



CONNECTICUT HOUSING FINANCE AUTHORITY
REQUEST FOR PROPOSALS ("RFP") FOR
**Technology Solution for Administering
Homeownership Assistance Funds (HAF)**

May 6, 2021

The Connecticut Housing Finance Authority ("CHFA") requests written proposals from qualified firms for the acquisition of an information technology solution to assist CHFA administer the allocation of the Homeowner Assistance Funds (HAF).

CHFA will not reimburse for any expenses incurred in connection with this Request for Proposals ("RFP") including, but not limited to, the cost of preparing the initial response and any additional information requested or travel expenses relating to an oral presentation. Please be advised that responses will be considered property of CHFA, are matters of public record, and may be publicly disclosed by CHFA after the awarding of the contract.

OVERVIEW

CHFA, a body politic and corporate constituting a public instrumentality and political subdivision of the State of Connecticut, was created in 1969 and operates pursuant to Chapter 134 of the Connecticut General Statutes, as amended. CHFA's purpose is to help alleviate the shortage of affordable housing for low and moderate-income families and persons in Connecticut by providing single family mortgages, financing for rental housing, and mortgages for the purchase, development and construction of housing.

For additional information about CHFA, please reference CHFA's website at www.chfa.org.

The American Rescue Plan Act of 2021 (Public Law No: 117-2) established by the U.S. Treasury Department allocates funds to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeownership delinquencies, defaults and foreclosures. CHFA will be responsible for the distribution of these funds to eligible citizens of Connecticut.

CHFA is requesting proposals for an information technology solution to support and manage the disbursement of funds within this program to all eligible applicants in an expedited timeframe. The information provided by the applicant needs to be gathered, organized, qualified and processed in order to meet rapidly evolving program requirements.

The desired solution will consist of an outward-facing secure portal for homeowners to apply for funds and an inward-facing secure system for CHFA staff and partner firms to process borrower applications for distribution of funds. The desired firm of the solution should be familiar with the policies and processes of the American Rescue Plan Act and should have successfully supported similar government programs.

SCOPE OF SERVICES

CHFA is seeking proposals from qualified firms for the acquisition of an information technology solution to assist CHFA administer the allocation of the HAF funds. The desire is to implement a product that will be customized to CHFA needs in order to achieve a higher degree of integration and to facilitate processing of applications from intake to disbursement in a real-time and non-duplicative manner.

Implementation will require close coordination with CHFA technical staff and end users. The selected firm will provide software installation along with training. CHFA anticipates this project to commence immediately following execution of a contract and implemented in an extremely expedited timeframe.

At the time of this RFP, many details from the U.S. Treasury and State are yet to be defined and are rapidly evolving. The firm must be willing to incorporate enhancements to the solution once additional details of the program become available.

The solution should incorporate interface(s) that facilitates the following:

- 1) An external-facing applicant/homeowner portal for intake
- 2) An internal-facing processing system for underwriting and payment processing
- 3) An external-facing citizens reporting web-page(s) (optional)
- 4) An external-facing reporting web-page(s) for legislators/Governor's office (optional)

1) External-facing Applicant/Homeowner portal

The external-facing applicant/homeowner will be a secure portal that allows application intake. The desired characteristics of this portal include:

- CHFA custom branding
- Responsive design (mobile phones, tablets)
- User login with multi-factor authentication
- Step-by-step application intake
- Save-and-complete-later option
- Address validations (desired)
- Application forms' library
- Document upload options (standard document/image formats)
- Eligibility checks based on predefined thresholds
- Rule-based prequalification
- Ability for applicants to view status, alerts and notifications
- Configurable help and FAQs
- Online signature capability (e-sign)
- Application print option

2) Internal-Facing Processing system

The internal-facing processing system will allow CHFA staff to validate, underwrite and process applications. The desired characteristics of this system include:

- Application pipeline processing
 - View application pipeline (complete and incomplete)
 - Assign staff for initial validation
 - Duplicate checks
 - Validate, qualify or disqualify applications
 - Request additional information from applicants
 - Update application status and generate notifications
 - Assign staff for processing/underwriting
 - Case management and underwriting workflows
 - Application underwriting
 - Application approval and denial
 - Application appeal process
 - Ability to maintain comments/notes on applications
 - Payment processing

The general characteristics of the desired system include:

- Ability to assign application processing to external caseworkers
- Full audit trail for applications
- Advanced application search capabilities
- ACH/payment processing
- Retention and disposition
- Tax document generation
- Application eligibility assessment (rule-based)
- Processing workflow and automation capabilities
- Ad-hoc reporting
- Custom/built-in reporting and analytics
- Add-on services for call/application intake
- Add-on services for ACH/direct deposit

WARRANTY

The selected firm shall warrant the product throughout the length of the program. During this warranty period, the firm shall, at no additional cost to CHFA, be responsible for timely correcting any defects causing any portion of the system to be inoperable or any defects resulting in inaccurate results produced by the system at no cost to CHFA.

SECURITY

Successful firm will be required to provide a statement relative to the security of the product and its hosting facility along with service level agreements (SLAs), configuration, support, guaranteed uptimes, business continuity and emergency response process.

EVALUATION CRITERIA

Firms will be evaluated based on their written response to this RFP, additional written information as requested by CHFA and oral interviews, if any, including but not limited to the following criteria:

1. Reputation and experience of the firm
2. Relevant experience
3. Organization and approach of firm to complete project
4. Qualifications of assigned personnel
5. Cost, including the firm’s willingness to provide price protection
6. Equal employment opportunity and affirmative action
7. Conflicts or potential conflicts
8. Connecticut presence

REQUESTED INFORMATION

All firms must address the following issues and questions in the response:

1. Details of the product describing the features, functionalities, integrations and capabilities.
2. Documentation, brochures or other collateral information about the product that will help with this decision.
3. A brief description of your organization and previous experience in providing services as described in this RFP. Indicate the total number of staff in your organization and the number of staff that you expect to assign to this project.
4. A brief description of the background of the individual staff who would be assigned to work with CHFA.

5. Unit costs should be provided where appropriate. Breakdown of costs should be provided as follows:
 - Product cost/licensing
 - Initial setup (one-time cost)
 - Training
 - Hosting charges
 - Add-on services (advisory, call center, direct deposit/ACH, processing)
 6. The cost for product professional services plus out of pocket costs (such as surveys, report reproduction, typing, postage, copies, etc.) including your estimated total cost of this project. Please indicate any specific price reductions or discounts made available to government agencies.
 7. System maintenance/upkeep schedules including backup schedule, performance and application availability.
 8. The proposal should include a project schedule, identification of a project manager, team members and key personnel involved.
 9. Submit specific information regarding your company's commitment to Affirmative Action. Please include at a minimum formal internal hiring practices and discussion of working relationships with women and minority-owned companies. Please include your company's most recent Equal Employment Opportunity Commission report, if required to file.
 10. Describe any and all material lawsuits, legal or administrative proceedings or governmental investigations, criminal actions or law enforcement activities (including those by federal, state or local authorities, or self-regulatory organizations) or non-routine inquiries or investigations relating to you, your firm, or any of your affiliates, including any proceedings to which you, your firm, your affiliates or any of their respective officers, directors or employees are a named party or of which any of such has been the focus, that have occurred in the last three (3) years or that are currently threatened, including whether you, your firm, or any of your affiliates, or their respective officers, directors or employees have been censured by any regulatory body. Describe any such circumstances and advise whether these investigations or proceedings will affect you or your firm's ability to complete the proposed transaction and perform the services in this RFP.
 11. Describe whether you foresee any potential conflicts of interest arising from providing these services. If so, describe how your firm would address potential conflicts of interest.
 12. Has your firm ever been removed from an account prior to the expiration of its contract (i.e., been fired)? If so, please explain. If you wish, list the name of a third party with whom CHFA could discuss this termination.
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13. Describe your firm's knowledge of and past experience with CHFA.
14. Please provide as references, a minimum of three clients for whom your firm has performed similar and substantial services. Please include the name of the person to contact, his or her phone number and email address. Please include as references any other State of Connecticut agencies or departments that have engaged your firm to perform services.
15. Selected firms must comply with CHFA and State Ethics requirements, laws and regulations. Persons seeking to do business with CHFA are required to comply with the attached ethics statement and the applicable provisions of the Code of Ethics and Code of Ethics for Lobbyists incorporated therein by reference. An authorized signatory of the firm submitting qualifications shall execute and submit with the proposal the attached certifications (attached as **Exhibit A**) regarding Connecticut General Statutes sections 4-250 and 4-252a. In addition, an authorized signatory of the firm awarded this contract shall execute the attached CHFA statutory provisions, affidavits and certifications, attached for informational purposes as **Exhibit B**.

