



Addendum No.: 5

Date Of Addendum: 9/15/2020

CT DAS | Construction Services | Office of Legal Affairs, Policy, and Procurement

Roof Top A/C and Roof Replacement  
300 Corporate Place  
Rocky Hill, CT  
BI-2B-387

**TO: Prospective Bid Proposers:**

This Addendum forms part of the "Contract Documents" and modifies or clarifies the original "Contract Documents" for this Project dated 5/22/2020. Prospective Bid Proposers **shall** acknowledge receipt of the total number the Addenda issued for this Project on the space provided on Section 00 41 00 Bid Proposal Form.

**Failure to acknowledge receipt of the total number the Addenda issued for this Project on the space provided on Section 00 41 00 Bid Proposal Form shall subject Bid Proposers to disqualification.**

The following clarifications are applicable to drawings and specifications for the project referenced above.

**Item 1:**

Section 00 21 13 of the Instructions to Bidders is replaced in its entirety by the attached Section 00 21 13.  
See highlighted pages 14 to 17

End of Addendum 5

Mellanee Walton

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Mellanee Walton, Associate Fiscal Administrative Officer  
State of Connecticut  
Department of Administrative Services, Construction Services  
Office of Legal Affairs, Policy, and Procurement  
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## Instructions to Bidders

DAS • Construction Services • Office of Legal Affairs, Policy, and Procurement

| <b>1.0 General Bid Proposal Information</b>   |   |
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| <b>1.1 On-Line Bidding:</b>   |   |
| <b>1.1.1</b>  | The Department of Administrative Services (DAS) Construction Services (CS) has streamlined the Bid process by allowing contractors to submit their <b>Bid Package Documents on line</b> through the <b>State Contracting Portal</b> and <b>BizNet</b> . Rather than submitting paper Bid Package Documents, contractors simply respond to an <b>Invitation to Bid</b> on the <b>State Contracting Portal</b> by retrieving and uploading their documents electronically through their <b>BizNet</b> account. Once completed, the Bid Proposal must be <b>electronically signed prior</b> to the date and time of the <b>Bid Opening</b> . See <b>Page 1</b> of the <b>Invitation to Bid</b> for the <b>Date and Time of the Bid Opening</b> . |
| <b>1.1.2</b>  | All Bidders shall <b>electronically</b> upload their <b>Bid Package Documents</b> to BizNet following the <b>instructions</b> in the DAS/CS publication, <a href="#">6001 Construction On-line Bidding Instructions</a> , available for download here: Go to the DAS Homepage ( <a href="http://www.ct.gov/DAS">www.ct.gov/DAS</a> ), Doing Business With The State > State Building Construction > Publications and Forms > DAS Construction Services Library > 6000 Series > <b>6001 Construction On Line Bidding Instructions</b> . For questions, call 860-713-5794.  |
| <b>1.2 Bid Opening:</b>   |   |
| All Bids shall be publicly opened in BizNet by the awarding authority as stated in <b>Section 00 11 16 Invitation to Bid</b> .  |   |
| <b>1.3 Withdrawal of Bid:</b>   |   |
| Any <b>Bid</b> once uploaded into BizNet cannot be deleted. A Bid may only be <b>withdrawn</b> by uploading a written <b>Letter of Withdrawal</b> to BizNet using the " <b>Other Solicitation Document</b> " link <b>prior</b> to the date and time of the Bid Opening.   |   |
| <b>1.4 Disqualification from Bidding:</b>   |   |
| Any contractor who violates any provision of <b>Connecticut General Statutes (C.G.S.) § 4b-95</b> , as revised, shall be <b>disqualified</b> from bidding on other contracts for a period not to exceed <b>twenty-four (24) months</b> , commencing from the date on which the violation is discovered, for each violation. |   |
| <b>1.5 Waive Minor Irregularities:</b>  |   |
| <b>1.5.1</b>  | The awarding authority <b>shall</b> be authorized to <b>waive minor irregularities</b> which he or she considers in the best interest of the State, provided the reasons for any such waiver are stated in writing by the awarding authority and made a part of the contract file.  |
| <b>1.5.2</b>  | <b>No</b> such bid shall be rejected because of the failure to submit prices for, or information relating to, any item or items for which no specific space is provided in the bid form furnished by the awarding authority, but this sentence shall not be applicable to any failure to furnish prices or information required by <b>C.G.S. § 4b-95</b> , as revised, to be furnished in the bid form provided by the awarding authority.  |
| <b>1.6 Minimum Percentage of Work:</b>  |   |
| The awarding authority <b>may</b> require in the <b>Bid Proposal Form</b> that the contractor agree to perform a stated, minimum percentage of work with its <b>own forces</b> , in accordance with <b>C.G.S. § 4b-95(b)</b> .  |   |
| <b>1.7 Set-Aside Contracts:</b>   |   |
| The awarding authority <b>may also</b> require the contractor to set aside a portion of the contract for subcontractors who are eligible for <b>set-aside contracts</b> .   |   |
| <b>1.8 Connecticut Sales And Use Taxes:</b>   |   |
| <b>1.8.1</b>  | <b>All Bidders shall</b> familiarize themselves with the current statutes and regulations of the <b>Connecticut Department of Revenue Services (DRS)</b> , including the Regulations of Connecticut State Agencies (R.C.S.A.) §12-426-18 and all relevant state statutes. The tax on materials or supplies exempted by such statutes and regulations shall not be included as part of a bid. See the <b>Sales and Use Tax Exemption for Purchases by Qualifying Governmental Agencies (CERT-134)</b> , available for download from the DRS website ( <a href="http://www.ct.gov/drs">www.ct.gov/drs</a> ) under "Exemption Certificates".   |
| <b>1.8.2</b>  | The State of Connecticut construction contract has the following tax exemptions: (1) Purchasing of materials which will be physically incorporated and become a permanent part of the project; and (2) Services that are resold by the contractor. For example, if a Contractor hires a plumber, carpenter or electrician, a resale certificate may be issued to the subcontractor because these services are considered to be integral and inseparable component parts of the building contract.   |
| <b>1.8.3</b>  | The following items are <b>not</b> exempt from taxes when used to fulfill a State of Connecticut construction contract: Tools, supplies and equipment used in fulfilling the construction contract.   |

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| <b>1.9 Union Labor:</b>  |  |
| Attention is called to the fact that there may or could be construction work carried on at the site by union labor. This fact must be kept in mind by all Bidders. |  |
| <b>1.10 Rejection of Bids:</b>   |  |
| The awarding authority <i>shall reject</i> every such <b>Bid Proposal</b> , including but not limited to, the following reasons:                                   |  |
| <b>1.10.1</b>  | A <b>Bid Proposal Form</b> that does <i>not</i> contain the signature of the bidder or its authorized representative.  |
| <b>1.10.2</b>  | A <b>Bid Proposal Form</b> that is <i>not</i> accompanied by the following documents in BizNet: <ul style="list-style-type: none"> <li><b>.1</b> Section 00 43 16 <b>Standard Bid Bond</b>, completed for <i>either</i> the <b>Bid Bond</b> option <i>or</i> <b>Certified Check</b> option;</li> <li><b>.2</b> A <b>Certified Check</b> (if applicable) delivered to the DAS/CS Office of Legal Affairs, Policy, and Procurement <i>prior</i> to the date and time of the Bid Opening;</li> <li><b>.3</b> Section 00 45 14 <b>General Contractor Bidder’s Qualification Statement</b></li> <li><b>.4</b> A <b>DAS Contractor Prequalification Certificate</b> for the Bidder for Projects <i>greater</i> than <b>\$500,000</b>;</li> <li><b>.5</b> A <b>DAS Update (Bid) Statement</b> for the Bidder for Projects <i>greater</i> than <b>\$500,000</b>;</li> <li><b>.6</b> A <b>Gift and Campaign Contribution Certification – Office of Policy and Management (OPM) Ethics Form 1</b>;</li> <li><b>.7</b> A <b>Consulting Agreement Affidavit – OPM Ethics Form 5</b>. <b>NOTE: If the Bidder fails to submit or upload the Consulting Agreement Affidavit</b> required under C.G.S. § 4a-81, such bidder shall be <i>disqualified</i> and the award shall be made to the next lowest responsible qualified bidder or new bids or proposals shall be sought;</li> <li><b>.8</b> An <b>Ethics Affidavit (Regarding State Ethics) – OPM Ethics Form 6</b>;</li> <li><b>.9</b> An <b>Iran Certification – OPM Ethics Form 7</b>.</li> </ul> |
| <b>1.10.3</b>  | A <b>Bid Proposal Form</b> that: <ul style="list-style-type: none"> <li><b>.1</b> Fails to <b>acknowledge</b> all <b>Addenda</b> in the space provided in the <b>Bid Proposal Form</b>;</li> <li><b>.2</b> Fails to <b>correctly list <u>ALL</u> of the Named Subcontractors within a particular Class of Work</b> on the <b>Bid Proposal Form for subcontracts in excess of \$100,000</b>;</li> <li><b>.3</b> Fails to <b>correctly state a Named Subcontractor’s price</b> on the <b>Bid Proposal Form</b>; and</li> <li><b>.4</b> Fails to list <b>Named Subcontractors</b> who are <b>DAS Prequalified at the time of the bid</b>.</li> </ul>  |
| <b>1.10.4</b>  | A <b>Bid Proposal Form</b> that is <i>not</i> submitted on the <b>forms furnished</b> for the specific project. <b>NOTE: In no event will bids or changes in bids be made by telephone, telegraph, facsimile or other communication technology except through BizNet. All pages of the Bid Proposal Form must be uploaded to BizNet prior to the date and time of the Bid Opening.</b>   |
| <b>1.10.5</b>  | A <b>Bid Proposal Form</b> that has omitted items, omitted pages, added items not called for, altered the form, contains conditional bids, contains alternative bids, or contains obscure bids.  |
| <b>1.10.6</b>  | A <b>paper Bid Package</b> sent to the DAS/CS Office of Legal Affairs, Policy, and Procurement. Such bids will be returned to the bidder unopened.   |
| <b>1.10.7</b>  | <b>Any Bidder</b> that does <i>not</i> make all required <b>pre-award submittals</b> <i>within</i> the designated time period. DAS/CS <i>may</i> reject such bids as <b>non-responsive</b> .   |
| <b>1.11 Pre-Bid Meeting:</b>   |  |
| <b>1.11.1</b>  | See <b>Section 00 11 16 Invitation to Bid</b> and <b>Section 00 25 13 Pre-Bid Meeting Agenda</b> for details.  |
| <b>1.11.2</b>  | When a <b>Pre-Bid Meeting</b> is “ <b>strongly encouraged</b> ”, all attendees shall sign his or her name to the official roster and list the name and address of the company he or she represents.  |
| <b>1.11.3</b>  | When a <b>Pre-Bid Meeting</b> is <b>MANDATORY</b> , all attendees will be required to register. <b>Proper registration</b> means that the attendee has signed his or her name to the official roster and listed the name and address of the company he or she represents on the official roster no later than the designated start time of the <b>MANDATORY Pre-Bid Meeting</b> . Bidders are advised to register early as <b>no</b> attendee will be allowed to register <i>after</i> the advertised start time of the <b>MANDATORY Pre-Bid Meeting</b> .<br><br><b>All bids submitted by all contractors who have not properly registered and attended the MANDATORY Pre-Bid Meeting shall be rejected as non-responsive.</b>  |
| <b>1.11.4</b>  | <b>All Bidders Attending a Pre-Bid Meeting at a Connecticut Department of Corrections (DOC) Facility: Prior to the Pre-Bid Meeting</b> , download the “ <b>Security Background Questionnaire</b> ” from the <b>CT DOC website (<a href="http://www.ct.gov/doc">www.ct.gov/doc</a> under “Forms”)</b> , complete and submit the form as directed, and obtain approval, otherwise admission to the Pre-Bid Meeting <b>will be denied</b> . It is recommended that the approved form be brought as evidence of approval to attend the Pre-Bid Meeting.  |

