

PA13-51

SB0977

Government Admin. & Elections	1039, 1042-1043, 1137- 1145, 1324-1329	18
House	4658-4667	10
Senate	1499-1501, 1509-1511	6
		34

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 4
1000 - 1350**

2013

although once it's exempt it would be unlikely to release it unless there was a good reason. The other difference is, these questions are asked in the ordinary course of an audit whereas a whistleblower is somebody who either by identifying or anonymously reports something to us sort of outside of the process. The whistleblower kicks in a whole other process, and we're not trying to link that. When we finish a whistleblower investigation, we by statute give it to the attorney general. We don't want to take every single audit we do of every agency in turn when somebody answer our question into our whistleblower which then means we never finish our audit report until the attorney general -- I'm sure the attorney general doesn't really want to review the 80 or so biennial audits that we produce. So the real reason is to distinguish it. We're asking a specific question in the ordinary course of an audit separate from somebody who contacts our office to report a matter. That falls into the whistleblower section.

SENATOR MCLACHLAN: Thank you. Thank you for that clarification. Thank you, Mr. Chairman.

REP. JUTILA: Other questions?

If not, thank you, gentlemen, both for your testimony.

JOHN GERAGOSIAN: Thank you very much.

ROBERT WARD: Thank you all.

REP. JUTILA: Next up will be Commissioner DeFronzo followed by Senator Witkos.

COMMISSIONER DONALD DEFRONZO: For the record, my name is Don DeFronzo, I'm the Commissioner of

HB6319
HB6579
SB761
SB977
SB978

have developed the language which is now before the Committee intended to move the program from a pilot program to a permanent program. The language would extend the program on a voluntarily basis to the Judicial Branch and to the Board of Regents for Higher Education.

This is a program which helps protect the job security of custodians working for the state, and it provides good paying job opportunities for members of the disabled community. So we have been a partner with the various stakeholders on this bill, and we hope -- hope the Committee would give it favorable consideration.

Then there are two bills which have been submitted by the Department of Construction Services that I want to talk about briefly. First, Senate Bill 977, is an ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION PANELS AND THE EVALUATION OF BIDDERS PAST PERFORMANCE. Connecticut General Statutes 4b-56 establishes within DCS state construction service selection panels in Connecticut health and education facilities authority construction service panels. And these panels consideration qualifications submitted by consultants and review their qualifications and credentials and select companies to do -- potentially to do state work.

This bill makes changes to the composition of those selection panels by reducing the membership and makes full panel activity only applicable to larger projects in excess of \$5 million. And the intent of this -- of this legislation is to streamline our process and to take some of the personnel that's devoted to these committees, and you'll see in the -- in the actual bill we have some committees that are

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

comprised of six members -- six staff people, some are five staff people. But the bottom line is that an awful lot of staff is diverted from actual construction management work to the selection process. And we believe that we can assure the quality of the selection process with somewhat fewer people involved in this and improve our productivity by redirecting those other staff into their primary job responsibilities which is construction management.

Also this bill adds part of the due diligence in the selection process an analysis of the bidder's past performance particularly looking at their track record with respect to the number of -- the number of and frequency of change orders in past work with the state, and that we would build this into our selection criteria. We -- we actually do this informally already, but I think we want to formalize it a little -- in a little more aggressive format.

We have had some industry comment on some of these provisions and we continue to work with CCIA on refining this language and would look to work with the Committee in that area as well. It is not our -- it is really not our intent to restrict contractors from seeking compensation for or asserting legitimate claims, but only to protect the state going forward.

Senate Bill 978 is AN ACT CONCERNING
SUBCONTRACTOR PREQUALIFICATION AND
CLASSIFICATION THRESHOLDS AND INCREASING THE
THRESHOLD FOR REQUIRING COMPETITIVE BIDDING FOR
PUBLIC WORKS PROJECTS. This bill would increase
the dollar amount noted in Section 4b-91 of the
state statutes that requires the state to use
its formal bidding process from \$500,000 to \$2
million. This would allow the department to

SENATOR MUSTO: Thank you. And for the record it was joint between the Chairman so I think we're both happy about this. Thank you for -- The Kennedy Center serves Representative Hwang's district and my district as well. So we're happy to have you there and we're happy to have you here. I'm not going to follow up on any of the questions he asked. I think you did a good job.

BILL GILL: Yeah, he was working me over pretty well, wasn't he.

SENATOR MUSTO: Yeah, he beat you up real bad.

BILL GILL: It's going to cost him. Thank you very much, Senator Musto. Thank you, Representative Hwang.

