

TABLE OF CONTENTS

**Selection Panels for Design-Build Teams
and Special Legislation Contractors**

Applicability 4b-24- 1

Definitions 4b-24- 2

Communications and conduct 4b-24- 3

Submissions 4b-24- 4

Assistance to panels 4b-24- 5

Screening panel 4b-24- 6

Interview panel 4b-24- 7

Forms 4b-24- 8

Other requirements applicable to special legislation contractors. 4b-24- 9

Selection Panels for Design-Build Teams and Special Legislation Contractors

Sec. 4b-24-1. Applicability

Sections 4b-24-1 to 4b-24-8, inclusive, of the Regulations of Connecticut State Agencies shall be applicable to the award of contracts for projects pursuant to sections 4b-24(4) and 4b-91(g) of the Connecticut General Statutes.

(Adopted effective October 5, 2005)

Sec. 4b-24-2. Definitions

As used in sections 4b-24-1 to 4b-24-9, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Design-build team” means design and construction professionals that join together to submit a proposal for the department’s consideration pursuant to section 4b-24(4) of the Connecticut General Statutes;

(2) “DPW chairperson” means the person designated by the commissioner or the commissioner’s designee, pursuant to subsection (d) of section 4b-100a of the Connecticut General Statutes;

(3) “DPW selection administrator” means the employee or employees at the department designated by the commissioner, or the commissioner’s designee, to provide administration of the selection process set forth in sections 4b-24-1 to 4b-24-8, inclusive, of the Regulations of Connecticut State Agencies;

(4) “Interview panel” means a construction services award panel set forth in section 4b-100a of the Connecticut General Statutes, that submits a list of recommended design-build teams or special legislation contractors to the commissioner;

(5) “Performance form” means the form set forth in section 4b-24-8(b) of the Regulations of Connecticut State Agencies;

(6) “Prequalification certificate” means the certificate issued by the Commissioner of Administrative Services pursuant to section 4a-100 of the Connecticut General Statutes;

(7) “Screening panel” means a construction services award panel set forth in section 4b-100a of the Connecticut General Statutes that screens all submitted proposals; and

(8) “Special legislation contractor” means a firm submitting a proposal pursuant to section 4b-91(g) of the Connecticut General Statutes.

(Adopted effective October 5, 2005)

Sec. 4b-24-3. Communications and conduct

(a) Except for communications authorized by sections 4b-24-4 and 4b-24-7 of the Regulations of Connecticut State Agencies, no other communications shall occur between employees of the State of Connecticut, interview panel members or screening panel members with substantive information concerning the work for which proposals are being solicited under sections 4b-24(4) or 4b-91(g) of the Connecticut General Statutes, and any member of a design-build team or special legislation contractor, or anyone on behalf of such teams or contractors. Nothing in this section prohibits communication with regard to nonsubstantive communications, such as directions to the department to pick up construction plans or information about the hours the department is open.

(b) Each screening and interview panel member shall submit to the commissioner a written certification attesting to the facts set forth in section 4b-100a(e)(3) of the Connecticut General Statutes, and that the panel member:

(1) has not communicated with any member of a design-build team or special legislation contractor, or anyone on their behalf, prior to the panel member's final scoring of each such team or contractor, except as provided in sections 4b-24-4 and 4b-24-7 of the Regulations of Connecticut State Agencies; and

(2) has no financial, personal or other interest in the outcome of the selection process.

(c) No employee shall participate in the selection of a design-build team or special legislation contractor or the award of a contract thereto if there is a conflict of interest, including, but not limited to the employee, the employee's spouse, child, child's spouse, brother, sister, mother, father, in-law or step children or their spouse, or fiancé or fiancée having a financial, personal or other interest in a person, firm, or other entity that is a design-build team member or a member of a special legislation contractor's construction team being considered for the contract award. For the purposes of this section, "financial, personal or other interest" shall include, but not be limited to, the receipt or promise of gifts, favors, services, or anything of value from such person, firm or entity.

(d) Panel members involved in the selection of a design-build team or special legislation contractor and employees involved in the selection process or the award of a contract shall neither accept nor solicit gifts, favors, services or anything of value from a person, firm, or other entity that is seeking to do business or is doing business with the department.

(e) All requests for additional information or an interpretation of the meaning of plans, specifications, proposal requirements and other documents shall be submitted in writing to the department's designated representative. The request shall be received at least five (5) business days prior to the deadline for submitting a proposal. No interpretations of the meaning of plans, specifications, proposal requirements and other contract documents shall be made orally to anyone who may submit a proposal or anyone on their behalf. All responses to such inquiries or requests shall be posted on the department's web site or be in the form of written addenda to the plans, specifications or other contract documents that shall be transmitted by mail, e-mail or fax to the lead firm of each design-build team or to the special legislation contractors.

(Adopted effective October 5, 2005)

Sec. 4b-24-4. Submissions

Design-build teams and special legislation contractors shall submit information, in addition to what is required in the legal notice and advertisement for design-build teams or in the invitation by the commissioner for a special legislation contractor, for consideration by the interview panel pursuant to any request from the DPW selection administrator.

(Adopted effective October 5, 2005)

Sec. 4b-24-5. Assistance to panels

The department may provide technical resource assistance to the screening and interview panels.

(Adopted effective October 5, 2005)

Sec. 4b-24-6. Screening panel

(a) No later than six (6) weeks after the deadline for proposal submission, unless extended in writing by the commissioner, each screening panel member shall:

(1) independently evaluate the proposals in accordance with the criteria set forth on the proposal evaluation form created pursuant to section 4b-24-8 of the Regulations of

Connecticut State Agencies and any information available pursuant to subsection (b) of this section;

(2) rate each proposal on the criteria specified on the proposal evaluation form;

(3) sign the completed proposal evaluation form and submit it to the DPW chairperson.