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| <b>1.12 Pre-Bid Equals and Substitution Requests Procedures:</b>                                      |   |
| <b>1.12.1</b>   | All submissions requesting "Equals and/or Substitutions" shall be made by the <b>Bidder</b> in accordance with <b>Section 01 25 00 Substitution Procedures</b> of the <b>Division 01 General Requirements and Article 15, Materials: Standards of Section 00 72 13 General Conditions</b> . Every submission shall contain all the information necessary for DAS/CS to evaluate the submission and the request. Failure to submit sufficient information to make a proper evaluation, including submittal of data for the first manufacturer listed as well as the data for the " <b>Equals and/or Substitutions</b> " proposed, shall result in a <b>rejection</b> of the submission and request. Upon receipt of the submission and request, DAS/CS shall notify the <b>Bidder</b> that the request has been received and as soon as possible shall render a decision on such submission and request. |
| <b>1.12.2</b>   | <b>Pre-Bid-Opening Substitution of Materials and Equipment:</b> The Owner will consider requests for equals or substitutions <i>if received fourteen (14) Calendar Days prior</i> to the <b>Bid Opening Due Date</b> , as stated in the <b>Invitation To Bid</b> . The <b>Equal or Substitute Product Request (Form 7001)</b> must be used to submit requests. Download <b>Form 7001</b> from the DAS Homepage ( <a href="http://www.ct.gov/DAS">www.ct.gov/DAS</a> ) > Doing Business With The State > State Building Construction > Publications and Forms > DAS Construction Services Library > 7000 Series.   |
| <b>1.12.3</b>   | <b>Equals and/or Substitutions Requests Submittal:</b> Requests for Equals or Substitutions shall be submitted to the <b>DAS/CS Project Manager, Architect / Engineer, and Construction Administrator</b> .   |
| <b>1.12.4</b>   | <b>Substitution Request Deadline:</b> Any substitution request not complying with requirements will be denied. Substitution requests sent <b>after</b> the <b>Deadline</b> will be denied.  |
| <b>1.12.5</b>   | <b>Addendum:</b> An Addendum shall be issued to inform all prospective bidder of any accepted substitution in accordance with our addenda procedures.   |
| <b>1.12.6</b>   | <b>Time Extensions:</b> No extensions of time will be allowed for the time period required for consideration of any Substitution or Equal.  |
| <b>1.12.7</b>   | <b>Post Contract Award Substitution of Materials and Equipment:</b> All requests for "Equals and Substitutions" <b>after</b> the Award of the Contract shall be made <b>only</b> by the <b>Prime Contractor</b> for materials or systems specified that are no longer available. The requests will not be considered if the product was not purchased in a reasonable time after award, in accordance with <b>Article 15, Materials: Standards of Section 00 72 13 General Conditions</b> .   |
| <b>1.13 Joint Ventures:</b>   |   |
| <b>1.13.1</b>   | <b>Each entity</b> in a Joint Venture shall submit with the Venture's bid a <b>letter</b> on their respective company letterheads stating: <ul style="list-style-type: none"> <li>• Their <b>agreement to bid</b> as a Joint Venture with the other named Joint Venture, and set forth the <b>name and address</b> of the other Joint Venture(s).</li> <li>• The <b>respective percentage of the project work</b> that would be the responsibility of each of the Joint Ventures.</li> </ul>  |
| <b>1.13.2</b>   | <b>Prequalification:</b> <b>Each entity</b> in a Joint Venture shall submit its <b>Prequalification Certificate and Update (Bid Statement)</b> . <b>Each entity</b> in a Joint Venture shall be <b>prequalified</b> at the time of the bid and during the entire project construction. <b>Each entity</b> in a Joint Venture shall have the <b>prequalification single project limit</b> , and <b>remaining aggregate capacity balance</b> to meet the value of its respective percentage of the joint proposed bid.  |
| <b>1.13.3</b>   | <b>Each entity</b> in a Joint Venture shall submit <b>Section 00 45 14 General Contractor Bidder's Qualification Statement</b> .  |
| <b>1.13.4</b>   | <b>Bonding:</b> The Joint Venture shall obtain the required <b>bonding</b> from a surety for the <b>total amount</b> of the contract price.   |
| <b>1.13.5</b>   | <b>Insurance:</b> <b>Each entity</b> in a Joint Venture shall have the <b>required insurance coverages and limits</b> to meet the insurance requirements of the contract. The Joint Venture shall provide <b>Builder's Risk insurance</b> .   |
| <b>1.13.6</b>   | <b>Bid Submission and Contract Signing:</b> If a Joint Venture submits a bid proposal, it shall be considered to be a proposal by <b>each</b> of the Joint Ventures, jointly and severally, for the performance of the entire contract as a Joint Venture in accordance with the terms and conditions of the contract. <b>Each entity</b> in a Joint Venture is required to <b>sign the contract</b> acknowledging that each Joint Venture shall be jointly and severally liable for the performance of the entire contract.  |
| <b>1.13.7</b>   | <b>Certificate of Legal Existence:</b> <b>Each entity</b> in a Joint Venture shall obtain a <b>Certificate of Legal Existence</b> and submit it with the contract documents.  |
| <b>1.14 Procedure for Alleged Violation(s) of Part II Chapter 60 of C.G.S. Bidding and Contracts:</b> |   |
| <b>1.14.1</b>   | The Regulations of Connecticut State Agencies establishes a procedure for promptly hearing and ruling on claims alleging a violation or violations of the contract bidding provisions of Part II of Chapter 60 of the Connecticut General Statutes (hereinafter "Chapter 60"). In view of the fact that time is normally of the essence in awarding construction contracts under Chapter 60, the grievance procedures are intended to be quick, informal and conclusive so as to avoid delays which can increase costs and jeopardize the very ability of the State to proceed with needed public works projects.   |
| <b>1.14.2</b>   | Download " <b>6510 Procedure for Alleged Violation(s)</b> " and " <b>6505 Petition for Alleged Violation(s)</b> " from the DAS Homepage ( <a href="http://www.ct.gov/DAS">www.ct.gov/DAS</a> ) > Doing Business With The State > State Building Construction > Publications and Forms > DAS Construction Services Library > 6000 Series > Scroll down to locate documents.  |