SENATOR MUSTO: Next on our list we have John Butts, Petra Rentas, and Kirk Springsted, in that order.

JOHN BUTTS: Good afternoon, Senator Musto, Representative Jutila. My name is John Butts, I am the Executive Director of the Associated General Contractors of Connecticut. I'm here to testify on S.B. 977 and S.B. 978. S.B. 977 is AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS AND THE EVALUATION OF BIDDERS' PAST PERFORMANCE and S.B. 978 is AN ACT CONCERNING SUBCONTRACTOR PREQUALIFICATION AND CLASSIFICATION THRESHOLDS AND INCREASING THE THRESHOLD FOR REQUIRING COMPETITIVE BIDDING OF PUBLIC WORKS PROJECTS. These are two of the bills that Commissioner DeFronzo brought before the Committee.

AGC of Connecticut is the building division of the Connecticut Construction Industries Association. We represent 150 commercial, industrial, and institutional construction

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

contractors, subcontractors, materials suppliers, and professionals serving the Connecticut construction industry. S.B. 977 would in part require awarding authorities to consider a bidder's change orders in assertion of unsubstantiated claims and subcontractor's past performance and integrity when determining the lowest responsible bidder.

As the bill stands, we are opposed to the bill's provision to require awarding authorities to consider a bidder's assertion of unsubstantiated claims when determining the lowest responsible bidder. We believe an interpretation of the term unsubstantiated is highly subjective and may result in an inaccurate picture of a subcontractor's qualifications to perform state work. What an owner may feel is an unsubstantiated claim may be perfectly legitimate and within the legal rights of a contractor to file. Working a difficult project may force a subcontractor to file a number of claims to protect his or her business, but it may not necessarily represent a pattern of bad behavior -- behavior.

We have expressed our concerns to officials with the Department of Construction Services and hope to continue discussions with them on possible changes that may meet everyone's satisfaction. I believe Commissioner DeFronzo made reference to these discussions in his testimony as well.

Regarding S.B. 978, we support the provision in the bill that requires that subcontractor bidders be prequalified at the time of bid submittal. We think that will avoid confusion when it comes time to submit bids for general contractors. However, we have concerns about increasing the value threshold for bidding out state projects from 500,000 to 2 million. We

understand the department's position that the threshold needs to be updated, however, \$2 million in value still represents a sizable project in today's construction market and could potentially prevent a number of qualified contractors an opportunity to compete for work.

Additionally, in order to preserve the competitive nature of public bidding, we would also like to ensure that proper administrative safeguards are in place if a threshold is increased. As with S.B. 977, we are currently discussing ways to -- with the department to amend 978 and we are hopeful that we can reach a mutual agreement. Thank you for your consideration and for the opportunity to present our views.

SENATOR MUSTO: Thank you very much.

Questions from members of the Committee?

Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Thank you, Mr. Butts, for your testimony today. And I wonder if you could clarify for us your concern about the approval process for prequalification based upon previous service to the State. And specifically how the State would look at change orders in the assessment, if you will, of a particular contract -- a particular contractor.

JOHN BUTTS: I believe that the State already does look at the amount of change orders that a contractor has filed in the past. The discussions we've had with the department may focus on the percentage of change orders that may ultimately be judged to be not valid, so to speak. So we've had some discussions with them not necessarily on the amount of change orders,

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

they could file a lot of them, but are they -- are they substantial, do they mean anything? And I think that that's where we are talking with the department on that.

Change orders are routine, they happen all the time on a construction project. They may or may not be the fault of the contractor. So we're concerned not necessarily -- I didn't mention in my testimony on the change orders, we are more concerned about the term assertion of unsubstantiated claims because we think that's a very subjective one. We're looking at it from an owner's point of view versus the contractors point of view.

SENATOR MCLACHLAN: Thank you. Thank you, Mr. Chair.

SENATOR MUSTO: Thank you. Could you point us to the part of the bill --

JOHN BUTTS: I wish I had it in front of me, I'm sorry.

SENATOR MUSTO: I'm just trying to look through it. You're talking about the unsubstantiated part, end of Section 3. Okay. Thank you, Mr. Co-Chair. I want to just see if I can get that language here. And are -- you're just -- is there a fix for that or is it just something you're not going to be able to live with under any circumstances?

JOHN BUTTS: We may be able to have -- in our discussions we are talking to them about tightening that definition down a little bit. Again we're hopeful that the department we can at least define that so that it isn't so subjective at the moment.