FREEDOM OF INFORMATION ACT

Please be advised that all information submitted in a proposal or in response to a request for additional information is subject to disclosure under the Connecticut Freedom of Information Act as amended and judicially interpreted. If a firm believes that its response contains financial, trade secrets or other data that it claims should not be public, ("Confidential Information"), the firm must identify specifically the pages and portions of its proposal or additional information that contain the claimed Confidential Information by visibly marking all such pages and portions. An entire response marked Confidential will not be accepted.

If CHFA receives a request for an applicant's Confidential Information, it will use its best efforts to notify the firm of such request and provide the applicant with a copy of any written disclosure request, provided, CHFA will not be liable to the firm or any other party for any failure to act as described herein. The firm may provide written consent to the disclosure or may object to the disclosure by notifying CHFA in writing, identifying in the notice the basis for its objection, including the appropriate statutory exemption(s) from disclosure. The firm shall be responsible for defending any complaint brought in connection with the nondisclosure, including, but not limited to, appearing before the Freedom of Information Commission, providing witnesses and documents as appropriate, and for payment of CHFA's costs and expenses, including attorney fees.

SUBMISSION OF RESPONSES

The following requirements must be observed in the preparation and submission of a proposal:

1. All inquiries should be directed to Shelly Mondo at RFP.RFQ@chfa.org no later than 4:00 p.m.
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on **Friday, May 14, 2021**. Firms submitting a proposal should not contact members of the Board of Directors or CHFA staff, which may be grounds for elimination from consideration.

2. Submissions must be sent electronically to RFP.RFO@chfa.org submitted to Shelly Mondo at CHFA, 999 West Street, Rocky Hill, CT 06067-4005 no later than 4:00 p.m. on **Friday, May 21, 2021**. **Faxed responses will not be considered.**
4. Responses must include a cover letter signed by an individual authorized to enter into an agreement with CHFA on behalf of the firm which shall specify the category for which a proposal is being submitted.
5. Selected firms must comply with all state and federal laws applicable to CHFA including, but not limited to, ethics requirements, laws, procedures and regulations and must execute CHFA statutory provisions, certifications and affidavits attached hereto.

CHFA reserves the right to:

- a. Reject any and all proposals received in response to this request;
- b. Negotiate the fees contained in any proposal;
- c. Waive or modify any irregularities in proposals received;
- d. Award contracts in any manner necessary to serve the best interest of CHFA and the State of Connecticut, without obligation to accept a proposal based upon the lowest fee schedule; and
- e. Request additional information as determined necessary or request some or all firms responding to make oral presentations.

Each approved firm will execute a contract satisfactory to CHFA and will agree to comply with the provisions of Connecticut General Statutes applicable to contracts with CHFA including, but not limited to, nondiscrimination and affirmative action provisions. Failure to comply with the requirements of this RFP may result in CHFA's rejection of a proposal.

Thank you for your interest in the Connecticut Housing Finance Authority. The Connecticut Housing Finance Authority is an Affirmative Action/Equal Opportunity Employer.

Exhibit A

TO BE SUBMITTED WITH RESPONSES

**CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-250
Gift and Campaign Contribution Certification
(for contracts valued at \$50,000 or more in a calendar or fiscal year)**

Contractor hereby swears as true to the best knowledge and belief of the person signing below

(1) That no gifts were made by (A) the Contractor, (B) any principals and key personnel of the Contractor, who participate substantially in preparing bids, proposals or negotiating state Contracts, or (C) any agent of the Contractor or principals and key personnel, who participate substantially in preparing bids, proposals or negotiating state Contracts to (i) any public official or employee of CHFA soliciting bids or proposals for the Contract, who participates substantially in preparation of bid solicitations or requests for proposals for the Contract or the negotiation or award of the Contract, or (ii) any public official or state employee of any other state agency who has supervisory or appointing authority over CHFA;

(2) That no such principals and key personnel of the Contractor or agent of the Contractor or principals and key personnel, knows of any action by the Contractor to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the Contractor to provide a gift to any such public official or state employee; and

(3) That the Contractor is submitting bids or proposals without fraud or collusion with any person.

Any bidder or proposer that does not make the certification required under (1) through (3) above shall be disqualified and CHFA shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(4) Contractor further swears and attests that the following are all contributions made by principals and key personnel of the Contractor to campaigns of candidates for state-wide public office or the General Assembly of the State of Connecticut:

Name of Candidate	Contributor	Amount of Contribution	Date of Contribution

attach additional pages as required

**CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-252a
Prohibiting State Contracts with Entities Making Certain Investments in Iran**

Is your principal place of business located outside of the United States?

_____ Yes _____ No

If yes, have you made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, or increased or renewed such investment on or after said date?

_____ Yes _____ No

Contractor agrees to update this certification not later than 30 days after the effective date of any change in the certification or upon submittal of any new bid or proposal for a large state contract, whichever is earlier. Contractor shall submit an accurate, updated certification not later than 14 days after the 12-month anniversary of the most recently filed certification or updated certification.

Subscribed and sworn to subject to the penalties of false statement, Connecticut General Statutes § 53a-157b.

Contractor Name

Signature of Principal

Federal Employer ID Number or Social Security Number

Printed Name

Sworn and subscribed before me on this _____ day of _____, 20____.

Notary Public/Commissioner of the Superior
Court

Revised 6/2014

STATUTORY PROVISIONS, AFFIDAVITS AND CERTIFICATIONS

RE: Contract ("Contract") by and between _____ ("Contractor") and CHFA.
Contract Execution Date: _____, _____. I, _____, _____
Name Title

of the Contractor, an entity duly formed and existing under the laws of the State of Connecticut hereby certify as follows:

I am over the age of eighteen (18) and understand and appreciate the obligations of an oath:

CERTIFICATION RE: CONNECTICUT GENERAL STATUTES §§ 4a-60 AND 4a-60a, as amended, Nondiscrimination and Affirmative Action Provisions

(CHECK THE REPRESENTATION/CERTIFICATION THAT APPLIES)

(for contracts valued at less than \$50,000)

I hereby represent that I am authorized to execute and deliver this representation on behalf of Contractor and that Contractor has a policy in place that complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

(for contracts valued at \$50,000 or more)
(CHOOSE ONE)

I hereby certify that I am over the age of eighteen (18) and understand and appreciate the obligations of an oath, that I am authorized to execute and deliver this affidavit on behalf of Contractor and that Contractor has a policy in place and in effect that complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

OR

I hereby certify that the following is a true and correct copy of a resolution adopted on the ___ day of _____, 20___ by the governing body of Contractor in accordance with all of its documents of governance and management and the laws of _____, and further certify that such resolution has not been modified, rescinded or revoked, and is, at present, in full force and effect:

RESOLVED: That _____ hereby adopts as its policy the nondiscrimination agreements and warranties required under Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended. In witness whereof, the undersigned has executed this certificate the day and date indicated below.

OR

I have reviewed the attached prior resolution. I certify that that the attached prior resolution complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended and the prior resolution remains in full force and effect on the date this documentation is submitted to CHFA. **(ATTACH COPY OF PRIOR RESOLUTION)**

FOR INFORMATIONAL PURPOSES ONLY

OR

I am an _____ or officer duly authorized to adopt company or corporate policy. I hereby certify that the company or corporate policy of the Contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of Section 4a-60 and complies with the nondiscrimination agreement and warrant under subdivision (1) of subsection (a) of Section 4a-60a and is in effect on the date hereof. Contractor agrees to comply with §4a-60 and §4a-60a as amended and Civil Rights Acts of 1964 and 1968 and Executive Orders relating thereto, as applicable.

**NOTICE RE: CONNECTICUT GENERAL STATUTES § 31-57b
Occupational Health and Safety Act Compliance**

Contractor is not in violation of, is in compliance with and will remain in compliance with Connecticut General Statutes § 31-57b.

**CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-250
Gift and Campaign Contribution Certification
(for contracts valued at \$50,000 or more in a calendar or fiscal year)**

Contractor hereby swears as true to the best knowledge and belief of the person signing below

(1) That no gifts were made by (A) the Contractor, (B) any principals and key personnel of the Contractor, who participate substantially in preparing bids, proposals or negotiating state Contracts, or (C) any agent of the Contractor or principals and key personnel, who participate substantially in preparing bids, proposals or negotiating state Contracts to (i) any public official or employee of CHFA soliciting bids or proposals for the Contract, who participates substantially in preparation of bid solicitations or requests for proposals for the Contract or the negotiation or award of the Contract, or (ii) any public official or state employee of any other state agency who has supervisory or appointing authority over CHFA;

(2) That no such principals and key personnel of the Contractor or agent of the Contractor or principals and key personnel, knows of any action by the Contractor to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the Contractor to provide a gift to any such public official or state employee; and

(3) That the Contractor is submitting bids or proposals without fraud or collusion with any person.

Any bidder or proposer that does not make the certification required under (1) through (3) above shall be disqualified and CHFA shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(4) Contractor further swears and attests that the following are all contributions made by principals and key personnel of the Contractor to campaigns of candidates for state-wide public office or the General Assembly of the State of Connecticut:

Name of Candidate	Contributor	Amount of Contribution	Date of Contribution
_____	_____	_____	_____
Name of Candidate	Contributor	Amount of Contribution	Date of Contribution

attach additional pages as required

Contractor agrees to update this affidavit on an annual basis.

**FOR INVESTMENT SERVICES
DISCLOSURE OF THIRD PARTY FEES CONNECTICUT GENERAL STATUTES §3-13j**

Contractor hereby swears and attests that all third party fees* attributable to the Contract **whenever paid** are as follows:

Name of Payee	Dollar amount of value of non-cash compensation & date	Fee arrangement	Specific services performed by payee

(attach additional pages as required)

***Third party fees includes, but is not limited to: management fees, placement agent fees, solicitation fees, referral fees, promotion fees, introduction or matchmaker fees and due diligence fees or as otherwise defined in Connecticut General Statutes Section 3-13j or any amendments thereto.**

**AFFIDAVIT AND CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4a-81
Consultant Affidavit**

(for contracts valued at \$50,000 or more in any calendar or fiscal year)

Contractor hereby swears and attests as true to the best knowledge and belief of the person signing below that no consulting agreement as defined in Connecticut General Statutes § 4a-81 has been entered into in connection with the Contract, except as follows:

For each consultant, list the name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, indicate his or her former agency and the date such employment terminated.

1. _____

2. _____

attach additional pages as required

Contractor hereby agrees to amend this affidavit whenever any new consulting agreement is entered into during the term of the Contract. Failure to comply will result in disqualification.

Contractor hereby acknowledges receipt of:

- SEEC Form 10, Notice of Connecticut General Statutes § 9-612(g)(2)
- CHFA Ethics Statement
- Whistleblowing, Connecticut General Statutes § 4-61dd

FOR INFORMATIONAL PURPOSES ONLY

**CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-252a
Prohibiting State Contracts with Entities Making Certain Investments in Iran**

Is your principal place of business located outside of the United States?

_____ Yes _____ No

If yes, have you made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, or increased or renewed such investment on or after said date?

_____ Yes _____ No

Subscribed and sworn to subject to the penalties of false statement, Connecticut General Statutes § 53a-157b.

Contractor Name

Signature of Authorized Official

Federal Employer ID Number or Social Security Number

Printed Name of Authorized Official

Sworn and subscribed before me on this _____ day of _____, _____.

Notary Public/Commissioner of the Superior Court

**(FOR EXECUTION BY CHFA WHERE CONTRACTOR SUPPLIES PRIOR
RESOLUTION REGARDING NONDISCRIMINATION)**

I, the undersigned head of CHFA, or designee, certify that the attached prior resolution complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

Signature

Date

FOR INFORMATIONAL PURPOSES ONLY



Notice to Executive Branch State Contractors and Prospective State Contractors of Campaign Contribution and Solicitation Limitations

Acknowledgement of Receipt of Explanation of Prohibitions for Incorporation in Contracting and Bidding Documents

This notice is provided under the authority of Connecticut General Statutes § 9-612 (f) (2) and is for the purpose of informing state contractors and prospective state contractors of the following law (italicized words are defined on the reverse side of this page).

CAMPAIGN CONTRIBUTION AND SOLICITATION LIMITATIONS

No *state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor*, with regard to a *state contract or state contract solicitation* with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee (which includes town committees).

In addition, no holder or principal of a holder of a valid prequalification certificate shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of state senator or state representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

On and after January 1, 2011, no state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder of a valid prequalification certificate, shall **knowingly solicit** contributions from the state contractor's or prospective state contractor's employees or from a *subcontractor or principals of the subcontractor* on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

DUTY TO INFORM

State contractors and prospective state contractors are required to inform their principals of the above prohibitions, as applicable, and the possible penalties and other consequences of any violation thereof.

PENALTIES FOR VIOLATIONS

Contributions or solicitations of contributions made in violation of the above prohibitions may result in the following civil and criminal penalties:

Civil penalties—Up to \$2,000 or twice the amount of the prohibited contribution, whichever is greater, against a principal or a contractor. Any state contractor or prospective state contractor which fails to make reasonable efforts to comply with the provisions requiring notice to its principals of these prohibitions and the possible consequences of their violations may also be subject to civil penalties of up to \$2,000 or twice the amount of the prohibited contributions made by their principals.

Criminal penalties—Any knowing and willful violation of the prohibition is a Class D felony, which may subject the violator to imprisonment of not more than 5 years, or not more than \$5,000 in fines, or both.

CONTRACT CONSEQUENCES

In the case of a state contractor, contributions made or solicited in violation of the above prohibitions may result in the contract being voided.

In the case of a prospective state contractor, contributions made or solicited in violation of the above prohibitions shall result in the contract described in the state contract solicitation not being awarded to the prospective state contractor, unless the State Elections Enforcement Commission determines that mitigating circumstances exist concerning such violation.

The State shall not award any other state contract to anyone found in violation of the above prohibitions for a period of one year after the election for which such contribution is made or solicited, unless the State Elections Enforcement Commission determines that mitigating circumstances exist concerning such violation.

SEEC FORM 10

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 07/18

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DEFINITIONS

“State contractor” means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. “State contractor” does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a state or quasi-public agency employee.

“Prospective state contractor” means a person, business entity or nonprofit organization that (i) submits a response to a state contract solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under section 4a-100. “Prospective state contractor” does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a state or quasi-public agency employee.

“Principal of a state contractor or prospective state contractor” means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contract, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the state contractor or prospective state contractor.

“State contract” means an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. “State contract” does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense.

“State contract solicitation” means a request by a state agency or quasi-public agency, in whatever form issued, including, but not limited to, an invitation to bid, request for proposals, request for information or request for quotes, inviting bids, quotes or other types of submittals, through a competitive procurement process or another process authorized by law waiving competitive procurement.

“Managerial or discretionary responsibilities with respect to a state contract” means having direct, extensive and substantive responsibilities with respect to the negotiation of the state contract and not peripheral, clerical or ministerial responsibilities.

“Dependent child” means a child residing in an individual’s household who may legally be claimed as a dependent on the federal income tax return of such individual.

“Solicit” means (A) requesting that a contribution be made, (B) participating in any fundraising activities for a candidate committee, exploratory committee, political committee or party committee, including, but not limited to, forwarding tickets to potential contributors, receiving contributions for transmission to any such committee, serving on the committee that is hosting a fundraising event, introducing the candidate or making other public remarks at a fundraising event, being honored or otherwise recognized at a fundraising event, or bundling contributions, (C) serving as chairperson, treasurer or deputy treasurer of any such committee, or (D) establishing a political committee for the sole purpose of soliciting or receiving contributions for any committee. “Solicit” does not include (i) making a contribution that is otherwise permitted under this chapter, (ii) informing any person of a position taken by a candidate for public office or a public official, (iii) notifying the person of any activities of, or contact information for, any candidate for public office, (iv) serving as a member in any party committee or as an officer of such committee that is not otherwise prohibited in this subdivision, or (v) mere attendance at a fundraiser.

