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Description of Organization—Rules of Practice

Article I

Description of Organization

Part 1

Introduction

Sec. 4b-1-1. Creation and authority

The Department of Public Works was established as an agency of the executive branch of state government by the provisions of Public Act 87-496, effective July 1, 1987. Prior to this date, the Department was a bureau within the Department of Administrative Services since 1977.

(Effective February 24, 1992)

Sec. 4b-1-2. General powers and responsibilities

The head of the Department is the Commissioner of Public Works as established by section 4-5 of the General Statutes of Connecticut. The general qualifications, powers, and duties of the Commissioner as a Department head are as provided by section 4-8 of the General Statutes. The duties of the Commissioner of Public Works are as provided by section 4b-1 of the General Statutes.

(Effective February 24, 1992)

Sec. 4b-1-3. Principal duties

The principal duties of the Department of Public Works are, except as otherwise provided by law, the planning, design and construction of capital improvements undertaken by the State except for highway, bridge, and mass transit related improvements; the purchase, lease and acquisition of real property and space to accommodate State agencies; the disposition of surplus real property; the rendering of technical assistance to State agencies in the planning, design, and development of plans for improvements to their physical plants; and the supervision, security, and care of buildings and grounds owned or leased by the State in the City of Hartford or designated by the Governor.

(Effective February 24, 1992)

Sec. 4b-1-4. Location of principal office

The principal office of the Department of Public Works is at Hartford, Connecticut. All communications should be addressed to Commissioner, Department of Public Works, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106. The offices of the Department are open from 8:30 A.M. to 4:30 P.M. each weekday except Saturdays, Sundays, and legal holidays.

(Effective February 24, 1992)

Sec. 4b-1-5. Location of district offices

The Department also has three district construction offices:

District #1 — 20 Jarvis Road
Cheshire, 06410
203-272-2913

District #2 — Russell Road
Newington, 06111
203-666-8481

District #3 — Mansfield Depot, 06251
203-486-2392
(Effective February 24, 1992)

Part 2

Course and Method of Operation

Sec. 4b-1-6. Commissioner of public works

The Commissioner is responsible for developing Departmental policy, providing strategic direction to all staff, and ensuring the effective and efficient operation of the Department. The Deputy Commissioners have been designated to exercise the powers and duties of the Department head in the absence or disqualification of the Commissioner, or upon his or her death, until he or she resumes the duties of office or until the vacancy is filled.

(Effective February 24, 1992)

Sec. 4b-1-7. Office of the commissioner

The Office of the Commissioner provides strategic management direction along with traditional personnel, affirmative action, internal auditing, communications, and public information services.

(Effective February 24, 1992)

Sec. 4b-1-8. Deputy commissioners

The Commissioner is authorized by law to appoint such deputies as may be required for the efficient conduct of business of the Department. The Department currently has two Deputy Commissioners.

(Effective February 24, 1992)

Sec. 4b-1-9. Bureaus of the department

In addition to the office of the Commissioner, the Department has two major bureaus. The Bureau of Design and Construction and the Bureau of Administration. Each Bureau is headed by a Deputy Commissioner.

(Effective February 24, 1992)

Sec. 4b-1-10. Deputy commissioner bureau of design and construction

The Deputy Commissioner of the Bureau of Design and Construction reports directly to the Commissioner. The Deputy Commissioner is responsible for the efficient management of the Bureau in a manner consistent with the strategic direction established by the Commissioner.

(Effective February 24, 1992)

Sec. 4b-1-11. Bureau of design and construction

The Bureau of Design and Construction directs the design, engineering, and construction of state capital improvements except for legislative facilities, transportation projects, small Judicial projects, and Connecticut Marketing Authority facilities. In this capacity, the Bureau is responsible for the selection of architects, engineers, project and construction managers, and landscape designers. The Bureau is also responsible for the supervision and inspection of all capital construction projects along with related energy construction, fire safety, and asbestos removal projects.

(Effective February 24, 1992)

Sec. 4b-1-12. Deputy commissioner bureau of administration

The Deputy Commissioner of the Bureau of Administration reports directly to the Commissioner. The Deputy Commissioner is responsible for the efficient management of the Bureau in a manner consistent with the strategic direction established by the Commissioner.

(Effective February 24, 1992)

Sec. 4b-1-13. Bureau of administration

The Bureau of Administration provides traditional services such as budgeting, accounting, purchasing, financial management, management information systems, bidding of Public Works projects, and facilities management. The Bureau also coordinates the preparation of capital facilities plans with state agencies; provides technical assistance for developing projects; purchases, leases, or otherwise acquires real property and space to accommodate state agencies; disposes of surplus real property; and is responsible for the maintenance, control, and security of state buildings in the Hartford area.

(Effective February 24, 1992)

Sec. 4b-1-14. Contracting functions

In order to discharge the principle duties of the Department, the Commissioner is authorized by law to enter into contractual agreements and to accept conveyances of real property or interests therein. Every contract for design professional services is governed by the provisions of sections 4b-55 through 4b-59, inclusive of the General Statutes, and by regulations adopted thereunder. Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building by the State, which is estimated to cost more than two hundred and fifty thousand (\$250,000) dollars, is awarded to the lowest responsible and qualified bidder, in accordance with the procedures established by Chapter 60 of the General Statutes. All leases of space and property acquisitions made by the Commissioner are subject to applicable provisions of the General Statutes, and to review and approval by the State Properties Review Board. The rights and remedies of all persons contracting with the State through the Commissioner of Public Works are as provided by applicable provisions of law and by the express terms of specific agreements.

(Effective February 24, 1992)

Part 3**Public Information****Sec. 4b-1-15. Public inspection**

It is the avowed policy of the Department to make available for public inspection all files, records, documents and other materials within its possession, unless specifically exempt from public disclosure under the provisions of section 1-19 of the General Statutes, or unless otherwise prohibited by law. In addition to publication of regulations adopted, amended or repealed as required by Chapter 54 of the General Statutes as amended, a compilation of all Department regulations, policy statements, final orders, minutes, decisions, official opinions, and all forms and instructions used by the various divisions of the Department is available for public inspection in the Office of the Commissioner during normal business hours. The Department reserves the right to charge a monetary fee, for the furnishing to any person of

documents within its possession, as authorized and prescribed by section 1-15 of the General Statutes, as amended.

(Effective February 24, 1992)

Sec. 4b-1-16. Request for information

(a) Requests for information should be directed to the Commissioner, 165 Capitol Avenue, Hartford, Connecticut 06106.

(b) There is no prescribed form for requests for information directed to the Department. Requests should be sufficiently specific to permit easy identification of the information requested, and may be made in writing, in person, or by telephone.

(Effective February 24, 1992)

Article II

Rules of Practice

Part 1

Scope and Definitions

Sec. 4b-1-17. Procedure governed

This article sets forth the nature and requirements of all formal and informal procedures available to persons having business with the Department of Public Works or otherwise legally affected by any decision or discharge of any function of the Department. The rules set forth herein shall govern practice before the Department under the applicable laws of the State of Connecticut, and except as otherwise provided by statute or contracts entered into by the Commissioner or an authorized employee of the Commissioner pursuant to the General Statutes.

(Effective February 24, 1992)

Sec. 4b-1-18. Definitions

As used in sections 4b-1-1 to 4b-1-30, inclusive, and sections 4b-24-1 to 4b-24-9, inclusive, and sections 4b-100-1 to 4b-100-10, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Advertisement" means the advertisement posted on the department web site that corresponds to the legal notice requesting bids for specific work;
- (2) "Commissioner" means the Commissioner of Public Works;
- (3) "Department" means the Department of Public Works;
- (4) "Employee" means an employee of the department or the client agency;
- (5) "Legal notice" means the notice published in the newspaper pursuant to section 4b-24(4) or 4b-91 of the Connecticut General Statutes; and
- (6) "Party," "person," "regulation," and "proposed regulation," shall have the same meaning as set forth in section 4-166 of the Connecticut General Statutes.

(Effective February 24, 1992; amended October 5, 2005)

Part 2

Petitions Concerning Adoption of Regulations

Sec. 4b-1-19. General rule

These rules set forth the procedure to be followed by the Commissioner in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.

(Effective February 24, 1992)

Sec. 4b-1-20. Form of petitions and procedure for submission

Any interested person may at any time petition the Commissioner to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the Commissioner and sent to him by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of the petitioner's attorney, if applicable.

(Effective February 24, 1992)

Sec. 4b-1-21. Procedure after petition filed

(a) **Decision on Petition.** Upon receipt of the petition the Commissioner shall within thirty days determine whether to deny the petition or to initiate regulation-making proceedings in accordance with the provisions of Chapter 54 of the General Statutes.

(b) **Procedure on denial.** If the Commissioner denies the petition, he shall give the petitioner notice in writing stating the reasons for the denial based upon such additional data, facts, and arguments as the Commissioner shall deem appropriate.

(Effective February 24, 1992)

Part 3**Requests for Declaratory Rulings****Sec. 4b-1-22. General rule**

These rules set forth the procedure to be followed by the department in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or any regulation or order of the department.

(Effective February 24, 1992)

Sec. 4b-1-23. Form of petition for declaratory ruling

Any interested person may at any time request a declaratory ruling of the department with respect to (1) the validity of any regulation or (2) the applicability to such person of any statute, regulation or final decision enforced, administered, or promulgated by the department. Such request shall be addressed to the department and sent to the Commissioner by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation, or decision concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for a declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry.

(Effective February 24, 1992)

Sec. 4b-1-24. Procedure after petition filed

(a) **Notice to other persons.** The Commissioner may give notice to any person that such a declaratory ruling has been requested and may receive and consider

data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(b) **Provision for hearing.** If the Commissioner deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the Commissioner shall schedule such hearing and give notice of such hearing to the person making the request and to any other persons as the Commissioner deems appropriate.

(c) **Decision on petition, ruling denied.** If the Commissioner determines that a declaratory ruling will not be rendered, the Commissioner shall within ten days thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the Commissioner relied in so deciding.

(d) **Decision on petition, ruling granted.** If the Commissioner renders a declaratory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the Commissioner.

(Effective February 24, 1992)

Part 4

General Provisions

Sec. 4b-1-25. Computation of time

Computation of any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the Department is closed, in which event the period shall run until the end of the next following business day.

(Effective February 24, 1992)

Sec. 4b-1-26. Extension of time

At the discretion of the Commissioner, for good cause shown, any time limit prescribed or allowed by these rules may be extended insofar as such extension is not precluded by statute. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended. The Commissioner shall notify all parties of the Department's action upon such motion.

(Effective February 24, 1992)

Sec. 4b-1-27. Rejection for incompleteness

Any application, proposal or petition may be rejected by the Department if it is incomplete or otherwise inadequate to permit processing or disposition thereof, unless prohibited by law. Any rejection under this section shall lapse any period of time prescribed by statute or by rule which begins to run when a person files a petition or application with the Department.

(Effective February 24, 1992)

Sec. 4b-1-28. Date of filing

All correspondence, petitions, applications and any other documents governed by these rules, shall be deemed to have been filed or received on the date on which they are issued or received by the Department at its principal offices.

(Effective February 24, 1992)

Sec. 4b-1-29. Identification of communications

Communications should embrace only one matter, should contain the name and address of the communicator and the subject of the communication, and shall be dated.

(Effective February 24, 1992)

Sec. 4b-1-30. Formal requirements as to documents and other papers filed

(a) **Copies.** Except as may be otherwise required by these rules or by any other rules or regulations of the Department or ordered or expressly requested by the Department, at the time petitions, applications, documents or other papers are filed with the Department, there shall be furnished to the Department an original of such papers.

(b) **Form.** Except for such forms as may from time to time be provided by the Department and used where appropriate petitions, applications, documents or other papers filed for the purpose of any proceeding before the Department shall be printed or typewritten on paper cut or folded to either letter or legal size. Width of margins shall be not less than one inch. The impression shall be only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five (5) typewritten lines shall be single spaced and indented.

(Effective February 24, 1992)