SENATOR MUSTO: What would be the current -- under

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

the current process, and I assume you're relatively familiar with the current law.

JOHN BUTTS: Yes.

SENATOR MUSTO: Under the current law when trying to figure out what is a responsible bidder, right, that's sort of --

JOHN BUTTS: It's a term of art in procurement law -- procurement process, yes.

SENATOR MUSTO: And what does it mean?

JOHN BUTTS: It looks at the whole gamut of what a contractor does. It's -- a contractor has to be both responsive and responsible, those are the two terms when an owner is looking at a contractor. Responsible means being a responsible contractor in the past and there are a number of things that an owner may look at, past performance, of course, claims do come into account.

We think -- Commissioner DeFronzo referred to it in his testimony that these are all rather informal things that they are trying to formalize in the law itself. The other term responsive means are you actually responsive to the specifications in the -- in -- to the call to bidders. So those are the two terms that a contractor has to meet. And the owners look at those -- look at a number of qualifications to determine those.

SENATOR MUSTO: Okay. Because as I'm reading it here it says that -- the current law is in considering past performance, the awarding authority shall evaluate and it gives a list, skill, ability, integrity, in terms of bidders fulfillment of contracts and obligations;

bidders experience or lack of experience; and the scope of the project, right?

JOHN BUTTS: Right.

SENATOR MUSTO: So there's six maybe seven --

JOHN BUTTS: Right.

SENATOR MUSTO: The -- it says -- a change to the bill says in considering the integrity you deal with the unsubstantiated claims. It's sort of a sub -- it's one thing that the bill is looking at and relate to one of the factors. So it doesn't affect skill, ability, experience, nature and scope, it just affects the integrity. And I guess integrity itself is kind of a nebulous term.

JOHN BUTTS: Nebulous term, right.

SENATOR MUSTO: So is there any -- addressing integrity specifically, is there anything that you can tell us about how integrity -- integrity which is current law is looked at now?

JOHN BUTTS: I'm not sure that there is a legal definition of integrity. It may be one of those things that you just know it when you see it. I mean but there may be some -- the department may have some have specific things that they look at, but that's all I can really tell you is that integrity means a lot of different things in terms of how many past -- what your past behavior has been. And they have a list of things in a prequalification process that helps them to look at that. I'd have to look at that further to nail that down for you, Senator.

SENATOR MUSTO: So there's no currently regulation or any sort of advisory opinions, legal cases --

JOHN BUTTS: You may have to ask the department on that, I'm not really sure.

SENATOR MUSTO: Okay. All right. That seems to be where the concern is is when you're defining integrity -- as I'm reading it anyway, maybe I'm way off on this, but it seems like you're only looking at -- at the unsubstantiated claims when you're looking at integrity.

JOHN BUTTS: And there's a lot more to that -- goes into it.

SENATOR MUSTO: Yes. No. Yes, exactly. But the unsubstantiated claims don't seem to affect the other six or seven factors at least not the way the law is -- at least not the way the language is written, the way I'm reading it anyway. Again I might be off on that. What about -- how are claims substantiated or unsubstantiated?

JOHN BUTTS: Well, I think that is determined at the end of the process that if they have -- that if the owner has determined that it is unsubstantiated, then that's -- that's the determining factor whether the owner determines that. And if it's not, they could take it to court and a court would rule on it I would imagine. But I guess that's -- that's the question that we have is what does unsubstantiated mean. We're not sure.

SENATOR MUSTO: Well, what does substantiated mean?

JOHN BUTTS: That it's ultimately upheld and the claim is paid.

SENATOR MUSTO: Okay. So an unsubstantiated claim would be something that either --

JOHN BUTTS: It's in dispute. It's in dispute.

SENATOR MUSTO: It's in dispute.

JOHN BUTTS: And the reason for the dispute could be -- may not mean necessarily the fault of the contractor.

SENATOR MUSTO: Right. Okay. But there's no liability associated with an unsubstantiated claim?

JOHN BUTTS: Not in the currently law. But I mean there may be a liability in terms of their ability to prequalify for future projects.

SENATOR MUSTO: Does the contractor have the ability -- I'm not sure I'm going to say this right, so I'm going to kind of give you an example. If you get into a car accident, okay, you don't -- and you get a ticket, you have the right to go to court and fight the ticket, right?

JOHN BUTTS: Right.

SENATOR MUSTO: If you don't get a ticket and someone says it was your fault, I'm going to sue you or something. You really don't have, you know, there's no -- there's just no ruling either way on it. There's no -- there was no ticket, there's nothing to defend yourself against.