“Subcontractor” means any person, business entity or nonprofit organization that contracts to perform part or all of the obligations of a state contractor’s state contract. Such person, business entity or nonprofit organization shall be deemed to be a subcontractor until December thirty-first of the year in which the subcontract terminates. “Subcontractor” does not include (i) a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or (ii) an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person’s capacity as a state or quasi-public agency employee.

“Principal of a subcontractor” means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a subcontractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a subcontractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a subcontractor, which is not a business entity, or if a subcontractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any subcontractor who has managerial or discretionary responsibilities with respect to a subcontract with a state contractor, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the subcontractor.

FOR INFORMATIONAL PURPOSES ONLY

SEEC FORM 10

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 07/18

Page 3 of 3



ACKNOWLEDGEMENT OF RECEIPT

SIGNATURE

DATE (mm/dd/yyyy)

NAME OF SIGNER

First Name	MI	Last Name	Suffix

TITLE

COMPANY NAME

FOR INFORMATIONAL PURPOSES ONLY

Additional information may be found on the website of the State Elections Enforcement Commission,

www.ct.gov/seec

Click on the link to "Lobbyist/Contractor Limitations"

CONNECTICUT HOUSING FINANCE AUTHORITY ETHICS STATEMENT

The Connecticut Housing Finance Authority ("CHFA") was created in 1969 by the State legislature as a quasi-public agency of the State of Connecticut. Its purpose is to help alleviate the shortage of affordable housing for low and moderate-income families and persons in Connecticut, and when appropriate, to promote or maintain the economic development of the State through employer-assisted housing efforts.

CHFA administers a multi-billion dollar portfolio of housing related financing in the State resulting primarily from its loan programs for both single and multifamily housing. These programs are financed by the proceeds of tax exempt and taxable bonds issued by CHFA together with State funds it administers and its own funds. CHFA has significant interaction with the State and private financial markets and has relationships with both nonprofit and for profit developers of housing. It is important that the CHFA Board of Directors and its employees and persons doing business or seeking to do business with CHFA understand and comply at all times with CHFA's ethical standards in the performance of their duties and conduct of their business.

It is the policy of the Connecticut Housing Finance Authority that its employees and members of its Board of Directors will comply with all laws and regulations pertaining to the conduct of CHFA's business and administration of its programs and that they will do so with the highest standards of ethical behavior. Those with whom CHFA does business are expected to similarly comply with applicable laws and regulations and standards. Any breach or deviation from applicable laws and regulations or standards will result in appropriate disciplinary action including but not limited to termination of employment and sanctions as required by CHFA and state law.

The CHFA Board of Directors and all CHFA employees are subject to the Code of Ethics for Public Officials, Connecticut General Statutes Chapter 10, Part 1, §§1-79 through 1-89 as amended ("Code of Ethics") in the discharge of their duties, including, but not limited to, the following provisions:

- Gifts - In general, acceptance of gifts from anyone doing business with or seeking to do business with CHFA or from persons known to be a registered lobbyist or lobbyist's representative is prohibited
- Financial Benefit - use of office for financial benefit of the individual, certain family members or associated businesses is prohibited
- Outside Employment - outside employment which may impair independence of judgment or induce disclosure of confidential information is prohibited (Note: Connecticut General Statutes § 8-244(b) provides notwithstanding the provisions of any other law to the contrary, it shall not constitute a conflict of interest for a trustee, director, partner or officer of any person, firm or corporation, or any individual having a financial interest in a person, firm or corporation, to serve as a member of the authority, provided such trustee, director, partner, officer or individual shall abstain from deliberation, action or vote by the authority in specific respect to such person, firm or corporation.)
- Financial Disclosure - filing of financial disclosure statements with the State Ethics Commission is required by certain employees and the Board of Directors
- Post-State Employment - accepting employment with parties to contracts or regulated parties upon leaving CHFA is restricted (Note: Connecticut General Statutes § 1-84b(c) provides exceptions for members or former members of the boards or commissions who serve ex officio, who are required by statute to represent the regulated industry or who are permitted by statute to have a past or present affiliation with the regulated industry.)

Members of the Board of Directors and all CHFA employees are provided a copy of the Code of Ethics. Additionally, CHFA employees are subject to the provisions of the CHFA employee handbook as amended ("Employee Handbook") including, but not limited to:

- Provisions limiting conflicts of interest and requiring filing of a statement with the President-Executive Director regarding any outside employment (§107)
- Requiring gifts with a value of \$10 to be returned or directed to CHFA (§107)
- Prohibiting acceptance of meals or entertainment from those in a position to benefit from CHFA decisions, contracts or financing (§107)
- Limitations on outside employment including prohibiting conducting outside business or employment during working hours or using CHFA facilities or resources to conduct any business other than CHFA official business (§108)
- Requiring compliance with the Code of Ethics (§701)

Copies of this Ethics Statement, the Code of Ethics and Employee Handbook are provided to employees and to each new employee prior to the commencement of employment with CHFA. Employees are required to sign a statement acknowledging receipt of the Code of Ethics and Employee Handbook and agreeing to comply with their requirements.

Employees who leave CHFA are required to comply with the Code of Ethics provisions regarding post-employment and are reminded of these during an exit interview with CHFA's Human Resources staff.

Breaches of any of the provisions of the Code of Ethics or Employee Handbook or other governing laws or regulations will result in disciplinary action up to and including dismissal, in addition to sanctions provided by state law.

CHFA has designated as its Ethics Liaison its General Counsel. The Ethics Liaison is an available resource to CHFA employees regarding statutory and regulatory compliance and questions regarding ethical standards; however, questions concerning the applicability or enforcement of the Code of Ethics are to be directed to the State of Connecticut Ethics Commission.

Persons doing business with or seeking to do business with CHFA will be provided with a copy of this Ethics Statement and are required to comply with the applicable provisions of the Code of Ethics and the Code of Ethics for Lobbyists, Connecticut General Statutes §§1-91 through 1-101 and other governing laws and regulations including, but not limited to:

- Restrictions on gift giving (§1-84(f),(m))
- Employment (§1-84(g), 1-84b(c)(3))
- Reporting (§1-84(o))

and are required to comply with requirements of Connecticut General Statutes §3-13j and §3-13i regarding disclosure of third party fees and finders fees and §§4-250 through 4-252 regarding affidavits and certifications for large state contracts.

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Connecticut General Statutes Annotated
Title 4a. Administrative Services (Refs & Annos)
Chapter 58. Purchases and Printing (Refs & Annos)

C.G.S.A. § 4a-60

§ 4a-60. Nondiscrimination and affirmative action provisions in awarding
agency, municipal public works and quasi-public agency project contracts

Effective: July 1, 2018
Currentness

<See Connecticut Executive Order 2020-7T (2020 CT EO 7T), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7Z (2020 CT EO 7Z), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7GG (2020 CT EO 7GG), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) Except as provided in section 10a-151i, every contract to which an awarding agency is a party, every quasi-public agency project contract and every municipal public works contract shall contain the following provisions:

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, status as a veteran, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the contractor further agrees to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, status as a veteran, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved;

(2) The contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission on Human Rights and Opportunities;

(3) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or

workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(4) The contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, 46a-68e, 46a-68f and 46a-86; and

(5) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56.

(b) If the contract is a public works contract, municipal public works contract or contract for a quasi-public agency project, the contractor agrees and warrants that he or she will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works or quasi-public agency project.

(c) Except as provided in section 10a-151i:

(1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written or electronic representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section, provided if there is any change in such representation, the contractor shall provide the updated representation to the awarding agency or commission not later than thirty days after such change.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any one of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company

or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(d) For the purposes of this section, "contract" includes any extension or modification of the contract, "contractor" includes any successors or assigns of the contractor, "marital status" means being single, married as recognized by the state of Connecticut, widowed, separated or divorced, and "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (2) any other state, as defined in section 1-267, (3) the federal government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(e) For the purposes of this section, "minority business enterprise" means any small contractor or supplier of materials fifty-one per cent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) Who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of section 32-9n; and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

(f) Determination of the contractor's good faith efforts shall include, but shall not be limited to, the following factors: The contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the Commission on Human Rights and Opportunities may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(g) The contractor shall develop and maintain adequate documentation, in a manner prescribed by the Commission on Human Rights and Opportunities, of its good faith efforts.

