I believe there's no requirement for advertisement for anything under 50,000. And that this would then require for internet for anything over 50,000.

REP. LEGEYT: Okay. And as I'm looking at the bill here, and reading it briefly, it speaks about projects estimated to cost more than 500,000 shall be publicly let by the university. And therefor, allowed to be posted on line. Do you happen to know what the -- is this a gray area between 50 and 500,000? Or do you have any --

EMPLOYMENT ADVANCEMENT COMMITTEE

can you clarify what appears to be an inconsistency for me?

TOM TRUTTER: I'm not sure -- and I'd have to take a look at the reference to the 500,000. But I can tell you that everything over 50,000 is currently advertised both in newspapers and on the internet. And that this change that we are proposing, would only eliminate the requirement for the newspapers, so that everything over \$50,000 would be advertised on the internet.

Is that --

REP. LEGEYT: And thank you for that answer. And is the \$500,000 threshold something that you actively deal with, with regard to proposals?

TOM TRUTTER: I just want to take a quick look at the \$500,000 language to make sure I understand the reference.

REP. LEGEYT: Do you have -- do you have it done by line?

TOM TRUTTER: Yes.

REP. LEGEYT: Okay. So, starting on line 12 through -- through 19 is one reference. And then --

TOM TRUTTER: I am not clear about the carve out, what appears to be a carve out for publicly letting projects costing more than \$500,000. Because we publicly let all project over \$50,000 as a practice. And whether or not -- so, we maybe just as a practice exceeding what's required by the legislation.

REP. LEGEYT: That's a good answer. Thank you.

SENATOR BYE: Thank you for coming back.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HIGHER EDUCATION
AND
EMPLOYMENT ADVANCEMENT
PART 3
484 - 730**

2013



University of Connecticut Health Center

pg 3
ln 5

Higher Education and Employment Advancement Committee

March 14, 2013

Tom Trutter, Associate Vice President, Campus Planning, Design and Construction., at the
University of Connecticut Health Center

Co-Chairs, Ranking Members and Members of the Higher Education and Employment Advancement Committee, my name is Tom Trutter, Associate Vice President, Campus Planning, Design and Construction., at the University of Connecticut Health Center. I am here on behalf of the Health Center and University of Connecticut to thank you for raising Senate Bills 889 AN ACT CONCERNING ADVERTISEMENTS FOR THE UNIVERSITY OF CONNECTICUT'S CONSTRUCTION PROJECTS and 890 AN ACT CONCERNING DESIGN-BUILD CONTRACTS AT THE UNIVERSITY OF CONNECTICUT and ask for your support of these measures. Both bills will conform UCONN 2000 Statutes with the current statutes of other state agencies.

Raised Bill 889 AN ACT CONCERNING ADVERTISEMENTS FOR THE UNIVERSITY OF CONNECTICUT'S CONSTRUCTION PROJECTS

The proposed change in Raised Bill 889, An Act Concerning Advertisements for the University of Connecticut's Construction Projects conforms the UCONN 2000 statutes with the current Department of Administrative Services' (DAS) practice and statutory framework regarding advertising for competitive bids and proposals for goods and services. In 2009, the Department of Administrative Services changed their statutes (PA 09-07 – section 158) to allow for internet only advertising for competitive bids and proposals for goods and services exceeding \$50,000. Last year, through PA 12-129, this practice was extended to public higher education institutions for the purchase of goods and services. Now, we are requesting that the UCONN 2000 statutes be amended to eliminate the requirement for newspaper advertisements for bids and RFPs for construction projects. Posting the bids and RFPs on the internet would still be required under the proposed language.

Raised Bill 890 AN ACT CONCERNING DESIGN-BUILD CONTRACTS AT THE UNIVERSITY OF CONNECTICUT

With regard to Raised Bill 890, An Act Concerning Design-Build Contracts at the University of Connecticut, we are requesting the authority for the University to enter into Design/Build construction contracts. Currently the University is limited to Design/Bid/Build and Construction Manager at Risk contracts. Adding Design/Build authority will provide the flexibility to utilize this approach on appropriate projects, as other agencies do. For example, Connecticut's Department of Construction Services has the authority to use the Design/Build method of contracting for construction projects. This method of contracting is used routinely for constructing relatively straightforward buildings like residence halls and parking garages. Also, many municipalities have used Design/Build when building schools. The advantage to Design/Build is that it aggregates both the design and construction into a single contract. In doing so, the University would be able to shorten the project schedules and potentially reduce costs by overlapping the design and construction phases.

We are grateful for your continued support of the UConn Health Center and the University and urge your support of Senate Bills 889 and 890.

Thank you and I am happy to answer any questions you may have.

263 Farmington Avenue
Farmington, CT 06030-3801
Phone: 860/679-8190

students to carry health insurance. This is especially problematic for students who are studying outside of their home state. However, Medicaid covered students studying at in-state institutions that are located in rural areas may also be negatively impacted due to lack of access to mental health providers or specialists.

Through the ACHA, I am part of a national committee of health service directors which is reviewing the ramifications of Medicaid expansion and its impact upon college students. We have determined that states are permitted by law to use Medicaid funds to purchase SHIPs. States are able to make the determination that an alternate insurance plan can be considered an acceptable option. Section 1905 (a) of the Social Security Act provides a pathway to premium assistance allowing states to enroll Medicaid eligible persons in individual market plans. Additionally, the benchmark benefits statute provides authority to actually enroll people in plans that are deemed to meet the requirements. In doing so, states would have to provide wrap around benefits to ensure cost-sharing is not above Medicaid requirements, ensure that Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefits are available to those under 21 and the plan would need to meet the cost-effectiveness requirements that apply to premium assistance. We are currently aware of two states, Montana & Minnesota, that determined it was cost effective for Medicaid dollars to be used to purchase an institution's student health insurance while providing secondary coverage (wrap around coverage) to the student for services not covered by the SHIP. In the case of Montana, payment is issued directly from the state Medicaid office to the institution. In Minnesota, students can petition their state Medicaid Office to pay for the SHIP with the student receiving reimbursement from the state for payment of the plan.

In summary, what are the potential benefits of using Medicaid funds to purchase Student Health Insurance Plans (SHIPs) for both the Medicaid eligible student and the state?

- **Affordability.** Student insurance costs may be lower than Medicaid costs. A comparison must be done between the institution's student health plan coverage and cost compared to the state Medicaid program.
- **Improved access to care for low income families using health insurance that is designed to provide comprehensive coverage tailor made to address issues prevalent in the college health population (e.g. mental health, alcohol and other drugs)**
- **Improved access to local provider networks with reasonable co-payments and deductibles as well as access to worldwide coverage including medical evacuation and repatriation of remains.**
- **Decreased financial burden and increased access to the medical care system for students who have Medicaid coverage but find that they must purchase a SHIP anyway because the Medicaid plan does not meet the institution's health insurance requirements (e.g. States with Qualified Student Health Insurance Plan (QSHIP) legislation and/or students attending out of state schools) or because they are unable to utilize out of state Medicaid coverage to obtain necessary medical care.**
- **Decreased burden to state Higher Education Opportunity Programs (HEOPSs) and universities for financial aid costs related to paying for student health plans for low-income students**

I strongly urge you to pass this bill and study the impact of using Medicaid funds to pay for Student Health Insurance Plans. I am available to provide whatever assistance is necessary in this endeavor.