JOHN BUTTS: Right.

SENATOR MUSTO: So in an unsubstantiated claim, you know, sort of -- I'm trying to get my head around that. Is there any way for a contractor who has a claim brought against them that just never goes anywhere to say, hey, that was wrong, you know, I'd like to defend myself against that, but there's no -- there's no mechanism for

jf/gbr GOVERNMENT ADMINISTRATION &
ELECTIONS COMMITTEE

11:00 A.M.

that.

JOHN BUTTS: If a claim is brought against a contractor or if a contractor brings a claim against the -- an owner? Either way.

SENATOR MUSTO: You're the expert.

JOHN BUTTS: I'm not sure I'm the expert on this. I'll give it a shot. The owner -- say a contractor brings a claim against an owner, and that is determined -- the owner has to determine whether or not that claim is valid. Is there is a dispute -- if it is, then they pay it. If there isn't, then they could go to arbitration, mediation, they could go to, you know, court if the contract allows that to happen. And at that point, the claim is either substantiated or not. And if it's not, the contractor loses, the owner wins. And so that I think is what is meant is unsubstantiated in perhaps the legal world. I'm not an attorney, but I believe that that would hold up as some sort of definition.

SENATOR MUSTO: Okay. I think I got it. Thank you.

JOHN BUTTS: Sure.

SENATOR MUSTO: Other questions from members of the Committee?

Thanks very much.

Okay. Petra Rentas followed by Kirk Springsted and Gregory Thomas. All are testifying on 761.

PETRA RENTAS: Good afternoon. My name is Petra Rentas and I'm with CW. I start to work in CW in 2004 after I lost my job. I was working in a service job and worked for 23 years. They closed down, of course, I can go, I did some, I

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Line Number 23

Page Number 15

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Senate Bill 977, An Act Concerning the Membership of Construction Service Panels and the Evaluation of Bidders' Past Performance

Senate Bill 978, An Act Concerning Subcontractor's Prequalification and Classification Thresholds and Increasing the Threshold for Requiring Competitive Bidding of Public Works Projects

March 11, 2013

Public Hearing, Committee on Government Administration and Elections

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in the state and seeks to advance and promote a better quality of life for all citizens in the state. Formed over 40 years ago, CCIA is an organization of associations, where all sectors of the commercial construction industry work together to advance and promote their shared interests. CCIA is comprised of more than 300 members, including contractors, subcontractors, suppliers and affiliated organizations representing many sectors of the construction industry. CCIA members have a long history of providing quality work for the public benefit.

AGC of Connecticut is the building division of CCIA, representing 150 commercial, industrial, and institutional construction contractors, subcontractors, material suppliers and professionals serving the Connecticut construction industry. AGC is a chapter of AGC of America.

Senate Bill 977, An Act Concerning the Membership of Construction Service Panels and the Evaluation of Bidders' Past Performance, would, in part, require awarding authorities to consider a bidder's change orders and assertions of unsubstantiated claims and the subcontractors' past performance and integrity when determining the lowest responsible bidder.

As the bill stands, we are opposed to the bill's provision to require awarding authorities to consider a bidder's assertions of unsubstantiated claims when determining the lowest responsible bidder. We believe an interpretation of the term "unsubstantiated" is highly subjective and may result in an inaccurate picture of a subcontractor's qualifications to perform work for the state. What an owner may feel is an unsubstantiated claim may be perfectly legitimate and within the legal rights of a contractor to file. Working a difficult project may force a subcontractor to file a number of claims to protect his or her business but it may not necessarily represent a pattern of bad behavior. We have expressed our concerns to officials with the Department of Construction Services, and hope to continue discussions with them on possible changes that may meet everyone's satisfaction.

Regarding S.B. 978, An Act Concerning Subcontractor's Prequalification and Classification Thresholds and Increasing the Threshold for Requiring Competitive Bidding of Public Works Projects, we support the provision in the bill that requires that subcontractor bidders to be prequalified at the time of the bid submittal. However, we have concerns about increasing the



value threshold for bidding out state projects from \$500,000 to \$2 million. We understand the department's position that the threshold needs to be updated; however, \$2 million in value still represents a sizable project in today's construction market and could potentially prevent a number of qualified contractors an opportunity to compete for work. Additionally, in order to preserve the competitive nature of public bidding, we would also like to ensure that proper administrative safeguards are in place if the threshold is increased.

As with S.B. 977, we are currently discussing ways with the department to amend S.B. 978, and we are hopeful that we can reach a mutual agreement.

