



The Foundation for Fair Contracting of CT (FFC) “Equity, Integrity, Justice”

The Foundation for Fair Contracting is a non-profit labor-management organization. Founded in 1994, we promote fair competition in the awarding of public works contracts through compliance with the prevailing wage law.

Shortcomings:

- **Freedom of Information Act (FOIA) Loopholes:** Current FOIA law requires the FFC to send FOI requests to the awarding authority on a project rather than to the General Contractor (GC) or the Construction Manager At-Risk (CMR) who are acting on behalf of the awarding authority. Consequently, the public body must act as an intermediary between the FFC and the GC or CMR. This creates more work for the awarding authority, creates confusion about disclosure of public information and reduces transparency.
- **Accuracy and Compliance:** Certified payroll records are often not reviewed for accuracy and compliance. Therefore, workers may go unaccounted for, may be misclassified and may not receive proper wages.
- **Construction Manager at Risk Statute:** CT General Statutes Section 4b-103 “Construction manager at-risk project delivery contracts” is vague, and is not as explicit as the General Contractor Statutes 4b-91 through 4b-96. The CMR’s responsibilities should be more clearly defined in the statute.

Abuses:

- **Bid Shopping:** The reduction of subcontractors listed on a bid form from 19 to 4 categories ripens the opportunity for contractors to contact several sub-subcontractors of the same discipline in an effort to reduce the previously quoted prices. This practice undermines the integrity of the bidding process.
- **Wage and Hours Violations:** Since there is inconsistent review of certified payroll records, workers may be misclassified, underpaid or unaccounted for on the worksite. This leads to abuse of workers in terms of wages and benefits, including workers comp.

Solutions:

- **Expand the 4 classes of work listed to approximately 20 classes and name sub-subcontractors at the time of the bid:** Expanding to 20 classes of work and naming sub-subcontractors will increase transparency and decrease bid shopping.
- **Clarify the roles of the Clerk of the Works so they are consistent and/or require sign-in sheets for workers daily:** Documentation and oversight of workers on the job site will reduce wage and hour violations, and increase accuracy and compliance.
- **Apply GC bidding statutes to CMR projects and make CMR act as GC after acceptance of GMP, and act as Agent of the State:** This will hold both GCs and CMRs to the same levels of responsibility, accountability, and liability after acceptance of the project or after giving the Guaranteed Maximum Price (GMP).