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| <b>1.15 Labor Market Area:</b>                         |   |
| <b>1.15.1</b>  | All Bidders <i>shall</i> have read <b>C.G.S. §§ 31-52 and 31-52a</b> , as revised. These sections relate to the <b>preference of State citizens</b> and the <b>preference of residents of the labor market area</b> in which the work under the contract is to be done and the <b>penalties for violations</b> thereof.   |
| <b>1.15.2</b>  | In order to avoid violations by the contractor and to cooperate with and assist the State in the implementation of the statutory mandates, any bidder awarded a contract with the State <b>shall</b> be required to provide the State with the following information: <ul style="list-style-type: none"> <li>.1 The names and addresses of employees utilized by the contractor and by its subcontractors and how long each such employee has resided in Connecticut.</li> <li>.2 How long each employee has resided in the labor market area, as established by the State Labor Commissioner, in which the work under the contract is to be done. Labor market areas are indicated on the end of this section.</li> <li>.3 Within thirty (30) days after the start of work, the contractor <b>shall</b> submit a signed statement setting forth the procedures the contractor and its subcontractors have taken to assure that they have sought out qualified residents of the labor market area. Also, the statement <b>shall</b> include information as to how many persons were considered for employment and how many were actually hired. Such procedures will include, but not be limited to, obtaining names of available persons from area Employment Security Offices.</li> <li>.4 In the same manner as <b>Subsection 1.15.2.3</b> above, the statement <b>shall</b> indicate the steps taken to assure that the contractor and its subcontractors have sought out qualified residents of this State.</li> </ul> |
| <b>1.15.3</b>  | The contractor <b>shall</b> cooperate with and provide information to the DAS/CS Project Manager or their designee assigned to collect and verify the information required. The State may request that all such information be updated during the term of the contract at reasonable times.   |
| <b>1.15.4</b>  | All such information gathered and compiled by the State <b>shall</b> be forwarded to the Labor Commissioner.  |
| <b>1.15.5</b>  | <b>Pursuant to C.G.S. § 31-52b, as revised:</b><br><p style="padding-left: 40px;">"The provisions of C.G.S. § 31-52 and 31-52a <b>shall not</b> apply where the State or any subdivision thereof may suffer the loss of revenue granted or to be granted from any agency or department of the federal government as a result of said sections or regulative procedures pursuant thereto."</p> <p>However, no exception shall be determined to be applicable unless stated in writing by the Commissioner of the Department of Administrative Services.</p>  |
| <b>1.15.6</b>  | <b>Website Link:</b> For guidance on the CT DOL Labor Market Areas (LMA) go to the CT DOL website <a href="http://www.ctdol.state.ct.us/">http://www.ctdol.state.ct.us/</a> , under "Program Services", click on "Labor Market information".  |
| <b>1.16 Executive Orders:</b>                          |   |
| <b>1.16.1</b>  | All Executive Orders of which are incorporated into and are made a part of the Contract as if they had been fully set forth in it. The Contract is subject to the provisions of the following: <ul style="list-style-type: none"> <li>.1 <b>Executive Order No. 3:</b> Governor Thomas J. Meskill, promulgated 06/16/71, concerning labor employment practices;</li> <li>.2 <b>Executive Order No. 17:</b> Governor Thomas J. Meskill promulgated 02/15/73, concerning the listing of employment openings;</li> <li>.3 <b>Executive Order No. 16:</b> Governor John G. Rowland promulgated 08/04/99, concerning violence in the workplace;</li> <li>.4 <b>Executive Order No. 14:</b> Governor M. Jodi Rell, promulgated 04/17/06, concerning procurement of cleaning products and services; and</li> <li>.5 <b>Executive Order No. 49:</b> Governor Dannel P. Malloy, promulgated 05/22/15, concerning the requirement for certain state contractors to disclosure campaign contributions to candidates for statewide public office or The General Assembly and to ensure convenient public access to information related to gifts and campaign contribution disclosure affidavits by state contractors.</li> </ul>  |
| <b>1.16.2</b>  | All Executive Orders are available for download from the State of Connecticut website. Go to <a href="http://www.ct.gov">www.ct.gov</a> , click on "Governor Ned Lamont" and scroll down to "Executive Orders".   |
| <b>1.17 Retaliation For Disclosure of Information:</b> |   |
| <b>1.17.1</b>  | Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee, or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in <b>retaliation</b> for such employee's <b>disclosure</b> of information to the Auditors of Public Accounts or the Attorney General under the provisions of <b>C.G.S. § 4-61dd (a)</b> , the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the Superior Court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.  |
| <b>1.17.2</b>  | Each large state contractor shall post a <b>notice</b> of the provisions of <b>C.G.S. § 4-61dd</b> relating to large state contractors in a conspicuous place that is readily available for viewing by the employees of the contractor.   |

**1.18 Laws of the State of Connecticut:**

Forum and Choice of Law. The Bidder agrees that in the event it is awarded a Contract, the Bidder and the State deem the Contract to have been made in the City of Hartford, State of Connecticut. Both parties agree that it is fair and reasonable for the validity and construction of the Contract to be, and it shall be, governed by the laws and court decisions of the State of Connecticut, without giving effect to its principles of conflicts of laws. To the extent that any immunities provided by Federal law or the laws of the State of Connecticut do not bar an action against the State, and to the extent that these courts are courts of competent jurisdiction, for the purpose of venue, the complaint shall be made returnable to the Judicial District of Hartford only or shall be brought in the United States District Court for the District of Connecticut only, and shall not be transferred to any other court, provided, however, that nothing here constitutes a waiver or compromise of the sovereign immunity of the State of Connecticut. The Bidder waives any objection which it may now have or will have to the laying of venue of any claims in any forum and further irrevocably submits to such jurisdiction in any suit, action or proceeding.

**1.19 State's Sovereign Immunity:**

Nothing in this Agreement shall be construed as a waiver or limitation upon the **State's sovereign immunity**. To the extent this Section is found to be inconsistent with any other part of this Agreement, this Section shall control. This Section of the Agreement shall survive the completion and/or termination of this Agreement.

**2.0 Bid Proposal Form Instructions:**

**2.1 Bid Proposal Form:**

**2.1.1 All Bidders** shall upload **ALL** pages of **Section 00 41 00 Bid Proposal Form** to BizNet, prior to the date and time of the Bid Opening.

**2.2 Threshold Projects:**

**2.2.1** See **page 1** of the **Bid Proposal Form** to determine if this Project exceeds the **Threshold Limits**.

**2.2.2** If this Project exceeds Threshold Limits, **all Bidders** shall list their Firm's **Major Contractor Registration License Number** in the **Bid Proposal Form**.

**2.2.3** The **Apparent Low Bidder** shall also provide the Subcontractor(s) **Major Contractor Registration License** number(s) to the DAS/CS Office of Legal Affairs, Policy, and Procurement within **ten (10) business days after** receipt of the Letter of Intent from DAS/CS.

**2.2.4 Summary of Registration Requirements for Major Contractors:** Any person engaged in the business of construction, structural repair, structural alteration, dismantling or demolition of a structure or addition that exceeds the threshold limits provided in **C.G.S §29-276b**, or any person who, under the direction of a general contractor, performs or offers to perform any work that impacts upon the structural integrity of a structure or addition, including repair, alteration, dismantling or demolition of a structure or addition that exceeds the threshold limits shall engage in or offer to perform the work of a Major Contractor unless such person has first obtained a license or certificate of registration from the Connecticut Department of Consumer Protection (DCP). Individuals must be licensed under the requirements of **C.G.S §20-341gg "Registration of Major Contractors"**. DCP shall issue a certificate of registration to any person who is prequalified pursuant to section 4a-100 who applies for registration in accordance with this section.

**2.2.5** The Bidder and all Subcontractors that engage in work that impacts upon the structural integrity of a structure or addition must register as a **Major Contractor** with DCP and obtain a **Major Contractor License** issued by DCP **PRIOR** to the date and time of the Bid Opening for this Project.

**2.2.6** For further information go to the DCP Website: [www.ct.gov/dcp](http://www.ct.gov/dcp).

**2.3 Proposed Lump Sum Base Bid, Allowances, and Contingent Work:**

**2.3.1** The proposed **Lump Sum Base Bid** shall be set forth in the space **provided on Section 00 41 00 Bid Proposal Form**.

**2.3.2** The **Proposed Lump Sum Base Bid** shall *include* all **Allowances**, all work indicated on the drawings and/or described in the specifications *except* for **Contingent Work**. See the **Bid Proposal Form, Section 01 20 00 Contract Considerations, and Section 01 23 13 Supplemental Bids** of Division 01 General Requirements for details regarding **Contingent Work**.

**2.3.3** "**Contingent Work**" includes **Unit Prices** (for Earth and Rock Excavation, Environmental Remediation, and/or Hazardous Building Materials Abatement) and **Supplemental Bids**. See **Section 01 20 00 Contract Considerations and Section 01 23 13 Supplemental Bids**, respectively, for applicability.

**2.3.4** The **Proposed Lump Sum Base Bid** shall be shown in *both numerical figures* and "**printed**" words **dollar amount**. In the event of any discrepancy the "**printed**" words **dollar amount** shall govern.