Thank you for your consideration and for the opportunity to present our views.



STATE OF CONNECTICUT
DEPARTMENT OF CONSTRUCTION SERVICES



Testimony in Support of Raised Senate Bill 977
An Act Concerning The Membership of Construction Service Panels and The
Evaluation of Bidders' Past Performance

Government Administrations & Elections Committee
March 11, 2013

Raised Senate Bill 977, An Act Concerning The Membership of Construction Service Panels and The Evaluation of Bidders' Past Performance proposes a series of minor panel changes.

C.G.S. 4b-56 establishes within DCS state construction services selection panels and Connecticut Health and Education Facilities Authority construction services panels. These panels consider qualifications submitted by consultants in response to a publicly advertised invitation for consultant services concerning construction, reconstruction, alteration, remodeling, repair or demolition of any state building or facility. When consultant services are required by DCS for a project, DCS invites responses from consultant firms. The construction services construction panels review the qualifications of the consultants and select at least three firms determined by the panels to be the most qualified according to agency criteria and state statutes. The panels submit the list of the most qualified firm to the Commissioner for the award of the contract.

Subsection 4b-56(a) provides there shall be established within the DCS state construction services selection panels which shall consist of five members. Four of such members shall be appointed by the commissioner, shall serve only for the deliberations involving the project for which such members are appointed, and shall be current or retired employees of DCS. The remaining member shall be appointed by the head or acting head of the user agency and shall serve only for deliberations involving the project for which such member is appointed.

Section 1 would provide that full panel activities only pertain to projects estimated at more than \$5 million dollars. For smaller projects, DCS would like to reduce the panel membership to 3 members – Two (2) DCS current or retired employees and one (1) from the client agency.

In addition, DCS would like a reduction in the panel membership from 5 members to 3 members for on-call contracts in subsection 4b-56(e).

DCS projects staff took the list of current projects and our calculations indicate the following:

- 61% of these projects are under \$5,000,000 (some of these might be Agency Administered (AA) projects, but are being administered by the teams).
- This reflects 137 total projects, 87 of which could save: *87 projects x 2 staff members x 14 hours/year, resulting in the conservative number of 2,436 hours* that can be used for more productive time on our project management.

With a lean staff, DCS is providing over 140 hours per individual each year to these selection panels. For small projects we believe that a smaller panel will be able to provide the same service with the same quality and more efficiency. This reduction will increase the effectiveness of the use of DCS staff and reduce the time away from their primary functions.

Similar to the panels that select consultants, C.G.S. Sec. 4b-100a establishes construction services award panels that perform the function of considering and selecting the most qualified design-build team under C.G.S. Sec. 4b-24 and general contractors under Sec. C.G.S. 4b-91(g). Section 2 would reduce the (6) member panel outlined in C.G.S. 4b-100a to (5) by eliminating the neutral party from the panel structures. The client agency has considerable presence on the panel (2) appointed members from the client agency, and three (3) from DCS. The appointment of the screening panel and the interview panel for design-build projects can occur more quickly without requiring another agency to provide a professional staff member to serve as a neutral panel member, particularly when his or her time could be spent doing that agency's work.

The proposed changes to C.G.S. Sec. 4b-92 set forth in Section 3 clarifies that DCS, as part of its due diligence when considering a bidder's qualifications and responsibility, as part of its due diligence when considering a bidder's past performance, an awarding shall evaluate the bidder's past percentage of change orders, past assertions of unsubstantiated claims, and the bidder's overall performance regarding project completion within the budget established for the project to information an awarding authority may consider when reviewing a bid statement. DCS has in past, and believes that it is right to do so in the future, consider such information when it conducts its

evaluation of the lowest responsible and qualified bidder. This information relates directly to the bidder's integrity, which is already a statutory evaluation criteria. The statutory change provides notice to contractors and subcontractors that this information will be part of such evaluations.

DCS understands that "change-orders" occur routinely on construction projects resulting from design issues and owner requests, and maintains a contingency to address these change orders. That being said, there are instances where individual contractors consistently submit higher percentages of change order proposals than other contractors and/or submit inflated claims without substantiation, all of which costs the state considerable time and money to refute. Recently, one court decision rejected a contractor's claim in its entirety and awarded the state liquidated damages, but only after the state incurred considerable expense on the claim. We believe that this type of information can and should be part of the state's consideration of the contractor's integrity in its work performance.

DCS, it should be noted, does provide an apparent low bidder ample opportunity to address and explain any issue that appears to negatively impact it being found responsible and qualified prior to any determination is made by the agency.

