

MINUTES OF THE NHCOC SPECIAL MEETING OF NOVEMBER 22, 2016

Members or Representatives in Attendance:

Barkhamsted, Donald Stein  
Colebrook, Tom McKeon  
Hartland, Wade Cole  
Kent, Bruce Adams  
Salisbury, Curtis Rand  
Washington, Mark Lyon

Canaan, Tim Downs  
Goshen, Bob Valentine  
Harwinton, Michael Criss  
Norfolk, Sue Dyer  
Warren, Craig Nelson

Others in Attendance:

Valerie Kennedy and Alix Simonetti from the CT Commission on Human Rights and Opportunities, John Fredsall, Rich Novak, Scott Tharau, Tim Downs, Garret Harlow, Josh Tanner, Bob Carberry, Lew Clark, Raz Alexe, Jim Rollins.

Call to Order.

The meeting, held at the Northwest CT Chamber of Commerce in Torrington, was called to order by Chairman Mark Lyon at 10:10 a.m.

Overview of Requirements of the CT Commission on Human Rights and Opportunities as They Relate to Municipal Public Works Projects. Valerie Kennedy stated that the new requirements are described on the CHRO's website at [www.ct.gov/chro](http://www.ct.gov/chro). She stated that the new requirements were developed to enhance economic opportunities for small businesses. In particular she noted that \$8 billion was spent on school construction in recent years and almost none of that was performed by small businesses. She stated that good faith efforts by municipalities to provide small business and minority set-asides will help keep tax dollars in Connecticut. Municipal paving projects can be divided into three basic categories, with differing requirements.

- 1) Paving Projects Under \$50,000 with or without state funding. These projects are not subject to the set-aside requirements, but must still include anti-discrimination language in the paving contract.
- 2) Paving Projects Over \$50,000 with state funding used. These projects must include contract compliance and set-aside language in all bid documents. Recommended language is available on the CHRO website. Towns can solicit bids from a General Contractor and this General Contractor is then responsible for meeting the set-aside goals and vetting the SBE/MBE subcontractors. Towns must also include contract compliance and set-aside language in all contract documents. Recommended language is available on the CHRO website. CHRO should be contacted when a public works contract is to include the use of State funding, when a pre-bid meeting is held, and when a bidder is selected. CHRO has a "Notification of Contract Award" form on their website. Ms. Kennedy emphasized that the CHRO does offer a "Limited Exemption for a Street Paving Contract" where a set-aside is not required. This 2-page form is available on the CHRO website, and is currently in effect through June 2017 although there is interest in extending the deadline for this exemption.
- 3) Paving Projects Over \$500,000 with state funding used. The provisions are the same as for paving projects over \$50,000 but towns must submit to the CHRO an "Intent to Award Contract Notice" prior to awarding a contract. This form is available on the CHRO website. The contractor for the project must also have submitted an approved Affirmative Action Plan to the CHRO or else the town must request authorization from the CHRO to execute a contract with retainage provisions. The municipal/vendor contract is not to be executed without CHRO approval.

General discussion followed. Bruce Adams stated that he has found that small businesses are reluctant to bid on projects now because they don't want to be burdened with the set-aside requirements and associated paperwork. Mike Criss expressed concern with the quality of work performed by some certified SBE/MBE set-aside contractors. Ms. Kennedy encouraged towns to report any problems they may have with certified contractors.

Ms. Kennedy distributed and reviewed a "Checklist for Municipalities for Contracting" with links to additional information and encouraged towns to utilize this form when going out to bid. She stated that most compliance requirements are the responsibility of the contractor, not the town. Procedural questions regarding the CHRO requirements can be directed to Valerie Kennedy at 860-541-3411 or by email at [Valerie.Kennedy@ct.gov](mailto:Valerie.Kennedy@ct.gov). Legal questions can be directed to Attorney Simonetti at 860-541-3430 or [alix.simonetti@ct.gov](mailto:alix.simonetti@ct.gov).

It was suggested that an evening meeting targeted to small businesses in the region could be beneficial to encourage them to get listed or certified on the DAS website as a SBE/MBE and to provide a forum for discussion of the CHRO requirements. Additional discussion followed.

#### Adjournment

The meeting was adjourned at 11:20 p.m.