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| <b>2.4 Addenda and Interpretations:</b>  |  |
| 2.4.1  | The <b>Number of Addenda</b> issued by the State of Connecticut shall be set forth in the space provided on the <b>Bid Proposal Form</b> . It shall be the Bidder's responsibility to make inquiry as to, and to obtain, the Addenda issued, if any.   |
| 2.4.2  | <b>Addenda</b> , if issued, will be posted on the State Contracting Portal.  |
| 2.4.3  | <b>Failure to acknowledge</b> all <b>Addenda</b> in the space provided in the Bid Proposal Form <b>shall</b> be cause for <b>rejection</b> of the bid.   |
| 2.4.4  | Attaching <b>Addenda</b> to the <b>Bid Proposal Form</b> does <b>not</b> constitute an acknowledgement of all Addenda and does not relieve the Bidder from the requirement for the Bidder to acknowledge all Addenda in the space provided on the Bid Proposal Form.   |
| 2.4.5  | <b>No interpretations</b> of the meaning of the plans, specifications or other contract documents will be made <b>orally</b> at any time. Every <b>request</b> for such interpretation <b>shall</b> be in <b>writing</b> to the awarding authority and to be given consideration <b>shall</b> be received at least <b>fourteen (14)</b> Calendar Days <i>prior</i> to the date fixed for the opening of bids. Any and all such <b>interpretations</b> and any <b>supplemental instructions</b> will be in the form of written <b>Addenda</b> to the specifications which, if issued, will be posted on the State Contracting Portal.   |
| 2.4.6  | Contractors who have subscribed through BizNet to receive daily e-mail alert notices when new Bids/RFPs are issued will be notified via a daily CT DAS " <b>Connecticut Procurement Portal Daily Notice</b> ".   |
| <b>2.5 Bidder's Qualification Statement and Objective Criteria for Evaluating Bidders:</b> |  |
| 2.5.1  | <b>All Bidders</b> shall download, complete, and upload <b>Section 00 45 14 General Contractor Bidder's Qualification Statement</b> to BizNet prior to the date and time of the Bid Opening. See BizNet for a template. This information shall be considered as part of the <b>Bid Proposal Form</b> . Failure of a Bidder to answer any question or provide required information <b>may</b> be grounds for the awarding authority to <b>disqualify</b> and <b>reject</b> the bid.   |
| 2.5.2  | <b>All Bidders</b> shall comply with <b>Section 00 45 15 Objective Criteria Established for Evaluating Qualifications of Bidders</b> . The <b>Objective Criteria Established for Evaluating Qualifications of Bidders</b> are to assure that the State of Connecticut will secure the "lowest responsible and qualified bidder" who has the ability and capacity to successfully complete the Bid Proposal Form and the Work. Failure to comply with any portion of this requirement <b>may</b> cause <b>rejection</b> of the bid. <b>Note:</b> Individual Specification Sections <b>may</b> contain General Contractor and/or Subcontractor Qualification requirements that <i>exceed</i> those in <b>Section 00 45 15 Objective Criteria Established for Evaluating Qualifications of Bidders</b> .  |
| <b>2.6 Bidder's Prequalification Requirements for Projects exceeding \$500,000:</b>        |  |
| 2.6.1  | <b>All Bidders</b> for Projects with estimated Construction Costs <b>greater</b> than <b>\$500,000</b> shall upload a current copy of their " <b>DAS Prequalification Certificate</b> " and " <b>DAS Update (Bid) Statement</b> " for the applicable <b>Class of Work</b> on <b>page 1</b> of <b>Section 00 11 16 Invitation to Bid</b> to Biznet <i>prior</i> to the date and time of the Bid Opening.  |
| 2.6.2  | Pursuant to <b>C.G.S. § 4b-91(a)(2)</b> and <b>C.G.S. §4a-100</b> , as revised, every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state that is <b>estimated</b> to exceed <b>five hundred thousand dollars (\$500,000)</b> shall be awarded <b>only</b> to the lowest responsible and qualified Bidder who is " <b>prequalified</b> " by DAS in the <b>Class of Work for this Project</b> , as specified in <b>Section 00 11 16 Invitation to Bid</b> . No person who's <b>Contract or Subcontract</b> exceeds <b>\$500,000</b> in value may perform work as a Contractor or Subcontractor, unless the person is <b>prequalified</b> , <i>at the time of bid submission</i> , in accordance with <b>C.G.S. § 4a-100</b> , as amended, <b>C.G.S. § 4b-91(a)(2)</b> , and <b>C.G.S. §4b-91(j)</b> . "Prequalified" includes the contractor's or substantial subcontractor's prequalification classifications, aggregate work capacity ratings and single project limits. |
| 2.6.3  | The State may waive minor irregularities that otherwise may cause rejection of a Bid only when waiving such minor irregularities is in the best interests of the State and the minor irregularities have been corrected by the Bidder within seven (7) Calendar Days after the Bid Due Date. Failure to properly <u>complete</u> , <u>sign</u> and <u>upload</u> either the " <b>DAS Prequalification Certificate</b> " or " <b>DAS Update (Bid) Statement</b> " to Biznet prior to the date and time of the Bid Opening <b>shall</b> cause <b>rejection</b> of the bid and shall <b>not</b> be considered a minor irregularity under <b>C.G.S. § 4b-95</b> .  |
| 2.6.4  | See <b>Section 00 40 15 CT DAS Prequalification Forms</b> for instructions on preparing and/or downloading your Firm's " <b>DAS Contractor Prequalification Certificate</b> " and " <b>DAS Update (Bid) Statement</b> ".   |
| 2.6.5  | <b>Bidder's Certification:</b> Within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS, the <b>Apparent Low Bidder shall</b> submit a <b>Bidder's Certification</b> certifying that the information in the bid is true, that there has been no substantial change in the Bidder's financial position or corporate structure since its most recent <b>DAS Prequalification Certificate</b> and <b>DAS Update (Bid) Statement</b> and that the bid was made without fraud or collusion with any person. See <b>Section 00 92 10 Additional Forms</b> of this Project Manual for a sample form.  |

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| <b>2.7 Named Subcontractor Requirements:</b> |   |
| 2.7.1  | All Bid Proposals <b>shall</b> be for the complete work as specified and <b>shall</b> include the names of <b>ALL Subcontractors</b> for the <b>four (4) Classes of Work</b> specified in <b>C.G.S. § 4b-93(a)</b> , as revised, and for each other class of work for which the awarding authority has required a separate section pursuant to said subsection, together with the dollar amounts of their subcontracts, <i>if the subcontracts are in excess of \$100,000</i> . The contractor shall be selected on the basis of such bids.   |
| 2.7.2  | The <b>Named Subcontractor Bid Price</b> shall be the price set forth in the space provided on the <b>Bid Proposal Form</b> .   |
| 2.7.3  | No bid shall be rejected because of an error in setting forth the Name of a Subcontractor as long as the Subcontractor or Subcontractors designated are clearly identifiable.   |
| 2.7.4  | No bid shall be rejected because the <b>Named Subcontractor's</b> plans and specifications do not accompany the bid or are not submitted with the bid.  |
| 2.7.5  | Failure to correctly state <b>ALL of the Named Subcontractor's prices within a particular Class of Work</b> on the Bid Proposal Form <b>shall</b> be cause for <b>rejection</b> of the Bid.   |
| 2.7.6  | <b>Named Subcontractor Replacement:</b> The awarding authority may require the <b>Bidder</b> to replace a <b>Named Subcontractor</b> whenever the awarding authority determines in their sole discretion that such <b>replacement</b> is in the <b>best interest of the State</b> .   |
| 2.7.7  | <b>Named Subcontractor Substitution:</b>  |
| .1   | The awarding authority <b>shall not</b> permit <b>substitution</b> of a subcontractor for one <b>Named</b> in accordance with the provisions of <b>C.G.S. § 4b-95</b> , as revised, <b>except</b> for <b>"Good Cause"</b> .   |
| .2   | The awarding authority <b>shall not</b> permit <b>substitution</b> of a subcontractor for any designated sub-trade work bid to be performed by the Bidder's own forces in accordance with the provisions of <b>C.G.S. § 4b-95</b> <b>except</b> for <b>"Good Cause"</b> .   |
| .3   | <b>"Good Cause":</b> The term "good cause" includes but is not limited to, a subcontractor's or, <b>where appropriate, a Bidder's:</b> (1) death or physical disability, if the listed subcontractor is an individual; (2) dissolution, if a corporation or partnership; (3) bankruptcy; (4) inability to furnish any performance and payment bond shown on the bid form; (5) inability to obtain, or loss of, a license necessary for the performance of the particular category of work; (6) failure or inability to comply with a requirement of law applicable to contractors, subcontractors, or construction, alteration, or repair projects; and (7) failure to perform its agreement to execute a subcontract under C.G.S. § 4b-96, as revised.   |
| 2.7.8  | <b>Named Subcontractor DAS Prequalification Requirement for Subcontracts exceeding \$500,000:</b>   |
| .1   | The <b>Three (3) Apparent Lowest Bidders</b> shall receive <i>VIA EMAIL</i> a "Set-Aside Contractor Schedule Request" ("Request") from the DAS/CS Office of Legal Affairs, Policy, and Procurement. For <b>Subcontracts greater than \$500,000</b> , the <b>Three (3) Apparent Lowest Bidders</b> shall submit within <b>ten (10) Calendar Days</b> after receipt of the Request current <b>DAS Prequalification Certificate(s) and Update (Bid) Statement(s)</b> for <b>each Named Subcontractor</b> in <b>Table 2.7</b> of the <b>Bid Proposal Form</b> , to the extent the <b>Class of Work for the Named Subcontractor is a Prequalification Classification</b> . This information shall be considered as part of the <b>Bid Proposal Form</b> and failure to comply with any portion of this requirement <b>shall</b> cause <b>rejection</b> of the bid.   |
| .2   | Instructions for downloading " <b>DAS Contractor Prequalification Certificates</b> " and " <b>DAS Update (Bid) Statement</b> " can be found in <b>Section 00 40 15 CT DAS Prequalification Forms</b> .  |
| .3   | <b>In accordance C.G.S. §4b-91(j)</b> , no person whose subcontract <i>exceeds</i> five hundred thousand dollars in value may perform work as a subcontractor on a project, which project is estimated to cost more than five hundred thousand dollars and is paid for, in whole or in part, with state funds, <i>unless, at the time of bid submission</i> , the person is prequalified in accordance with <b>C.G.S. §4a-100</b> , as amended. "Prequalified" includes the contractor's or substantial subcontractor's prequalification classifications, aggregate work capacity ratings and single project limits.<br>For <b>Subcontracts</b> estimated to <b>exceed \$500,000</b> , the <b>Named Subcontractor must</b> be " <b>prequalified</b> " by DAS in the <b>Class of Work</b> specified in <b>Table 2.7 of Section 00 41 00 Bid Proposal Form</b> <i>at the time of bid submission</i> , pursuant to <b>C.G.S. §4b-91(j)</b> and <b>C.G.S. § 4a-100</b> , as amended. This requirement also applies to the Bidder, if the Bidder is a Named Subcontractor. |
| 2.7.9  | <b>Named Subcontractor Bidder's Qualification Statements (Section 00 45 17)</b>   |
| .1   | The <b>Three (3) Apparent Lowest Bidders</b> shall receive <i>VIA EMAIL</i> a "Set-Aside Contractor Schedule Request" ("Request") from the DAS/CS Office of Legal Affairs, Policy, and Procurement. For Projects with <b>estimated Construction Costs greater than \$500,000</b> , the <b>Three (3) Apparent Lowest Bidders</b> shall submit within <b>ten (10) Calendar Days</b> after receipt of the Request completed <b>Section 00 45 17 Named Subcontractor Bidder's Qualification Statement(s)</b> of this Project Manual for <b>each Named Subcontractor</b> in <b>Table 2.7</b> of the <b>Bid Proposal Form</b> . This information shall be considered as part of the <b>Bid Proposal Form</b> and failure to comply with any portion of this requirement <b>may</b> cause <b>rejection</b> of the bid.   |
| .2   | <b>Important Note:</b> Individual Technical Specification Sections <b>may</b> contain qualification requirements that <b>exceed</b> those from <b>Section 00 45 17 Named Subcontractor Bidder's Qualification Statement</b> .   |