(h) The contractor shall include the provisions of subsections (a) and (b) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contract or contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer, unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

Credits

(1958 Rev., § 4-114a; 1965, Feb.Sp.Sess., P.A. 366, § 1, eff. June 29, 1965; 1967, P.A. 284; 1973, P.A. 73-279, § 13; 1974, P.A. 74-68; 1976, P.A. 76-8; 1978, P.A. 78-148, § 8; 1982, P.A. 82-358, § 7, eff. July 1, 1982; 1983, P.A. 83-569, § 8, eff. July 1, 1983; 1984, P.A. 84-412, § 3, eff. July 1, 1984; 1984, P.A. 84-418; 1988, P.A. 88-351, § 2, eff. April 1, 1989; 1989, P.A. 89-253, § 2, eff. July 1, 1989; 2007, P.A. 07-142, § 9, eff. June 25, 2007; 2009, P.A. 09-158, § 1, eff. June 30, 2009; 2011, P.A. 11-55, § 3; 2011, P.A. 11-129, § 20; 2011, P.A. 11-229, § 3; 2015, June Sp.Sess., P.A. 15-5, § 63; 2017, P.A. 17-130, § 7, eff. July 1, 2017; 2018, P.A. 18-75, § 2, eff. July 1, 2018.)

C. G. S. A. § 4a-60, CT ST § 4a-60

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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Proposed Legislation

Connecticut General Statutes Annotated
Title 4a. Administrative Services (Refs & Annos)
Chapter 58. Purchases and Printing (Refs & Annos)

C.G.S.A. § 4a-60a

§ 4a-60a. Provisions re nondiscrimination on the basis of sexual orientation required in awarding agency, municipal public works and quasi-public agency project contracts

Effective: July 1, 2017
Currentness

<See Connecticut Executive Order 2020-7Z (2020 CT EO 7Z), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) Except as provided in section 10a-151i, every contract to which an awarding agency is a party, every contract for a quasi-public agency project and every municipal public works contract shall contain the following provisions:

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation;

(2) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract of understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(3) The contractor agrees to comply with each provision of this section and with each regulation or relevant order issued by said commission pursuant to section 46a-56; and

(4) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor which relate to the provisions of this section and section 46a-56.

(b) Except as provided in section 10a-151i:

(1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide such awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality, or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(c) For the purposes of this section, "contract" includes any extension or modification of the contract, and "contractor" includes any successors or assigns of the contractor. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (2) any other state, as defined in section 1-267, (3) the federal

government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(d) The contractor shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contractor contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

Credits

(1991, P.A. 91-58, § 16; 1991, P.A. 91-407, § 8, eff. July 2, 1991; 2007, P.A. 07-142, § 10, eff. June 25, 2007; 2009, P.A. 09-158, § 2, eff. June 30, 2009; 2011, P.A. 11-229, § 4; 2015, June Sp.Sess., P.A. 15-5, § 64; 2017, P.A. 17-130, § 8, eff. July 1, 2017.)

C. G. S. A. § 4a-60a, CT ST § 4a-60a

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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Connecticut General Statutes Annotated
Title 31. Labor
Chapter 557. Employment Regulation (Refs & Annos)
Part III. State Contracts (Refs & Annos)

C.G.S.A. § 31-57b

§ 31-57b. Awarding of contracts to occupational safety and health law violators prohibited

Currentness

No contract shall be awarded by the state or any of its political subdivisions to any person or firm or any firm, corporation, partnership or association in which such persons or firms have an interest (1) which has been cited for three or more wilful or serious violations of any occupational safety and health act or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the bid, provided such violations were cited in accordance with the provisions of any state occupational safety and health act or the Occupational Safety and Health Act of 1970,¹ and not abated within the time fixed by the citation and such citation has not been set aside following appeal to the appropriate agency or court having jurisdiction or (2) which has received one or more criminal convictions related to the injury or death of any employee in the three-year period preceding the bid. Any person who knowingly provides false information concerning the information required pursuant to this section shall be assessed a civil penalty of not less than five hundred dollars nor more than five thousand dollars and shall be disqualified from bidding on or participating in a contract with the state or any of its political subdivisions for five years from the date of the final determination that the information is false. Any political subdivision or any state agency receiving false information pursuant to this section shall notify the Commissioner of Administrative Services and, upon receipt of such notice, the commissioner shall conduct a hearing in accordance with the provisions of chapter 54.² Upon a determination that false information was provided, the commissioner shall impose a civil penalty in accordance with the provisions of this section. Such civil penalty shall be paid to the Treasurer or to an official of the political subdivision, as the case may be. Any civil penalty imposed pursuant to this section may be collected in a civil proceeding by any official of a political subdivision authorized to institute civil actions or, in the case of the state, by the attorney general, upon complaint of the Commissioner of Administrative Services.

Credits

(1989, P.A. 89-367, § 6.)

Footnotes

¹ 29 U.S.C.A. § 651 et seq.

² C.G.S.A. § 4-166 et seq.

C. G. S. A. § 31-57b, CT ST § 31-57b

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

Connecticut General Statutes Annotated
Title 4. Management of State Agencies
Chapter 55C. Large State Contracts: Certifications (Refs & Annos)

C.G.S.A. § 4-250

§ 4-250. Definitions

Effective: October 1, 2013

Currentness

As used in sections 4-250 to 4-252, inclusive:

- (1) "Gift" has the same meaning as provided in section 1-79, except that the exclusion in subparagraph (L) of subdivision (5) of section 1-79 for a gift for the celebration of a major life event does not apply;
- (2) "Quasi-public agency", "public official" and "state employee" have the same meanings as provided in section 1-79;
- (3) "State agency" means any office, department, board, council, commission, institution or other agency in the executive, legislative or judicial branch of state government;
- (4) "Large state contract" means an agreement or a combination or series of agreements between a state agency or a quasi-public agency and a person, firm or corporation, having a total value of more than five hundred thousand dollars in a calendar or fiscal year, for (A) a project for the construction, alteration or repair of any public building or public work, (B) services, including, but not limited to, consulting and professional services, (C) the procurement of supplies, materials or equipment, (D) a lease, or (E) a licensing arrangement. The term "large state contract" does not include a contract between a state agency or a quasi-public agency and a political subdivision of the state;
- (5) "Principals and key personnel" means officers, directors, shareholders, members, partners and managerial employees; and
- (6) "Participated substantially" means participation that is direct, extensive and substantive, and not peripheral, clerical or ministerial.

Credits

(2004, P.A. 04-245, § 2, eff. June 1, 2004; 2007, P.A. 07-213, § 2, eff. July 10, 2007; 2013, P.A. 13-244, § 23.)

C. G. S. A. § 4-250, CT ST § 4-250

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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Proposed Legislation

Connecticut General Statutes Annotated
Title 4. Management of State Agencies
Chapter 55C. Large State Contracts: Certifications (Refs & Annos)

C.G.S.A. § 4-252

§ 4-252. Certification requirements for large state contracts

Effective: July 1, 2017

Currentness

<See Connecticut Executive Order 2020-7J (2020 CT EO 7J), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7Z (2020 CT EO 7Z), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7GG (2020 CT EO 7GG), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) Except as provided in section 10a-151f, on and after July 1, 2006, no state agency or quasi-public agency shall execute a large state contract unless the state agency or quasi-public agency obtains the written or electronic certification described in this section. Each such certification shall be sworn as true to the best knowledge and belief of the person signing the certification, subject to the penalties of false statement. If there is any change in the information contained in the most recently filed certification, such person shall submit an updated certification either (1) not later than thirty days after the effective date of any such change, or (2) upon the submittal of any new bid or proposal for a large state contract, whichever is earlier. Such person shall also submit to the state agency or quasi-public agency an accurate, updated certification not later than fourteen days after the twelve-month anniversary of the most recently filed certification or updated certification.

