

# Transparency Working Group Proposal



Presented by FFC-CT and the Building Trades

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# What are the goals?

## Fair Competition

- Increases competition so that smaller contractors can compete within their scope of work against larger contractors, and enables them to bond within their capacity.
- Increase access for MBE, SBE contractors

## Transparency

- Tax payers have a right to know where and how their money is being spent.
- Contractors deserve to know that their bid is not being used as leverage against them or another contractor.

## Accountability

- Right now when there are violations, it is unclear who is responsible and accountable.

# How do we achieve the goals?



**Responsible Contracting**: which provides opportunities to work competitively while improving the business climate.

# Fair Competition

**Amend GC statute 4b-93 (a) to increase the listed project elements to 19 categories; those named do the work.**

This is fewer than the current average of 26 project elements listed by Construction Managers in their bids and significantly fewer than the 44 current DAS prequalification project elements.

# Transparency

## **Name the Subcontractors**

Amend CGS 4b-95 (b) (1) and 4b-103 to stipulate that the GC/CMR and the Awarding Authority, within 5 days of executing the contract, shall receive from the established project element contractors (as defined by CGS 4b-93), the names of all sub-subcontractors who will perform any scope of work with an estimated value of \$25,000 or more, and the cost of such work.

# Naming the Subcontractors

## General Contractor

- Solicits bids from named prime categories.
- Creates overall bid and submits to Owner/Awarding Authority
- Within 5 days of the GC and AA executing the contract, the GC and Primes list any subs and sub-subcontractors valued at \$25,000+

## Construction Manager

- Publicly bids from listed project element categories plus any additional categories as determined
- Determine lowest responsible prime contractors
- Within 5 days of receiving notice of determination of lowest responsible bidder by the CM, the subcontractors must list any sub-subcontractors valued at \$25,000+

# **Expand definition of “Awarding Authority”**

Amend 4b-95 to define “awarding authority” to include anyone acting on behalf of, or as an agent of, the state agency awarding the contract. This would increase transparency under FOI since the GC or CMR would be recognized as an entity representing the state.

# Accountability

## Reinstitute a “Clerk of the Works”

The Clerk of the Works duties shall include but not be limited to: maintaining and reviewing daily sign in logs of any mechanic, laborer, or workman to ensure an accurate head count; reviewing certified payroll records for accuracy and compliance with all state laws and regulations (with specific adherence to wage/hour/benefits regulations and worker classification); and, reviewing workers' compensation insurance to be sure that all workers are properly covered for the classification of work they are performing.

# Outcomes

## INCREASES

- Competition among contractors
- Transparency within the bidding process
- Timely payment to subcontractors and workers

## DECREASES

- Opportunities for bid shopping
  - Un-necessary mark ups
- Misclassification of workers



Opportunities for small business and minority  
contractors to grow  
Contractors to compete fairly



## Foundation for Fair Contracting of CT

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