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| <b>2.7 Named Subcontractor Requirements (continued):</b>   |  |
| <b>2.7.10 Bidder Performing Work as Named Subcontractor:</b>   |  |
| .1   | In accordance with <b>C.G.S. § 4b-95(c)</b> , it shall be presumed that the <b>Bidder</b> intends to perform, with its own employees, all work in such <b>four (4) Classes of Work</b> and such other classes, for which <b>no</b> Subcontractor is named in <b>Table 2.7 of the Bid Proposal Form</b> . In accordance with <b>C.G.S. § 4b-92</b> , as revised, the <b>Bidder's</b> qualifications for performing such work shall be subject to review.  |
| .2   | In the event that the Bidder names a Subcontractor to perform some, but not all, of the separate section of the specifications for a particular Class of Work, then it will be presumed, in addition, that the Bidder intends to perform the balance of the Class of Work. Post-bid, the Bidder cannot substitute a Subcontractor for one named in the Bid Proposal Form or bring in a Subcontractor for any designated subtrade work presumed to be performed by the General Contractor's own forces, except for "Good Cause" as determined by the awarding authority.  |
| .3   | If the Bidder has listed itself as a <b>Named Subcontractor(s)</b> for a <b>Class(es) of Work</b> in <b>Table 2.7 of the Bid Proposal Form</b> and the proposed dollar value of the Subcontract(s) is greater than \$500,000, then <b>to the extent the Class(es) of Work is a Prequalification Classification</b> , the Bidder shall provide a current <b>DAS Prequalification Certificate and Update (Bid) Statement for each of the applicable Class(es) of Work</b> within ten (10) Calendar Days after receipt of the "Set-Aside Contractor Schedule Request" from DAS/CS. <b>Failure to comply with this requirement shall cause rejection of the bid and shall not be considered a minor irregularity under C.G.S. § 4b-95.</b>   |
| <b>2.8 Set-Aside Requirements:</b>   |  |
| <b>2.8.1 Bidder's DAS Set-Aside Certificate For Projects With Construction Costs Estimated To Be Less Than \$500,000: All Small Business Enterprise (SBE) / Minority Business Enterprise (MBE) Bidders</b> | shall upload a copy of their Firm's current "DAS Set-Aside Certificate" to BizNet prior to the date and time of the Bid Opening.   |
| <b>2.8.2 Bidder Contract Compliance Monitoring Report For Projects With Construction Costs Estimated To Be Less Than \$500,000:</b>  | All Firm's shall upload a completed copy of the CHRO Employment Information Form, " <b>Bidder Contract Compliance Monitoring Report</b> " <i>with</i> their <b>Bid Proposal Form</b> prior to the date and time of the Bid Opening. The report is posted on the <b>CHRO Webpage</b> :<br><a href="http://www.ct.gov/chro/cwp/view.asp?a=2525&amp;Q=315900&amp;chroPNavCtr= 45679">http://www.ct.gov/chro/cwp/view.asp?a=2525&amp;Q=315900&amp;chroPNavCtr= 45679</a> .   |
| <b>2.8.3 All Bidders shall be required</b>   | to award not less than the percentage(s) stated on <b>page 1 of Section 00 41 00 Bid Proposal Form</b> to Subcontractors who are currently certified and eligible to participate under the State of Connecticut Set-Aside Program for <b>SBE and/or MBE</b> contractors, in accordance with C.G.S. § 4a-60g. <b>Failure</b> to meet these requirements <b>shall</b> cause <b>rejection</b> of the bid. The MBE participation <b>does</b> count as part of the SBE participation.   |
| <b>2.8.4 Set-Aside Contractor Schedule Request:</b>  | The SBE/MBE participation requirement <i>must be met</i> even if the Bidder is <i>certified</i> and <i>eligible</i> to participate in the <b>Small Business Set-Aside Program</b> . To facilitate compliance with this requirement for set-aside subcontractors, the <b>Three (3) Apparent Lowest Bidders</b> shall receive <b>VIA EMAIL</b> a "Set-Aside Contractor Schedule Request" ("Request") from the DAS/CS Office of Legal Affairs, Policy, and Procurement. As directed in the Request, the <b>Three (3) Apparent Lowest Bidders</b> shall submit within <b>ten (10) Calendar Days</b> after receipt of the Request, a <b>list of certified set-aside contractors</b> to be used on this project along with the <b>dollar amounts</b> to be paid to each. (See Section 00 73 27 Set-Aside Contractor Schedule for a sample Request.)<br>A copy of the <b>current DAS Set-Aside Certificate</b> for <b>each Subcontracted SBE and/or MBE firm(s)</b> listed in the " <b>Set-Aside Contractor Schedule</b> " must be attached to the Request.<br>This information will be considered as part of your Bid Proposal Form and <b>failure</b> to comply with any portion of this requirement within the ten (10) days, including but not limited to <b>failure</b> to list or meet the necessary dollar amount or percentage of the bid price, will be cause to <b>reject</b> your bid. |
| <b>2.8.5 Percentage of Work Performed by SBE/MBE Contractors and Subcontractors:</b>   | The percentage of the work performed by the SBE/MBE Contractors and Subcontractors on this project shall not be less than the percentage noted in <b>Subsection 5.1 Amount of Work Required to Be Done by "Set-Aside" Contractors of Section 00 73 38 Commission on Human Rights (CHRO) Contract Compliance Regulations</b> .  |
| <b>2.8.6 To view and/or download a Set-Aside Certificate:</b>  | Go to the DAS Homepage ( <a href="http://www.ct.gov/DAS">www.ct.gov/DAS</a> ) > Small and Minority Businesses > Apply for Small Business Enterprise or Minority Business Enterprise Certification (SBE or MBE) > View/Search SBE/MBE Directory.  |
| <b>2.9 Insurance Coverages:</b>  |  |
| <b>2.9.1</b>   | The Insurance coverages required for this project shall be those listed in <b>Article 35 Contractors Insurance of Section 00 73 13 General Conditions</b> of this Project Manual. See <b>Section 00 41 00 Bid Proposal Form</b> and <b>Section 00 62 16 Certificate of Insurance</b> of this Project Manual for additional details.  |
| <b>2.9.2</b>   | The <b>Apparent Low Bidder shall</b> submit the Firm's <b>Certificate of Liability Insurance Acord®</b> form within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS.   |

**3.0 All Other Required Bid Documents, Affidavits, and Certifications:**

**3.1 Affidavits and Certifications:**

**Important Note:** *The State may waive minor irregularities that otherwise may cause rejection of a Bid only when waiving such minor irregularities is in the best interests of the State and the minor irregularities have been corrected by the Bidder within seven (7) Calendar Days after the Bid Due Date. Failure to properly complete, sign and upload **all** of the following Affidavits and Certifications to Biznet prior to the date and time of the Bid Opening **shall** cause **rejection** of the bid and shall **not** be considered a minor irregularity under C.G.S. § 4b-95.*

**3.1.1 Gift and Campaign Contribution Certification – OPM Ethics Form 1: All Bidders**

- .1 All Bidders:** In accordance with Executive Order No. 49, and pursuant to C.G.S. §§ 4-250, 4-252(c) and 9-612(f)(2), as revised, any principal or key personnel of the person, firm or corporation submitting a bid or proposal for a contract that has a value of **\$50,000** or more, shall be required to upload to BizNet a **Gift and Campaign Contribution Certification** prior to the date and time of the Bid Opening.
- .2** Any bidder or proposer that **does not** upload the **Gift and Campaign Contribution Certification** to BizNet prior to the date and time of the Bid Opening as required under this section shall be **disqualified** and DAS shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals. Failure to upload this form to BizNet **prior** to the date and time of the Bid Opening shall not be considered a minor irregularity under CGS 4b-95.
- .3** Once uploaded, an updated **Gift and Campaign Contribution Certification** shall be uploaded within **30 days** of any changes to the submitted information.
- .4** **Annually**, on or within **two (2)** weeks of the **anniversary** date of the execution of this contract, the Contractor shall upload a completed **Annual Certification** with authorizing resolution. For the purposes of this paragraph, the execution date of the contract will be the date the DAS Commissioner signs the contract.