(b) Past performance of the design-build team, design-build team members, special legislation contractor or a member of a special legislation contractor's construction team shall be considered by the screening panel and the panel members' scores shall reflect such past performance. The information contained in any completed performance form for such team, member, or contractor; any information available pursuant to section 4a-101 of the Connecticut General Statutes; and any information or documents from department staff or contained within state agency files concerning the quality, workmanship, and performance regarding a design-build team, design-build team member, special legislation contractor, or a member of a special legislation contractor's construction team on prior work shall be considered by the panel members.

(c) The DPW chairperson and the DPW selection administrator shall tabulate the scores of all panel members and no more than the four (4) highest rated design-build teams or special legislation contractors shall be recommended for interview. Notwithstanding the provisions of this subsection, no such team or contractor shall be recommended for interview if such team or contractor failed to submit an affidavit or certification required pursuant to sections 4-251 and 4-252 of the Connecticut General Statutes.

(d) Each panel member shall submit to the commissioner the signed certification form required under section 4b-24-3(b) of the Regulations of Connecticut State Agencies.

(Adopted effective October 5, 2005)

Sec. 4b-24-7. Interview panel

(a) Each member of the interview panel shall review all documents concerning each proposal and design-build team or special legislation contractor, including, but not limited to, the original proposal, any documents submitted pursuant to section 4b-24-4 of the Regulations of Connecticut State Agencies, and any information regarding past performance.

(b) Prior to the start of the interviews, the panel members shall convene for a meeting for the purpose of ensuring that the members have a common understanding of the project, selection criteria, and the weights and rating scale to be applied in evaluating each design-build team or special legislation contractor. A maximum of two representatives from the agency, institution, school, or academy for which the project is being undertaken, who are not members of the panel, may be present for that meeting for the purpose of explaining the project and important design or construction factors. In no case shall such representatives comment specifically on any design-build team, design-build team member, special legislation contractor, or member of the special legislation contractor's construction team.

(c) Following the pre-meeting set forth in subsection (b) of this section, the panel members shall interview each design-build team or special legislation contractor.

(d) At the completion of each interview, each interview panel member shall independently evaluate the design-build team or special legislation contractor on the interview evaluation form, created pursuant to section 4b-24-8 of the Regulations of Connecticut State Agencies, and indicate his or her scoring of such team or contractor for each of the selection criteria. No one other than a panel member may

enter scores or comments on the form. Such forms shall be signed and given to the DPW chairperson after each interview.

(e) If, for any criteria, there is any score that is not within one letter grade of all the other scores, or there is any score of "F," a discussion may occur between panel members. The panel members may adjust their scores following such discussion. If a score is adjusted, the panel member shall initial the change and state in writing on his or her form the reasons for changing the score. In no case shall a panel member change a score based on coercion or pressure.

(f) After all interviews have been concluded, and all forms have been completed, signed and given to the DPW chairperson, the DPW chairperson shall tabulate the scores of all panel members and rank them according to their total scores, from highest to lowest; which ranking shall constitute the panel's recommendation to the commissioner. In the event of a tie, the tying design-build team or special legislation contractor given the highest total score by the user agency shall be ranked higher than the other tying team or contractor.

(g) Each panel member shall submit to the commissioner the signed certification form required under section 4b-24-3(b) of the Regulations of Connecticut State Agencies

(h) The commissioner may reject any recommendation from a selection panel if all forms required to be submitted pursuant to section 4b-24-3(b) of the Regulations of Connecticut State Agencies have not been submitted.

(Adopted effective October 5, 2005)

Sec. 4b-24-8. Forms

(a) The commissioner, or the commissioner's designee, shall develop a proposal evaluation form to be used by members of the screening panel, and an interview evaluation form to be used by members of the interview panel. The forms may contain criteria specific to the project for which design-build teams or special legislation contractors are being evaluated. Nothing in this subsection shall preclude the agency, institution, school, or academy for which the project is being undertaken from having input into what such criteria should be. The forms shall include the scoring scale of "A," "B," "C," and "F"; signifying the best to the worst score, respectively.

(b) The commissioner, or the commissioner's designee, shall develop a performance form or forms on which employees may report on the past performance and experience of consultants or contractors. Documents relevant to the performance may be attached to the performance form.

(Adopted effective October 5, 2005)

Sec. 4b-24-9. Other requirements applicable to special legislation contractors

(a) At the time of interview, each special legislation contractor shall submit an affidavit, on a form provided by the commissioner, attesting that the project proposal was not developed by fraud or by collusion with any person, and that such contractor did not receive any information from a public official or from an employee, as defined in section 4b-1-18 of the Regulations of Connecticut State Agencies, which information was not available to the general public, concerning the project for which the proposal was submitted.

(b) The criteria upon which special legislation contractors shall be evaluated by the panel members includes the following:

- (1) The contractor's prequalification classification;
- (2) The contractor's aggregate work capacity rating and single project limits;

(3) Information contained in the contractor's update statement, as required by section 4b-91(d) of the Connecticut General Statutes;

(4) The contractor's numerical rating pursuant to section 4a-100(f) of the Connecticut General Statutes;

(5) The responsiveness of the proposal to the requirements in sections 4b-91 to 4b-95a, inclusive, of the Connecticut General Statutes;

(6) The contractor's performance history, including any suspensions, disqualifications, or debarments, and experience, capacity, compliance with statutory requirements, including, but not limited to, any information available pursuant to section 4a-101 of the Connecticut General Statutes; and

(7) The contractor's ability to successfully perform projects of a similar size and scope.

(Adopted effective October 5, 2005)