Thank you again for the opportunity to testify. If the Committee has additional questions for my staff please feel free to contact Terrence Tulloch-Reid at (860) 713-5085.



STATE OF CONNECTICUT
DEPARTMENT OF CONSTRUCTION SERVICES



Line Number 3

Page Number 4

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Testimony in Support of Raised Senate Bill 978

An Act Concerning Subcontractor Prequalification and Classification Thresholds and Increasing The Threshold For Requiring Competitive Bidding of Public Works Projects

Government Administrations & Elections Committee
March 11, 2013

I want to thank the Committee for raising the department's (2) concepts and for the opportunity to provide comments today.

In Section 1 of Raised Bill 978, "An Act Concerning Subcontractor Prequalification and Classification Thresholds and Increasing The Threshold For Requiring Competitive Bidding of Public Works Projects," DCS proposes changing the cost threshold for design-bid-build projects that would be subject to the statutory bidding requirements of Section 4b-91 through 4b-100 from five hundred thousand dollars to two million dollars.

The dollar amount has not been increased since 1999 when the amount was changed from two hundred fifty thousand dollars to five hundred thousand dollars. In the more than a decade that has passed, the five hundred thousand dollars amount is no longer representative of the construction costs for state construction projects due to the increase in construction costs, prevailing wages, bonds and insurance. Since 1999, moreover, the State instituted the prequalification program for contractors and subcontractors that has had a salutary effect on the quality of those performing work for the state and, consequently, the quality of the work being performed. Increasing the dollar amount in section 4b-91 of state contracts that require the state to use the formal bidding process to two million dollars will allow the department to advance smaller projects to construction more expeditiously due to the decrease in the number of less administrative steps, while maintaining in most instances sealed competitive bidding on projects

Furthermore, the increased threshold would allow DCS to refocus staff time and agency resources on more complex and costly projects. With the change, projects valued at less than two million dollars would be commenced sooner, with the result of creating construction jobs earlier in the process. Reducing administrative steps may be of

H – 1163

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 14
4512 – 4855**

pat/gbr
HOUSE OF REPRESENTATIVES

233
May 16, 2013

I just want to publicly thank them and welcome him to the Chamber. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. And thank you for your service and what you provide to our communities. Thank you.

We'll get back to business. Will the Clerk please call Calendar number 556.

THE CLERK:

Yes, Mr. Speaker, on Page 32, Calendar Number 556, Favorable Report of the Joint Standing Committee on Government Administration and Elections, Substitute Senate Bill Number 977 AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS.

SPEAKER SHARKEY:

Representative Lesser.

REP. LESSER (100th):

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

SPEAKER SHARKEY:

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

REP. LESSER (100th):

pat/gbr
HOUSE OF REPRESENTATIVES

234
May 16, 2013

Yes, Mr. Speaker. Mr. Speaker, this bill comes to us from the Department of Construction Services in an attempt to streamline the contracting process for small contracts. It does a few things.

It makes a full panel activities only pertain to projects estimated at an amount equal to or more than \$5 million. For under \$5 million or smaller projects, it gives, allows three members of the panel to decide for construction services selections panels and it also changes the composition of the construction services award panels from six members to five members, eliminating the neutral member.

Mr. Speaker, I urge all of my Members, all of my colleagues to support this legislation. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill that's before us? Representative Hwang of the 134th.

REP. HWANG 9134th):

Thank you, Mr. Speaker. A couple question to the proponent of this bill, through you, sir?

SPEAKER SHARKEY:

Please proceed, sir.

pat/gbr
HOUSE OF REPRESENTATIVES

235
May 16, 2013

REP. HWANG (134th):

Thank you. What are construction service panels and what do they do? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lesser.

REP. LESSER (100th):

Thank you, Mr. Speaker. Mr. Speaker, through you to Representative Hwang, construction services panels are, construction services panels help, this is, one moment please.

Through you, Mr. Speaker, construction services panels advise and design and build projects.

Through you to Representative Hwang.

SPEAKER SHARKEY:

.Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker, thank you Representative. Now, in regard to constituents consultant services, what does that encompass? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lesser.

REP. LESSER (100th):

pat/gbr
HOUSE OF REPRESENTATIVES

236
May 16, 2013

On call construction services define a broad range of consultant services including architectural services, professional engineers, accountants and others, generally valid for two to three years.

Through you, Mr. Speaker, to Representative Hwang.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANT (134th):

Thank you, Mr. Speaker. Through you, now there's a unique aspect of this bill that covers on call consultants, and their contracts. Can you, through you, Mr. Speaker, can you explain a little bit what being on call means?