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall certify that the selection of the most qualified or highest ranked person, firm or corporation was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

(c) Any principal or key personnel of the person, firm or corporation submitting a bid or proposal for a large state contract shall certify:

(1) That no gifts were made by (A) such person, firm, corporation, (B) any principals and key personnel of the person, firm or corporation, who participate substantially in preparing bids, proposals or negotiating state contracts, or (C) any agent of such person, firm, corporation or principals and key personnel, who participates substantially in preparing bids, proposals or negotiating state contracts, to (i) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for state contracts, who participates substantially in the preparation of bid solicitations or requests for proposals

for state contracts or the negotiation or award of state contracts, or (ii) any public official or state employee of any other state agency, who has supervisory or appointing authority over such state agency or quasi-public agency;

(2) That no such principals and key personnel of the person, firm or corporation, or agent of such person, firm or corporation or principals and key personnel, knows of any action by the person, firm or corporation to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the person, firm or corporation to provide a gift to any such public official or state employee; and

(3) That the person, firm or corporation is submitting bids or proposals without fraud or collusion with any person.

(d) Any bidder or proposer that does not make the certification required under this section shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(e) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the certification requirements of this section.

Credits

(2004, P.A. 04-245, § 4, eff. June 1, 2004; 2011, P.A. 11-229, § 2; 2017, P.A. 17-130, § 6, eff. July 1, 2017.)

C. G. S. A. § 4-252, CT ST § 4-252

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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FOR INFORMATIONAL PURPOSES ONLY

Connecticut General Statutes Annotated
Title 3. State Elective Officers
Chapter 32. Treasurer
Part I. General Provisions

C.G.S.A. § 3-13j

§ 3-13j. Third party fees in investments by Treasurer or quasi-public agencies

Currentness

(a) Prior to the Treasurer entering into a contract for investment services, as defined in section 9-611, any person or entity who would be a party to that contract shall disclose to the Treasurer, in writing, all third party fees attributable to such contract. Such disclosure shall be made by firms providing such services and shall be in a sworn affidavit in a manner and form prescribed in regulations which shall be adopted by the Treasurer, in accordance with the provisions of chapter 54,¹ not later than three months after May 3, 2000. Information disclosed under this subsection shall be made available for public inspection in accordance with the Freedom of Information Act, as defined in section 1-200.

(b) Prior to any quasi-public agency, as defined in section 1-120, entering into a contract for investment services, as defined in section 9-612, any person or entity who would be a party to that contract shall disclose to the quasi-public agency entering into the contract, in writing, all third party fees attributable to such contract. Such disclosure shall be made by firms providing such services and shall be in a sworn affidavit in a manner and form as prescribed in procedures which shall be adopted by each such agency, in accordance with the provisions of chapter 12,² not later than three months after May 3, 2000. Information disclosed under this subsection shall be made available for public inspection in accordance with the Freedom of Information Act, as defined in section 1-200.

(c) For purposes of this section and section 3-13k, "third party fees" includes, but is not limited to, management fees, placement agent fees, solicitation fees, referral fees, promotion fees, introduction or matchmaker fees, and due diligence fees.

(d) Any person who violates any provision of this section shall be liable for a civil penalty not to exceed two thousand dollars for each violation.

(1) The Attorney General, upon complaint of the Treasurer, may bring an action in the superior court for the judicial district of Hartford to recover such penalty for a violation of this section which affects a fund of the state. Any penalty imposed under this section for a violation which affects any such fund shall be paid to the Treasurer who shall deposit such moneys in such fund.

(2) Any quasi-public agency, as defined in section 1-120, may bring an action in the superior court to recover such penalty for a violation of this section which affects any fund under the control of such agency. Any penalty imposed under this section for a violation which affects any such fund shall be paid to such agency which shall deposit such moneys in such fund.

Credits

(2000, P.A. 00-43, § 5, eff. May 3, 2000.)

Footnotes

1 C.G.S.A. § 4-166 et seq.

2 C.G.S.A. § 1-120 et seq.

C. G. S. A. § 3-13j, CT ST § 3-13j

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Connecticut General Statutes Annotated
Title 4a. Administrative Services (Refs & Annos)
Chapter 58. Purchases and Printing (Refs & Annos)

C.G.S.A. § 4a-81

§ 4a-81. Contracts for goods and services over fifty thousand dollars. Affidavit by bidder or vendor re consulting agreements. Failure to submit. Disqualification

Effective: July 1, 2017
Currentness

<See Connecticut Executive Order 2020-7GG (2020 CT EO 7GG), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) Except as provided in section 10a-151f, no state agency or quasi-public agency shall execute a contract for the purchase of goods or services, which contract has a total value to the state of fifty thousand dollars or more in any calendar or fiscal year, unless the state agency or quasi-public agency obtains the affidavit described in subsection (b) of this section.

(b) (1) Any principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall attest in an affidavit as to whether any consulting agreement has been entered into in connection with any such contract. Such affidavit shall be required if any duties of the consultant included communications concerning business of a state or quasi-public agency, whether or not direct contact with a state agency, state or public official or state employee was expected or made. As used in this section, "consulting agreement" means any written or oral agreement to retain the services, for a fee, of a consultant for the purposes of (A) providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the state, (B) contacting, whether in writing or orally, any executive, judicial, or administrative office of the state, including any department, institution, bureau, board, commission, authority, official or employee for the purpose of solicitation, dispute resolution, introduction, requests for information, or (C) any other similar activity related to such contracts. "Consulting agreement" does not include any agreements entered into with a consultant who is registered under the provisions of chapter 10¹ as of the date such affidavit is submitted in accordance with the provisions of this section.

(2) Such affidavit shall be sworn as true to the best knowledge and belief of the person signing the certification on the affidavit and shall be subject to the penalties of false statement.

(3) Such affidavit shall include the following information for each consulting agreement listed: The name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such affidavit shall indicate his or her former agency and the date such employment terminated.

(4) After the initial submission of such affidavit, the principal or key personnel of the person, firm or corporation shall not be required to resubmit such affidavit unless there is a change in the information contained in such affidavit. If there is any change in the information contained in the most recently filed affidavit required under this section, the principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall submit an updated affidavit either (A) not later than thirty days after the effective date of any such change, or (B) upon the submittal of any new bid or proposal, whichever is earlier.

(c) Each state agency and quasi-public agency shall include a notice of the affidavit requirements of this section in the bid specifications or request for proposals for any contract that is described in subsection (a) of this section.

(d) If a bidder or vendor refuses to submit the affidavit required under subsection (b) of this section, such bidder or vendor shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked vendor or the next lowest responsible qualified bidder or seek new bids or proposals.

Credits

(2005, P.A. 05-287, § 51, eff. July 13, 2005; 2011, P.A. 11-229, § 5; 2017, P.A. 17-130, § 10, eff. July 1, 2017.)

Footnotes

1 C.G.S.A. § 1-79 et seq.

C. G. S. A. § 4a-81, CT ST § 4a-81

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

FOR INFORMATIONAL PURPOSES ONLY

KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Limited on Constitutional Grounds by Green Party of Connecticut v. Garfield, 2nd Cir.(Conn.), July 13, 2010

KeyCite Yellow Flag - Negative Treatment Proposed Legislation

Connecticut General Statutes Annotated
Title 9. Elections (Refs & Annos)
Chapter 155. Elections: Campaign Financing (Refs & Annos)

C.G.S.A. § 9-612

§ 9-612. Other contributions by individuals. Principals of investment services firms, state contractors, principals of state contractors, prospective state contractors or principals of prospective state contractors. Lists. Subcontracts study. State officials or employees. Legislative caucus staff members

Effective: June 12, 2014

Currentness

<See Connecticut Executive Order 2020-7J (2020 CT EO 7J), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7Z (2020 CT EO 7Z), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

<See Connecticut Executive Order 2020-7GG (2020 CT EO 7GG), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) No individual shall make a contribution or contributions in any one calendar year in excess of ten thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; or two thousand dollars to a town committee of any political party, or for the benefit of such committee pursuant to its authorization or request; or two thousand dollars to a legislative caucus committee or legislative leadership committee, or one thousand dollars to any other political committee other than (1) a political committee formed solely to aid or promote the success or defeat of a referendum question, (2) an exploratory committee, (3) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request, or (4) a political committee formed by a slate of candidates in a primary for the office of justice of the peace of the same town.

(b) No individual shall make a contribution to a political committee established by an organization which receives its funds from the organization's treasury. With respect to a political committee established by an organization which has complied with the provisions of subsection (b) or (c) of section 9-614, and has elected to receive contributions, no individual other than a member of the organization may make contributions to the committee, in which case the individual may contribute not more than seven hundred fifty dollars in any one calendar year to such committee or for the benefit of such committee pursuant to its authorization or request.

(c) In no event may any individual make contributions to a candidate committee and a political committee formed solely to support one candidate other than an exploratory committee or for the benefit of a candidate committee and a political committee formed solely to support one candidate pursuant to the authorization or request of any such committee, in an amount which in the aggregate is in excess of the maximum amount which may be contributed to the candidate.

(d) Any individual may make unlimited contributions or expenditures to aid or promote the success or defeat of any referendum question, provided any individual who makes an expenditure or expenditures in excess of one thousand dollars to promote the success or defeat of any referendum question shall file statements according to the same schedule and in the same manner as is required of a treasurer of a political committee under section 9-608.

(e) (1) As used in this subsection and subsection (f) of section 9-608, (A) "investment services" means investment legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services, and (B) "principal of an investment services firm" means (i) an individual who is a director of or has an ownership interest in an investment services firm to which the State Treasurer pays compensation, expenses or fees or issues a contract, except for an individual who owns less than five per cent of the shares of an investment services firm, (ii) an individual who is employed by such an investment services firm as president, treasurer, or executive vice president, (iii) an employee of such an investment services firm who has managerial or discretionary responsibilities with respect to any investment services provided to the State Treasurer, (iv) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (v) a political committee established or controlled by an individual described in this subparagraph.

(2) No principal of an investment services firm shall make a contribution to, or solicit contributions on behalf of, an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State Treasurer during the term of office of the State Treasurer who pays compensation, expenses or fees or issues a contract to such firm. The provisions of this subdivision shall apply only to contributions and the solicitation of contributions that are not prohibited under subdivision (2) of subsection (f) of this section.

(3) Neither the State Treasurer, the Deputy State Treasurer, any unclassified employee of the office of the State Treasurer acting on behalf of the State Treasurer or Deputy State Treasurer, any candidate for the office of State Treasurer, any member of the Investment Advisory Council established under section 3-13b nor any agent of any such candidate may knowingly, wilfully or intentionally solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a principal of an investment services firm. The provisions of this subdivision shall apply only to contributions and the solicitation of contributions that are not prohibited under subdivision (3) of subsection (f) of this section.

(4) No member of the Investment Advisory Council appointed under section 3-13b shall make a contribution to, or solicit contributions on behalf of, an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State Treasurer.

(5) The provisions of this subsection shall not restrict an individual from establishing an exploratory or candidate committee or from soliciting for and making contributions to a town committee or political committee that the candidate has designated in accordance with subsection (b) of section 9-604, for the financing of the individual's own campaign or from soliciting contributions for such committees from persons not prohibited from making contributions under this subsection.

(f) (1) As used in this subsection and subsections (g) and (h) of this section:

(A) "Quasi-public agency" has the same meaning as provided in section 1-120.

(B) "State agency" means any office, department, board, council, commission, institution or other agency in the executive or legislative branch of state government.

(C) "State contract" means an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. "State contract" does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense.

(D) "State contractor" means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. "State contractor" does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(E) "Prospective state contractor" means a person, business entity or nonprofit organization that (i) submits a response to a state contract solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under section 4a-100. "Prospective state contractor" does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(F) "Principal of a state contractor or prospective state contractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contract, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or

controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the state contractor or prospective state contractor.

(G) "Dependent child" means a child residing in an individual's household who may legally be claimed as a dependent on the federal income tax return of such individual.

(H) "Managerial or discretionary responsibilities with respect to a state contract" means having direct, extensive and substantive responsibilities with respect to the negotiation of the state contract and not peripheral, clerical or ministerial responsibilities.

(I) "Rendition of services" means the provision of any service to a state agency or quasi-public agency in exchange for a fee, remuneration or compensation of any kind from the state or through an arrangement with the state.

(J) "State contract solicitation" means a request by a state agency or quasi-public agency, in whatever form issued, including, but not limited to, an invitation to bid, request for proposals, request for information or request for quotes, inviting bids, quotes or other types of submittals, through a competitive procurement process or another process authorized by law waiving competitive procurement.

(K) "Subcontractor" means any person, business entity or nonprofit organization that contracts to perform part or all of the obligations of a state contractor's state contract. Such person, business entity or nonprofit organization shall be deemed to be a subcontractor until December thirty-first of the year in which the subcontract terminates. "Subcontractor" does not include (i) a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or (ii) an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(L) "Principal of a subcontractor" means (i) an individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a subcontractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a subcontractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a subcontractor, which is not a business entity, or if a subcontractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any subcontractor who has managerial or discretionary responsibilities with respect to a subcontract with a state contractor, (v) the spouse or a dependent child who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the subcontractor.

(2) (A) No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(B) No state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or a state contract solicitation with or from the General Assembly or a holder, or principal of a holder, of a valid prequalification certificate, shall make a contribution to, or, on and after January 1, 2011, knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a subcontractor or principals of the subcontractor on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of state senator or state representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(C) If a state contractor or principal of a state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, the contracting state agency or quasi-public agency may, in the case of a state contract executed on or after February 8, 2007, void the existing contract with such contractor, and no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made or solicited unless the commission determines that mitigating circumstances exist concerning such violation. No violation of the prohibitions contained in subparagraph (A) or (B) of this subdivision shall be deemed to have occurred if, and only if, the improper contribution is returned to the principal by the later of thirty days after receipt of such contribution by the recipient committee treasurer or the filing date that corresponds with the reporting period in which such contribution was made;

(D) If a prospective state contractor or principal of a prospective state contractor makes or solicits a contribution as prohibited under subparagraph (A) or (B) of this subdivision, as determined by the State Elections Enforcement Commission, no state agency or quasi-public agency shall award the prospective state contractor the contract described in the state contract solicitation or any other state contract for one year after the election for which such contribution is made or solicited unless the commission determines that mitigating circumstances exist concerning such violation. The Commissioner of Administrative Services shall notify applicants of the provisions of this subparagraph and subparagraphs (A) and (B) of this subdivision during the prequalification application process; and

(E) The State Elections Enforcement Commission shall make available to each state agency and quasi-public agency a written notice advising state contractors and prospective state contractors of the contribution and solicitation prohibitions contained in subparagraphs (A) and (B) of this subdivision. Such notice shall: (i) Direct each state contractor and prospective state contractor to inform each individual described in subparagraph (F) of subdivision (1) of this subsection, with regard to such state contractor or prospective state contractor, about the provisions of subparagraph (A) or (B) of this subdivision, whichever is applicable, and this subparagraph; (ii) inform each state contractor and prospective state contractor of the civil and criminal penalties that could be imposed for violations of such prohibitions if any such contribution is made or solicited; (iii) inform each state contractor and prospective state contractor that, in the case of a state contractor, if any such contribution is made or solicited, the contract may be voided; (iv) inform each state contractor and prospective state contractor that, in the case of a prospective state contractor, if any such contribution is made or solicited, the contract described in the state contract solicitation shall not be awarded, unless the commission determines that mitigating circumstances exist concerning such violation; and (v) inform each state contractor and prospective state contractor that the state will not award any other state contract to anyone found in violation of such prohibitions for a period of one year after the election for which such contribution is made or solicited, unless the commission determines that mitigating circumstances exist concerning such violation. Each state agency and quasi-public agency shall distribute such notice to the chief executive officer of its contractors and prospective state contractors, or an authorized signatory to a state contract, and shall obtain a written acknowledgment of the receipt of such notice.

(3) (A) On and after December 31, 2006, neither the Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, any candidate for any such office nor any agent of any such official or candidate shall knowingly, wilfully or intentionally solicit contributions on behalf of an exploratory committee or candidate committee

established by a candidate for nomination or election to any public office, a political committee or a party committee, from a person who he or she knows is prohibited from making contributions, including a principal of a state contractor or prospective state contractor with regard to a state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder of a valid prequalification certificate.

(B) On and after December 31, 2006, neither a member of the General Assembly, any candidate for any such office nor any agent of any such official or candidate shall knowingly, wilfully or intentionally solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a person who he or she knows is prohibited from making contributions, including a principal of a state contractor or prospective state contractor with regard to a state contract solicitation with or from the General Assembly or a holder of a valid prequalification certificate.