**3.1.2 Consulting Agreement Affidavit – OPM Ethics Form 5: All Bidders**

- .1 All Bidders:** Pursuant to C.G.S. §§ 4a -81a and 4a -81b, as revised, a **Consulting Agreement Affidavit** must be completed and uploaded to BizNet prior to the date and time of the Bid Opening for contracts with a value of **\$50,000** or more.
- .2** In the event that a Bidder or vendor fails or refuses to upload the **Consulting Agreement Affidavit** to BizNet prior to the date and time of the Bid Opening, as required under C.G.S. § 4a-81, such bidder shall be **disqualified** and the award shall be made to the next lowest responsible qualified bidder or new bids or proposals shall be sought. Failure to upload this form to BizNet **prior** to the date and time of the Bid Opening shall not be considered a minor irregularity under CGS 4b-95.
- .3** Once uploaded, an updated **Consulting Agreement Affidavit** **shall** be amended and uploaded not later than (1) **thirty (30) days** after the effective date of any such change or (2) upon the submittal of any new bid or proposal, whichever is earlier. For the purposes of this paragraph, the **execution date** of the contract will be the date the DAS Commissioner signs the contract.
- .4** Other Contributions by Individuals. Principals of Investment Services Firms, State Contractors, Principals Of State Contractors, Prospective State Contractors Or Principals Of Prospective State Contractors. Lists. Subcontracts Study. State Officials or Employees: All acquisitions, agreements and contracts are subject to the provisions of the C.G.S. § 9-612 regarding **Campaign Contribution or Contributions**.

### 3.1 Affidavits and Certifications Forms (continued):

#### 3.1.3 Ethics Affidavit – OPM Ethics Form 6: All Bidders and Apparent Low Bidder

- .1 **All Bidders:** Pursuant to C.G.S. §§ 1-101mm and 1-101qq, as revised, when DAS/CS is seeking a contract for a large state construction or procurement contract having a cost of more than **\$500,000**, DAS shall inform all potential consultant and contractor firms of the summary of state ethics laws developed by the Office of State Ethics (OSE) pursuant to C.G.S. § 1-81b. "Large State Contract" means an agreement or a combination or series of agreements between a state agency and a person, firm or corporation, having a total value of more than **\$500,000** in a calendar or fiscal year a project for the construction, alteration or repair of any public building or public work. For a **Guide to the Code of Ethics For Current or Potential State Contractors** go to the Office of State Ethics (OSE) website ([www.ct.gov/ethics](http://www.ct.gov/ethics)), then click on the "**Publications**" link.
- .2 **All Bidders:** Pursuant to C.G.S. § 1-101qq, as revised, DAS is also required to notify all potential consultant and contractor firms or a large state construction or procurement contract that they must upload an **Affirmation of Receipt of State Ethics Laws Summary** to BizNet prior to the date and time of the Bid Opening affirming that their key employees have read and understand the summary and agree to comply with the provisions of state ethics law.
- .3 Failure to upload this affidavit to BizNet prior to the date and time of the Bid Opening **shall** result in **rejection** of the bid and shall not be considered a minor irregularity under CGS 4b-95.
- .4 **Apparent Low Bidder:** Furthermore, the **Apparent Low Bidder** shall provide the **Summary of the State Ethics Laws** to each **Named Subcontractor** and any other **Subcontractor** or **Subconsultant** with a contract valued over **\$500,000** and obtain a **Subcontractor and Subconsultant State Ethics Affidavit** stating that the key personnel of the subcontractor have read, understand, and agree to comply with provisions of the state ethics laws. The **Apparent Low Bidder** shall submit such subcontractor(s) affidavits to the DAS/CS Office of Legal Affairs, Policy, and Procurement within **ten (10) business days after** receipt of the Letter of Intent from DAS/CS.

#### 3.1.4 Iran Certification – OPM Ethics Form 7: All Bidders

- .1 **All Bidders:** Pursuant to C.G.S. § 4-252a, when DAS/CS is seeking a contract for a large state construction or procurement contract having a cost of more than **\$500,000**, an **Iran Certification** must be completed and uploaded to BizNet **prior to the date and time of the Bid Opening**.
- .2 Pursuant to C.G.S. § 4-252a, *"This form must always be submitted with the bid or proposal, or if there was no bid process, with the resulting contract, regardless of where the principal place of business is located. Entities whose principal place of business is located outside of the United States are required to complete the entire form, including the certification portion of the form. United States subsidiaries of foreign corporations are exempt from having to complete the certification portion of the form. Those entities whose principal place of business is located inside of the United States must also fill out the form, but do not have to complete the certification portion of the form."*

#### 3.1.5 Nondiscrimination Certification – Form A, B, C, D, or E: All Bidders

- .1 **All Bidders:** Pursuant to C.G.S. §§ 4a-60 and 4a-60a, as amended, a contractor must provide an awarding State agency with written representation or documentation that certifies the contractor complies with the State's nondiscrimination agreements and warranties prior to the award of any contract with the State. A **Nondiscrimination Certification** is required for all State contracts, regardless of type, term, cost or value. The **appropriate form** must be uploaded to BizNet prior to the date and time of the Bid Opening.
- .2 Once uploaded, an updated **Nondiscrimination Certification** shall be uploaded within **30 days** of any changes to the submitted information.
- .3 **Annually**, on or within **two (2) weeks** of the **anniversary** date of the execution of this contract, the Contractor shall upload a completed **Annual Certification** with authorizing resolution. For the purposes of this paragraph, the execution date of the contract will be the date the DAS Commissioner signs the contract.

- 3.1.6 For instructions on how to electronically download and upload **Affidavits and Non-Discrimination Forms**, go to the DAS Homepage ([www.ct.gov/DAS](http://www.ct.gov/DAS)) > Doing Business with the State > Create a BizNet Account for Doing Business with the State > Documents/Forms > Vendor Guide to Uploading Affidavits and Nondiscrimination Forms Online.