Thank you.

DEPUTY SPEAKER BERGER:

Representative Lesser.

REP. LESSER (100th):

Yes, through you, Mr. Speaker to Representative Hwang. On call consultants are not connected to a specific project. They remain on call for the Department of Construction Services for a period of two to three years.

pat/gbr
HOUSE OF REPRESENTATIVES

237
May 16, 2013

Through you, Mr. Speaker, to Representative Hwang.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. Why is the criteria to change the threshold from below \$5 million and change the membership? Is it purely for efficiency or is it for logistical reasons? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lesser.

REP. LESSER (100th):

Yes, that's an excellent question. Through you, Mr. Speaker to Representative Hwang, the purpose of it is to free up staff time of DCS employees and give the Commissioner more flexibility. I believe it's 140 hours per employee for service on one of these panels. The additional staff time gives the agency more flexibility in meeting its core functions.

Through you, Mr. Speaker to Representative Hwang.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

pat/gbr
HOUSE OF REPRESENTATIVES

238
May 16, 2013

Thank you, Mr. Speaker, and I want to compliment the good Representative for his very prepared answer. I appreciated that.

Now, are each panel convened to review each specific project, and if so, who makes the final determinate?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lesser.

REP. LESSER (100th):

Thank you, Mr. Speaker. I believe that a panel serves only for that specific project for which it's been convened. Through you, Mr. Speaker to Representative Hwang.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker, in this day and age where we're trying to help businesses along and look at construction projects, could the good Representative share with me what the role of the service awards panel and their intent and some processes that we're going to implement on this bill to expedite potential fast tracking of projects?

pat/gbr
HOUSE OF REPRESENTATIVES

239
May 16, 2013

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative lesser.

REP. LESSER (100th):

Through you, Mr. Speaker, service selection panels, while I think that by reducing the number of people, if this answers Representative Hwang's question, through you, Mr. Speaker to Representative Hwang that by reducing the number of people on the panel, it would help expedite the process and free up resources to the Department of Construction Services. I think that's the intent behind that section. I may have misunderstood the question, but I think that answers it. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Through you, Mr. Speaker, I want to thank the good Representative again.

Now, when we look at panels and evaluation of consultants for these various contracts, must the consultants be registered with the Department of Construction Services? Through you, Mr. Speaker.

SPEAKER SHARKEY:

pat/gbr
HOUSE OF REPRESENTATIVES

240
May 16, 2013

Representative Lesser.

REP. LESSER (100th):

Through you, Mr. Speaker to Representative Hwang. I think that's outside the scope of this bill, but I, and so I don't know the answer to that, but I believe that consultants are certainly prequalified by the agency is my understanding. But I think that's existing law. I don't think that's changed by this bill in any respect.

Through you, Mr. Speaker to Representative Hwang.

SPEAKER SHARKEY:

Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. Through you, just a, and I believe his statement is correct and I want to thank him for his follow up on that.

Now, from keeping us from a very late night, I would encourage passage of this bill and I want to thank the good Representative for his thorough preparation and I thank him for his work. Through you, Mr. Speaker.

SPEAKER SHARKEY:

pat/gbr
HOUSE OF REPRESENTATIVES

241
May 16, 2013

Thank you very much, sir, on behalf of all of us.
Do you care to remark? Do you care to remark further
on the bill that's before us?

If not, staff and guests to the Well of the
House. Members take your seats. The machine will be
opened.

THE CLERK:

The House of Representatives is voting by Roll.

The House of Representatives is voting by Roll.

Will Members please return to the Chamber
immediately.

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members
voted? Will the Members please check the board to
make sure your vote is properly cast.

If all the Members have voted, the machine will
be locked. The Clerk will take a tally. The Clerk
please announce the tally.

THE CLERK:

Bill Number S.B. 977 in concurrence with the
Senate.

Total Number voting	132
Necessary for Passage	67
Those voting Yea	132

pat/gbr
HOUSE OF REPRESENTATIVES

242
May 16, 2013

Those voting Nay 0
Those absent and not voting 18

SPEAKER SHARKEY:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 549.

THE CLERK:

On Page 31, Calendar Number 549, Favorable Report
of the Joint Standing Committee on Government
Administration and Elections, Substitute Senate Bill
832 AN ACT CONCERNING FAMILY ASSESSMENT CASES.

SPEAKER SHARKEY:

Representative Fawcett.

