



June 23, 2023

Representative Stephen Meskers
The Connecticut General Assembly
State Capitol Building
Hartford, CT 06106-1591

Re: Greenwich School Construction Projects

Dear Representative Meskers and Members of the Greenwich Building Committee:

This letter is in response to your questions concerning school construction projects in the Town of Greenwich. Our school construction team has been in constant contact with the Greenwich Building Committee as they work on applications for two projects. The guidelines of the grant program for these two projects, including deadlines and requested materials, are set in statute, Chapter 173 of the Connecticut General Statutes. Therefore, DAS is bound by statute and has no discretion to alter deadlines or rules within the program, our purpose is to administer the grants.

In terms of process, Greenwich must apply through the Office of the State Comptroller's secure portal which includes submission of plans and data on the project for approval of the Grant Administration and Plan Review teams at DAS. The district must have local approval for the local share of the project costs upon submission. This means a referendum or other local means of approval must be used. If Greenwich is not a referendum town, the evidence of the local share must be included within the application.

Upon receipt of a completed application, the Office of Grants Administration will evaluate the materials and, if complete, will recommend to the legislature the project be included on the next Priority List. No grant is committed by the DAS Commissioner without authorization from the legislature which includes passage of the school construction bill and signature by the Governor.

Any application received after June 30, 2023, will be considered submitted for June 30, 2024, and will be part of the 2025 School Priority List. Thus, if Greenwich cannot make the June 30, 2023 deadline for the next Priority List, they will have to wait for the June 30, 2024 deadline or seek special legislation through their delegation to be added to the 2024 Priority List after it is submitted by DAS. Greenwich can proceed with their project, following statutory processes, to obtain the funding locally through the town's process, submit their grant application in June of 2024, and be eligible for reimbursement upon grant commitment in 2025 understanding that there are risks of

not being reimbursed should the legislature not pass the school priority list bill and should the Governor not give his signature.

CGS § 10-283(a) states in relevant part:

The Commissioner of Administrative Services shall estimate the amount of the grant for which such project is eligible, in accordance with the provisions of section 10-285a, provided an application for a school building project determined by the Commissioner of Education to be a project that will assist the state in meeting its obligations pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any related stipulation or order in effect, as determined by the Commissioner of Education, shall have until September first to submit an application for such a project and may have until December first of the same year to secure and report all local and state approvals required to complete the grant application.

Greenwich had requested an “emergency application” which is not within statute, except for specific circumstances that are outlined in CGS § 10-287(b)(1). In statute, the only authority related to an emergency is for DAS to be able to waive competitive bidding requirements for a project that has already received a grant commitment, which Greenwich has not. Missing deadlines does not constitute such an emergency.

CGS § 10-287(b)(1) states in relevant part:

10-287(b) (1) All orders and contracts for school building construction receiving state assistance under this chapter, except as provided in subdivisions (2) to (4), inclusive, of this subsection, shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, except for (A) school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292, and (B) change orders, those contracts or orders costing less than ten thousand dollars and those of an emergency nature, as determined by the Commissioner of Administrative Services, in which cases the contractor or vendor may be selected by negotiation, provided no local fiscal regulations, ordinances or charter provisions conflict.

As stated previously, we have worked with the team in Greenwich to answer any questions they have had related to project deadlines. Our program follows the guidelines set by statute. Please feel free to reach out to our team with any further concerns.

Sincerely,



Michelle H. Gilman

Commissioner