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| <b>3.2 Security For Faithful Performance:</b>              |  |
| <b>3.2.1 Certified Check or Bid Bond: All Bidders</b>      |  |
| .1   | <b>All Bidders for bids in excess of \$50,000 shall submit either a Certified Check or a Bid Bond</b> , in the form required by the awarding authority. See <b>Section 00 43 16 Standard Bid Bond</b> in BizNet for a template and important instructions regarding submitting the Bid Bond or Certified Check. Complete and upload <b>Section 00 43 16 Standard Bid Bond</b> to Biznet <b>prior</b> to the date and time of the Bid Opening for <b>either</b> the Bid Bond option <b>or</b> the Certified Check option.   |
| .2   | <b>Certified Check Option:</b> The <b>Certified Check</b> shall be drawn to the order of <b>"Treasurer, State of Connecticut"</b> , in which it is understood shall be cashed and the proceeds thereof used so far as may be necessary to reimburse the State of Connecticut for losses and damages arising by virtue of the Bidder's failure to file the required Bonds and execute the required contract if this proposal is accepted by the Awarding Authority.   |
| .3   | <b>Bid Bond Option:</b> The <b>Bid Bond</b> shall be in the form required by the awarding authority, having as <b>surety</b> thereto such surety company or companies acceptable to the DAS Commissioner and as are authorized to do business in this State, for an amount not less than 10 percent of the bid.  |
| .4   | <b>Return of Certified Check:</b> All <b>checks</b> submitted by <b>unsuccessful</b> Bidders shall be returned to them <i>after</i> the contract has been awarded.   |
| .5   | Failure to submit the Bid Bond <b>or</b> Certified Check <b>prior</b> to the date and time of the Bid Opening <b>shall</b> cause <b>rejection</b> of the bid and shall not be considered a minor irregularity under CGS 4b-95.   |
| .6   | <b>Forfeiture of Certified Check or Bid Bond:</b> <b>Failure</b> of the successful bidder to execute a contract awarded as specified and bid shall result in the <b>forfeiture</b> of the certified check or bid bond.   |
| <b>3.2.2 Performance Bond: Apparent Low Bidder:</b>        | Within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS, the <b>Apparent Low Bidder shall</b> substitute for the <b>certified check or bid bond</b> accompanying its bid an executed <b>performance bond</b> , in the amount not less than 100 percent of the contract price, conditioned upon the faithful performance of the contract, and having as surety thereto such surety company or companies satisfactory to the Commissioner and as are authorized to transact business in this State. This bond is to be furnished pursuant to <b>C.G.S. § 49-41</b> , as revised. See <b>Section 00 92 10 Additional Forms</b> of this Project Manual for a template.  |
| <b>3.2.3 Labor and Material Bond: Apparent Low Bidder:</b> | Within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS, the <b>Apparent Low Bidder shall</b> submit a labor and material bond in the amount not less than 100 percent of the contract price which <b>shall</b> be binding upon the award of the contract to such bidder, with surety or sureties satisfactory to the Commissioner and as are authorized to transact business in this State, for the protection of persons supplying labor or materials in the prosecution of the work provided for in the contract for the use of each such person. Any such bond furnished <b>shall</b> have as principal the name of the successful Bidder. This bond is to be furnished pursuant to <b>C.G.S. § 49-41</b> , as revised. See <b>Section 00 92 10 Additional Forms</b> of this Project Manual for a template.   |
| <b>3.2.4</b>   | <b>The following section of the General Statutes of Connecticut, as revised, is inserted as information concerning this bond and will be incorporated into the Contract for the Work:</b><br><b>C.G.S. § 49-41a. Enforcement of payment by general contractor to subcontractor and by subcontractor to his subcontractors. (a)</b> When any public work is awarded by a contract for which a payment bond is required by section 49-41, the contract for the public work shall contain the following provisions: (1) A requirement that the general contractor, within thirty days after payment to the contractor by the State or a municipality, pay any amounts due any subcontractor, whether for labor performed or materials furnished, when the labor or materials have been included in a requisition submitted by the contractor and paid by the State or a municipality; (2) a requirement that the general contractor shall include in each of its <b>subcontracts</b> a <b>provision</b> requiring each <b>subcontractor</b> to pay any amounts due any of its subcontractors, whether for labor performed or materials furnished, within thirty days after such subcontractor receives a payment from the general contractor which encompasses labor or materials furnished by such subcontractor. <b>(b)</b> If payment is not made by the general contractor or any of its subcontractors in accordance with such requirements, the subcontractor shall set forth his claim against the general contractor and the subcontractor of a subcontractor shall set forth its claim against the subcontractor through notice by registered or certified mail. Ten days after the receipt of that notice, the general contractor shall be liable to its subcontractor, and the subcontractor shall be liable to its subcontractor, for interest on the amount due and owing at the rate of one percent per month. In addition, the general contractor, upon written demand of its subcontractor, or the subcontractor, upon written demand of its subcontractor, shall be required to place funds in the amount of the claim, plus interest of one per cent, in an interest-bearing escrow account in a bank in this State, provided the general contractor or subcontractor may refuse to place the funds in escrow on the grounds that the subcontractor has not substantially performed the work according to the terms of his or its employment. In the event that such general contractor or subcontractor refuses to place such funds in escrow, and the party making a claim against it under this section is found to have substantially performed its work in accordance with the terms of its employment in any arbitration or litigation to determine the validity of such claim, then such general contractor or subcontractor shall pay the attorney's fees of such party. <b>(c)</b> No payment may be withheld from a subcontractor for work performed because of a dispute between the general contractor and another contractor or subcontractor. <b>(d)</b> This section shall not be construed to prohibit progress payments prior to final payment of the contract and is applicable to all subcontractors for material or labor whether they have contracted directly with the general contractor or with some other subcontractor on the work. |
| <b>3.2.5</b>   | <b>Surety Sheet: Apparent Low Bidder:</b> Within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS, the <b>Apparent Low Bidder shall</b> submit a Surety Sheet that provides information regarding the Surety Company and Agent. See <b>Section 00 92 10 Additional Forms</b> of this Project Manual for a template.   |

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| <b>3.3 Certificate (of Authority):</b>  |   |
| 3.3.1   | All Bidders for bids in excess of \$50,000 shall upload a signed and scanned <b>Section 00 40 14 Certificate (of Authority)</b> to BizNet prior to the date and time of the Bid Opening. See BizNet for a template.   |
| 3.3.2   | The <b>Apparent Low Bidder</b> shall submit a <b>second Certificate (of Authority)</b> within <b>ten (10) business days after</b> receipt of the Letter of Intent from DAS/CS.  |
| <b>3.4 Security Requirements for CT Department of Correction (CT DOC) Facilities:</b>   |   |
| 3.4.1   | All Bidders for Projects at a CT DOC Facility shall read and comply with <b>Section 00 73 63 CT DOC Security Requirements</b> for Contract Forces on CT DOC Facilities.   |
| 3.4.2   | <b>NEW:</b> All Bidders for Projects at a CT DOC Facility: Prior to the Pre-Bid Meeting, all Bidders shall download the "Security Background Questionnaire" from the CT DOC website ( <a href="http://www.ct.gov/doc">www.ct.gov/doc</a> , under "Forms"), complete and submit the form as directed, and obtain approval, otherwise admission to the Pre-Bid Meeting <b>will be denied</b> . It is recommended that the approved form be brought as evidence of approval to attend the Pre-Bid Meeting.   |
| <b>3.5 Affirmative Action Plan &amp; Employment Information Form (DAS-45): Apparent Low Bidder</b>  |   |
| 3.5.1   | For Projects greater than \$500,000 and/or Firms with 50 or more employees, the <b>Apparent Low Bidder shall</b> submit the Firm's <b>Affirmative Action Plan</b> and <b>Employment Information Form (DAS-45)</b> to CHRO within <b>fifteen (15) calendar days after</b> receipt of the "Request for the <i>Affirmative Action Plan</i> and <i>Employment Information Form</i> Letter" from DAS/CS. See <b>Section 00 73 38 Commission on Human Rights and Opportunities/ Contract Compliance Regulations</b> .   |
| 3.5.2   | The Apparent Low Bidder <b>shall</b> submit a copy of the Transmittal Letter to the DAS/CS Office of Legal Affairs, Policy, and Procurement within <b>fifteen (15) calendar days after</b> receipt of the "Request for the <i>Affirmative Action Plan</i> and <i>Employment Information Form</i> Letter" from DAS/CS.   |
| <b>3.6 Prevailing Wage: Apparent Low Bidder</b>   |   |
| 3.6.1   | The <b>Apparent Low Bidder shall</b> submit the " <b>Contractor's Wage Certification Form</b> " to CT Department of Labor (CT DOL) within <b>fifteen (15) calendar days after</b> receipt of the "Request for the <i>Affirmative Action Plan</i> and <i>Employment Information Form</i> Letter" from DAS/CS. See <b>Section 00 73 44 Prevailing Wage Rates/Contractor's Wage Certification/Payroll Certification</b> of this Project Manual.  |
| 3.6.2   | Each contractor who is awarded a contract on or after October 1, 2002 shall be subject to provisions of <b>C.G.S. § 31-53, as revised</b> . See <b>Section 00 73 44 Prevailing Wage Rates/Contractor's Wage Certification/Payroll Certification</b> of this Project Manual.   |
| 3.6.3   | <b>Annual Adjustment Of Prevailing Wage Rates:</b> In determining bid price, consideration should be given to <b>C.G.S. § 31-53 and 31-55a, as revised</b> , regarding <b>annual adjustment of prevailing wage rates</b> . Annual adjustments of prevailing wage rates will <b>not</b> be considered a matter for a contract amendment.   |
| <b>3.7 NEW PROCESS: General Permit for the Discharge of Stormwater &amp; Dewatering Wastewaters from Construction Activities: Apparent Low Bidder</b> |   |
| 3.7.1   | All DAS/CS construction projects disturbing <b>one or more total acres of land area</b> on a site <b>regardless of project phasing</b> must file a Department of Energy and Environmental Protection (DEEP) <a href="#">General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (DEEP-WPED-GP-015)</a> ("Construction Stormwater General Permit") registration and Stormwater Pollution Control Plan (SPCP) with the DEEP. <b>The DAS/CS Architect/Engineer (A/E) shall be responsible for registering the Construction Stormwater General Permit and SPCP through the online DEEP ezFile Portal prior to bidding.</b> |
| 3.7.2   | Once the Apparent Low Bidder is under contract with DAS/CS, and prior to the commencement of any construction activities, the Apparent Low Bidder ("Contractor") shall be required to provide the necessary information from all applicable contractors and/or subcontractors working on the Project to the DAS/CS A/E in order to finalize the SPCP and transfer the Construction Stormwater General Permit obligations to the Contractor.   |
| 3.7.3   | All Contractors and Subcontractors listed on the SPCP shall be required to sign the SPCP "Contractor Certification Statement" and License Transfer Form <b>prior</b> to commencement of any construction activity.  |

**3.8 Section 00 52 73 Subcontract Agreement Forms: Apparent Low Bidder**

**3.8.1** The **Apparent Low Bidder** shall submit a completed **Section 00 52 73 Subcontract Agreement Form** of this Project Manual for *each* Named Subcontractor within **ten (10) Business Days** after receipt of the "Letter of Intent" from DAS/CS. This information *shall* be considered as part of the **Bid Proposal Form** and failure to comply with any portion of this requirement *may* cause **rejection** of the bid.