REP. FAWCETT (133rd):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, ma'am.

REP. FAWCETT (133rd):

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

SPEAKER SHARKEY:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill
in concurrence with the Senate. Will you remark,
madam?

S - 656

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 5
1213 - 1511**

ed/cd/gbr
SENATE

199
May 8, 2013

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

Senate Bill Number 430.

Total Number Voting	36
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 18, Calendar 372, Substitute for Senate Bill Number 977, AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS, favorable report of the Committee on Government, Administration and Elections, and there's an amendment.

THE CHAIR:

Senator Musto.

ed/cd/gbr
SENATE

200
May 8, 2013

SENATOR MUSTO:

Thank you, Madam President. Good to see you again.

THE CHAIR:

It's been a long time.

SENATOR MUSTO:

Yeah, it's been quite a while.

Madam President, I move the joint committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on adoption and passage.

Will you remark, sir?

SENATOR MUSTO:

Yes, Madam President.

This bill basically allows for smaller projects that all five members of the Construction Services panel will not be required or rather five will not be required to review that -- review those projects. It basically says we're trying to get some construction projects done a little quicker, get them approved a little quicker. And for smaller projects don't require so much review and oversight that only three members would be required to -- to do that -- to approve those projects, and that's basically what the bill does. And I would ask the Chamber for support. Thank you.

THE CHAIR:

Will you remark further? Will you remark further?

If not -- Senator Musto.

SENATOR MUSTO:

ed/cd/gbr
SENATE

201
May 8, 2013

If not, Madam President -- thank you, Madam President.
If not, I would ask this item be placed on Consent if there's no objection.

THE CHAIR:

Seeing no objection so ordered, sir.

Mr. Clerk.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Whoops, sorry. Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President, a couple of -- of additional markings.

Madam President, there was an item previously placed on the Consent Calendar. It needs to be removed because apparently it's in need of an amendment. And that was the item under "Matters Referred," Calendar page 38, Calendar 48, Senate Bill 519. If that item might just be marked "passed temporarily" and will have to be addressed with an amendment when -- when reached on the Calendar.

THE CHAIR:

So ordered, sir.

Mr. Clerk.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk will call as the next item, Calendar page 21, Calendar 424, House Bill 6212.

THE CHAIR:

ed/cd/gbr
SENATE

209
May 8, 2013

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 48, Calendar 309, Senate Bill Number 899, Madam President, move to place this item on the foot of the Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And Madam President, on Calendar page 50, Calendar 405, Senate Bill Number 848, Madam President, move to refer this item to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now read the items on the first Consent Calendar and then if we might proceed to a vote on that first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 1, Calendar 496, House Joint Resolution Number 98; Calendar 497, House Joint Resolution Number 99.

On page 2, Calendar 498, House Joint Resolution Number 100; Calendar 499, House Joint Resolution Number 101;

ed/cd/gbr
SENATE

210
May 8, 2013

also on page 2, Calendar 500, House Joint Resolution
Number 102.

On page 4, Calendar 119, Senate Bill 564.

On page 5, Calendar 155, Senate Bill 231.

On page 6, Calendar 169, Senate Bill 881; and Calendar
188, Senate Bill 1029.

On page 7, Calendar 192, Senate Bill 835.

On page 12, Calendar 284, Senate Bill 964.

Page 16, Calendar 353, House Bill 6481.

On page 18, Calendar 376, Senate Bill 878; Calendar
372, Senate Bill 977.

On page 19, Calendar 387, Senate Bill 386; and
Calendar 392, Senate Bill 366.

On page 20, Calendar 396, Senate Bill 991; and
Calendar 413, Senate Bill 1049.

On page 21, Calendar for 424, House Bill 6212.

And on page 25, Calendar 463, House Bill 6405.

THE CHAIR:

Those are all the bills on the Calendar.

At this point, Mr. Clerk, will you call for a roll
call vote of the first Consent Calendar of the day and
the machine will be open.

THE CLERK:

~~Immediate roll call has been ordered in the Senate.~~
Voting the first Consent Calendar of the day.
Immediate roll call has been ordered in the Senate.
Senators please return to the chamber.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

ed/cd/gbr
SENATE

211
May 8, 2013

Would members please check the board to see that your vote has been properly recorded? If all members have voted and all votes have been properly recorded, the machine will be closed.

And would the Clerk please take and announce the tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar has passed.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

If we might stand at ease for -- for just a moment.
Thank you.

THE CHAIR:

The Chamber please stand at ease.

(Chamber at ease.)

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY: