Ms. Klimaszewski
This is in response to your inquiry of 8/4/18 in which you made the following request for clarification:

“3. The RFQ states adherence to Connecticut State General Statutes, including 4a-60g. Our firm is a professional engineering corporation in the State of Connecticut, not a contractor, and therefore does not fall under this category. Other commissioning services RFQs and RFPs by CT municipalities have not required adherence to this statute in the past, and most, if not all, CT firms that provide commissioning services are not registered as State of CT DAS contractors. Will this remain a requirement for this submission?”

Following your inquiry it was forwarded to the legal council for Connecticut Commission on Human Rights and Opportunities (CHRO). The response received from the CHRO counsel provided the following:

“This is in response to your inquiry below. I understand that the CMR is retaining a commissioning agent. If the Commissioning agent is performing architectural or engineering types of work which only it is performing and if it is not involved with hiring trade contractors or suppliers or other firms (security, maintenance, landscaping, etc.) to perform any of the construction project work, then it only has to include the nondiscrimination contract language (Conn. Gen. Stat. §§ 4a-60 and 4a-60a) in the contract. the Commission Agent Contractor also has to comply with the nondiscrimination language in the performance of the contract.

I am not familiar with the work of commissioning agents. In the event the Commissioning agent is involved in hiring contractors or subcontractors to perform work on the construction project, then it would have to comply with set aside plan requirements of making good faith efforts to satisfy set aside plan goals pursuant to Conn. Gen. Stat. §4a-60g.”

I believe this guidance clarifies your concerns. The CGS §4a-60g requirement will remain part of the RFQ only to the extent that BVH or its subcontractors perform work on the construction project. System evaluation and reporting the results of that evaluating process does not constitute “work on the construction project.” Thank you for bringing this issue to our attention and for your RFQ submission.
Regards,
Ron Ochsner