**3.8.2** Each **Named Subcontractor** shall be the matter of a **Subcontract** as required by **C.G.S. § 4b-96**.

**3.9 Non-Resident Contractors and Taxation: Apparent Low Bidder**

**3.9.1** **Nonresident contractors** must comply with the **provisions C.G.S. § 12-430 (7), Procedures for Nonresident Contractors**, and the regulations established pursuant to that section. See **Section 00 92 30 Procedures Regarding Taxation for Nonresident General/Prime Contractor and Subcontractors** of this Project Manual for additional details.

**3.9.2** **Apparent Low Bidder who is a Nonresident Contractor:** Within **ten (10) business days after** receipt of the "**Letter of Intent**" from DAS/CS, a certificate(s) from DRS must be provided which evidences that C.G.S. §12-430 for non-resident contractors has been met. As described in Section 00 92 30 "Procedures Regarding Taxation for Nonresident General/Prime Contractor and Subcontractors", **Verified Nonresident** General/Prime Contractors must submit a copy of their "**Notice of Verified Status**" (Verification Letter) from DRS. **Unverified Nonresident** General/Prime Contractors must submit a copy of **Form AU-965 "Acceptance of Surety Bond"** from DRS.

**3.10 Certificate of Legal Existence: Apparent Low Bidder**

**3.10.1** A **corporation** that is awarded the contract must comply with the laws of this State regarding the procurement of a certificate of authority to transact business in this State from the **Secretary of the State**. A "**Certificate of Legal Existence**" which is not older than **ninety (90) calendar days** from the date of the contract signing must be filed with the DAS/CS Office of Legal Affairs, Policy, and Procurement within **ten (10) business days after** receipt of the "Letter of Intent" from DAS/CS.

**3.11 State Election Enforcement Commission (SEEC) Form 10: Apparent Low Bidder**

**3.11.1** The **Apparent Low Bidder** shall submit a **State Election Enforcement Commission's (SEEC) Form 10** "Notice to Executive Branch State Contractors and Prospective State Contractors of Campaign Contribution and Solicitation Limitations" within **ten (10) business days after** receipt of the "Letter of Intent" from DAS/CS for contracts with a value of \$50,000 or more.

**3.11.2** Pursuant to C.G.S. § 9-612, as revised, a State Contract means an agreement or contract with the state or any state agency or any quasi-public agency having a value in a calendar year of **\$50,000** or more, or a combination or series of such **agreements** or **contracts** having a value of **\$100,000** or more, the **authorized signatory** to this **submission** in response to the State's solicitation expressly **acknowledges receipt** of, and must submit **in writing**, the **SEEC Form 10 notice** advising prospective state contractors of the state campaign contribution and solicitation prohibitions, and will inform its principals of the contents of the **notice**.

**3.11.3** For instructions on how to download "**SEEC Form 10**", go to the SEEC Homepage ([www.ct.gov/seec](http://www.ct.gov/seec)); click on "Forms" at the top of the page; click on "Contractor Reporting Forms"; click on "SEEC Form 10" and follow the directions.

**3.12 OSHA Training Course: Successful Bidder**

**3.12.1** Pursuant to **C.G.S. §. 31-53b (a)**, as revised, each contract entered into for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public building project by the state or any of its agents, or by any political subdivision of the state or any of its agents, where the total cost of all work to be performed by all contractors and subcontractors in connection with the contract is at least **one hundred thousand dollars (\$100,000)**, shall contain a provision requiring that, not later than **thirty (30) days** after the date such contract is awarded, **each contractor furnish proof to the Labor Commissioner** that all employees performing manual labor on or in such public building, pursuant to such contract, have completed a **course of at least ten (10) hours** in duration in **construction safety and health** approved by the federal Occupational Safety and Health Administration or, in the case of telecommunications employees, have completed at **least ten (10) hours** of training in accordance with 29 CFR 1910.268.

**3.13 NEW PROCESS: Contractor and Subcontractor Payments Reporting: Successful Bidder**

**3.13.1** For compliance with **C.G.S. § 4b-95 and 49-41**, DAS/CS requires every Contractor (and its Subcontractors and their Subcontractors) who has been awarded a DAS/CS construction contract to log on to the State of Connecticut web-based platform, BizNet, **each month** and **enter payments** they have received from the state, from the Contractor, or from a higher tier Subcontractor (as applicable).

The process is described as follows: The state will pay the Contractor on a monthly basis for work performed (and purchases made) by it and its Subcontractors. The Contractor will input the payment date and amount they receive from the state on a monthly basis. The Contractor's first-level Subcontractor (Tier 1 Subcontractor) will input the payment they receive from the Contractor. The second-level Subcontractor (Tier 2 Subcontractor) will input the payment they receive from the Tier 1 Subcontractor. And so on.

Contractors awarded a DAS/CS construction contract shall contain a **provision in their subcontract agreements** requiring their Subcontractors to enter payment receipt from the Contractor in the State of Connecticut web-based platform, BizNet, for work performed or purchases made in relation to state projects.

Detailed instructions can be found in the DAS/CS publication, "**6002 Instructions to Contractors/Subcontractors for Entering Payments Online**", available for download by going to the DAS Homepage ([www.ct.gov/DAS](http://www.ct.gov/DAS)) and selecting Doing Business With The State > State Building Construction > Publications and Forms > DAS Construction Services Library > 6000 Series.

**4.0 Nondiscrimination and Affirmative Action**

This contract is subject to Federal and state laws, including Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-2(a)(1), and the Connecticut Fair Employment Practices Act. C.G.S. § 46a-60 et seq., prohibit various forms of discrimination and illegal harassment in employment.

**4.1 Nondiscrimination and Affirmative Action Provisions:**

**4.1.1 This section is inserted in connection with C.G.S. § 4a-60, as revised.**

**4.1.2** References in this section to "contract" **shall** mean this Contract and references to "contractor" **shall** mean the Contractor/Bidder.

**4.1.3 C.G.S. § 4a-60, as revised:**

(a) **Except as provided in section 10a-151i, every contract to which an awarding agency is a party, every quasi-public agency project contract and every municipal public works contract shall contain the following provisions:**

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, **status as a veteran**, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the contractor further agrees to take affirmative action to **ensure** that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, **status as a veteran**, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved;

(2) The contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the **Commission on Human Rights and Opportunities**;

(3) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the **Commission on Human Rights and Opportunities** advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(4) The contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, 46a-68e, **46a-68f** and **46a-86**; and

(5) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56.

(b) If the contract is a public works contract, municipal public works contract or contract for a quasi-public agency project, the contractor agrees and warrants that he or she will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works or quasi-public agency project.

(c) Except as provided in section 10a-151i:

(1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written or electronic representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section, provided if there is any change in such representation, the contractor shall provide the updated representation to the awarding agency or commission not later than thirty days after such change.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any one of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(d) For the purposes of this section, "contract" includes any extension or modification of the contract, "contractor" includes any successors or assigns of the contractor, "marital status" means being single, married as recognized by the state of Connecticut, widowed, separated or divorced, and "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (2) any other state, as defined in section 1-267, (3) the federal government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(e) For the purposes of this section, "minority business enterprise" means any small contractor or supplier of materials fifty-one per cent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) Who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of section 32-9n; and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with requirements.

(f) Determination of the contractor's good faith efforts shall include, but shall not be limited to, the following factors: The contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training;



technical assistance activities and such other reasonable activities or efforts as the **Commission on Human Rights and Opportunities** may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(g) The contractor shall develop and maintain adequate documentation, in a manner prescribed by the **Commission on Human Rights and Opportunities**, of its good faith efforts.

(h) The contractor shall include the provisions of subsections (a) and (b) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, **and in every subcontract entered into in order to fulfill any obligation of a municipal public works contract or contract for a quasi-public agency project**, and such provisions shall be binding on a subcontractor, vendor or manufacturer, unless exempted by regulations or orders of the **Commission on Human Rights and Opportunities**. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission **regarding a state contract**, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

## 4.2 Nondiscrimination Provisions Regarding Sexual Orientation:

4.2.1 This section is inserted in connection with C.G.S. § 4a-60a, as revised.

4.2.2 References in this section to "contract" **shall** mean this Contract and references to "contractor" **shall** mean the Contractor/Bidder.

4.2.3 C.G.S. § 4a-60a, as revised:

(a) **Except as provided in section 10a-151i, every contract to which an awarding agency is a party, every contract for a quasi-public agency project and every municipal public works contract shall contain the following provisions:**

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation;

(2) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(3) The contractor agrees to comply with each provision of this section and with each regulation or relevant order issued by said commission pursuant to section 46a-56; and

(4) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor which relate to the provisions of this section and section 46a-56.

**(b) Except as provided in section 10a-151i:**

(1) Any contractor who has one or more contracts with **an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project**, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a **municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities**, with a written representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section.

(2) Any contractor who has one or more contracts with **an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project**, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide such awarding agency, or in the case of a **municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities**, with any of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the **awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities** or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality, or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(c) For the purposes of this section, "contract" includes any extension or modification of the contract, and "contractor" includes any successors or assigns of the contractor. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (2) any other state, as defined in section 1-267, (3) the federal government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(d) The contractor shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contractor contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

**End of Section  
00 21 13 Instructions to Bidders**