 **DEPARTMENT OF ADMINISTRATIVE SERVICES (DAS)**

**Office of School Construction Grants & Review (OSCG&R)**

**BULLETIN**

 **PROCUREMENT OF CONTRACTORS FOR PURPOSES OF SCHOOL CONSTRUCTION**

 **FORM SCG-3042**

This bulletin provides an overview of certain requirements relating to the procurement of contractors for school construction projects which receive financial assistance from the State of Connecticut.

# Use of Consortium Contracts:

A municipal school construction project that receives state financial assistance cannot utilize the service of a procurement agency or a cooperative purchasing agreement to supplant the requirement for a public bid in accordance with the requirements of Connecticut General Statute (“C.G.S.”) Section 10-287(b) (1). This statute requires **project specific bids** in which the **public invitation to bid is advertised in a newspaper having circulation in the town in which construction is to take place*,*** and per C.G.S. Sec. 4b-91(a), on the State Contracting Portal. The use of a consortium-type bid or a cooperative purchasing agreement through a procurement organization, therefore, does not meet these requirements. Any questions concerning whether the procurement of a contract complies with these statutory requirements should be directed to the Office of School Construction Grants & Review (SCG) prior to the award of such contract.

# Sole Source Specifications:

C.G.S. Sec. 10-287(b) (1) requires that all orders and contracts for school building construction receiving state assistance shall be awarded to the **lowest responsible qualified bidder**. The statute neither permits nor prohibits sole source bidding. Under Connecticut case law, sole source specifications may be permissible when a determination has been made that the specification is in the best interest of the public and is not done for the purpose of favoring one vendor over another, which may undermine the integrity of the competitive bidding process. The Department of Administrative Services (DAS) is statutorily charged with providing local districts with guidance and advice on the standards, practices and procedures for school building construction projects receiving state grant assistance; see CGS Section 10-290a, 10-290b and 10-290 f (b).The SCG will carefully examine all of the documentation provided in the evaluation of a sole source specification request prior to issuing a notice of approval of final plans and specifications for public bid.

The Division of Construction Services, through the Consultant’s Procedures Manual, requires the design team to either specify a minimum of three reasonable equal products, or to use a performance specification that does not include the manufacturers’ name. If a district believes that there is a need for sole source specification, it is required to provide detailed documentation in a written request to the OSCG&R for the sole source specification requested. Refer to FORM SCG-3040 Sole Source Bidding for additional information. The applicant must include a cost benefit analysis, and provide competitors an opportunity to address the issue prior to the SCG Sole Source Committee making a determination. Such documentation shall be submitted by the district for review during the plan review process. The review will consider whether the sole source manufacturer, or a related company, assisted in the preparation of the specifications that listed it as the sole source. An improper specification may result in the costs for that portion of the work being declared ineligible for reimbursement.

# Prequalification of Bidders

School construction projects receiving grant assistance from the state fall within the purview of Section 4b-91(a). When a contract is estimated to cost more than five hundred thousand dollars and it must be awarded to a bidder that is prequalified pursuant to CGS Section 4a-100. For a trade package that is estimated to be less than five hundred thousand dollars and was published as such, but upon submission is in excess of the five hundred thousand dollar threshold, the trade contractor cannot perform work on the project unless it is pre-qualified with the DAS. It is the **contracted cost of the work** to be performed, not the estimate of the work, which determines whether the bidder must be prequalified in order to comply with the statute.

For questions regarding this memo, contact the OSCG&R at (860) 713-6490.

N: Website migration/Procurement of Contractors

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