(4) The provisions of this subsection shall not apply to the campaign of a principal of a state contractor or prospective state contractor or to a principal of a state contractor or prospective state contractor who is an elected public official.

(5) Each state contractor and prospective state contractor shall make reasonable efforts to comply with the provisions of this subsection. If the State Elections Enforcement Commission determines that a state contractor or prospective state contractor has failed to make reasonable efforts to comply with this subsection, the commission may impose civil penalties against such state contractor or prospective state contractor in accordance with subsection (a) of section 9-7b.

(g) (1) Not later than thirty days after February 8, 2007, each state agency and quasi-public agency shall prepare and forward to the State Elections Enforcement Commission, on a form prescribed by said commission, a list of the names of the state contractors and prospective state contractors with which such agency is a party to a contract, and any state contract solicitations or prequalification certificates issued by the agency. Not less than once per month, each state agency and quasi-public agency shall forward to said commission, on a form prescribed by the commission, any changes, additions or deletions to said lists, not later than the fifteenth day of the month.

(2) Not later than sixty days after February 8, 2007, the State Elections Enforcement Commission shall (A) compile a master list of state contractors and prospective state contractors for all state agencies and quasi-public agencies, based on the information received under subdivision (1) of this subsection, (B) publish the master list on the commission's Internet web site, and (C) provide copies of the master list to treasurers upon request. The commission shall update the master list every month.

(h) The State Contracting Standards Board shall study subcontracts for state contracts and, not later than February 1, 2010, submit proposed legislation for extending the provisions of this subsection to such subcontracts to the joint standing committee of the General Assembly having cognizance of matters relating to elections.

(i) (1) As used in this subsection:

(A) "Quasi-public agency" has the same meaning as provided in section 1-120.

(B) "Unclassified service" has the same meaning as provided in section 5-196.

(2) On and after December 31, 2006:

(A) No executive head of a state agency in the executive branch, executive head of a quasi-public agency, deputy of any such executive head, other full-time official or employee of any such state agency or quasi-public agency who is appointed by the Governor, other full-time official or employee of any such state agency or quasi-public agency who is in the unclassified service, or member of the immediate family of any such person, shall make a contribution or contributions (i) to, or for the benefit of, any candidate's campaign for nomination at a primary or election to the office of Governor or Lieutenant Governor, in excess of one hundred dollars for each such campaign, or (ii) to a political committee established by any such candidate, in excess of one hundred dollars in any calendar year;

(B) No official or employee of the office of the Attorney General, State Comptroller, Secretary of the State or State Treasurer who is in the unclassified service, or member of the immediate family of any such person, shall make a contribution or contributions (i) to, or for the benefit of, any candidate's campaign for nomination at a primary or election to the office in which such official or employee serves, in excess of one hundred dollars for each such campaign, or (ii) to a political committee established by any such candidate, in excess of one hundred dollars in any calendar year; and

(C) No member of a caucus staff for a major party in the Senate or House of Representatives, or member of the immediate family of such person, shall make a contribution or contributions (i) to, or for the benefit of, any candidate's campaign for nomination at a primary or election to the office of state senator or state representative, in excess of one hundred dollars for each such campaign, (ii) to a political committee established by any such candidate, in excess of one hundred dollars in any calendar year, or (iii) to a legislative caucus committee or a legislative leadership committee, in excess of one hundred dollars in any calendar year.

Credits

(1958 Rev., § 9-333n; 1986, P.A. 86-99, § 15, eff. Jan. 1, 1987; 1991, P.A. 91-351, §§ 14, 19, eff. Jan. 1, 1992; 1995, P.A. 95-188, § 2; 1997, June 18 Sp.Sess., P.A. 97-5, § 12; 2000, P.A. 00-43, § 18, eff. May 3, 2000; 2002, P.A. 02-130, § 11, eff. May 10, 2002; 2003, P.A. 03-241, § 14, eff. Jan. 1, 2004; 2005, Oct. 25 Sp.Sess., P.A. 05-5, § 32, eff. Dec. 7, 2005; 2005, Oct. 25 Sp.Sess., P.A. 05-5, § 31, eff. Dec. 31, 2006; 2006, P.A. 06-137, §§ 26, 28, eff. Dec. 31, 2006; 2007, P.A. 07-1, § 1, eff. Feb. 8, 2007; 2007, P.A. 07-202, § 9, eff. July 10, 2007; 2008, P.A. 08-2, §§ 10 to 12, eff. April 7, 2008; 2009, P.A. 09-234, § 13, eff. July 9, 2009; 2010, P.A. 10-187, § 6, eff. June 8, 2010; 2010, July Sp.Sess., P.A. 10-1, § 10, eff. Aug. 13, 2010; 2012, June 12 Sp.Sess., P.A. 12-2, § 51; 2013, P.A. 13-180, § 7, eff. June 18, 2013; 2014, P.A. 14-182, § 11, eff. June 12, 2014.)

Notes of Decisions (12)

C. G. S. A. § 9-612, CT ST § 9-612

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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Connecticut General Statutes Annotated
Title 4. Management of State Agencies
Chapter 48. Organization of State Agencies

C.G.S.A. § 4-61dd

§ 4-61dd. Whistle-blowing. Disclosure of information to Auditors of Public Accounts. Investigation by Attorney General. Rejection of complaint. Complaints re retaliatory personnel actions. Report to General Assembly. Large state contractors. Posting of notice. Definitions. State shellfish grounds lessees

Effective: October 1, 2019
Currentness

<See Connecticut Executive Order 2020-7Z (2020 CT EO 7Z), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section

(a) Any person having knowledge of any matter involving (1) corruption, unethical practices, violation of state laws or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state department or agency, any quasi-public agency, as defined in section 1-120, or any Probate Court, (2) corruption, violation of state or federal laws or regulations, gross waste of funds, abuse of authority or danger to the public safety occurring in any large state contract, or (3) corruption by an entity receiving financial assistance pursuant to title 32 that has failed to meet its contractual obligations or has failed to satisfy any condition regarding such financial assistance, may transmit all facts and information in such person's possession concerning such matter to the Auditors of Public Accounts. The Auditors of Public Accounts shall review such matter and report their findings and any recommendations to the Attorney General. Upon receiving such a report, the Attorney General shall make such investigation as the Attorney General deems proper regarding such report and any other information that may be reasonably derived from such report. Prior to conducting an investigation of any information that may be reasonably derived from such report, the Attorney General shall consult with the Auditors of Public Accounts concerning the relationship of such additional information to the report that has been issued pursuant to this subsection. Any such subsequent investigation deemed appropriate by the Attorney General shall only be conducted with the concurrence and assistance of the Auditors of Public Accounts. At the request of the Attorney General or on their own initiative, the auditors shall assist in the investigation.

(b) (1) The Auditors of Public Accounts may reject any complaint received pursuant to subsection (a) of this section if the Auditors of Public Accounts determine one or more of the following:

(A) There are other available remedies that the complainant can reasonably be expected to pursue;

(B) The complaint is better suited for investigation or enforcement by another state agency;

(C) The complaint is trivial, frivolous, vexatious or not made in good faith;

(D) Other complaints have greater priority in terms of serving the public good;

(E) The complaint is not timely or is too long delayed to justify further investigation; or

(F) The complaint could be handled more appropriately as part of an ongoing or scheduled regular audit.

(2) If the Auditors of Public Accounts reject a complaint pursuant to subdivision (1) of this subsection, the Auditors of Public Accounts shall provide a report to the Attorney General setting out the basis for the rejection.

(3) If at any time the Auditors of Public Accounts determine that a complaint is more appropriately investigated by another state agency, the Auditors of Public Accounts shall refer the complaint to such agency. The investigating agency shall provide a status report regarding the referred complaint to the Auditors of Public Accounts upon request.

(c) Notwithstanding the provisions of section 12-15, the Commissioner of Revenue Services may, upon written request by the Auditors of Public Accounts, disclose return or return information, as defined in section 12-15, to the Auditors of Public Accounts for purposes of preparing a report under subsection (a) or (b) of this section. Such return or return information shall not be published in any report prepared in accordance with subsection (a) or (b) of this section, and shall not otherwise be redisclosed, except that such information may be redisclosed to the Attorney General for purposes of an investigation authorized by subsection (a) of this section. Any person who violates the provisions of this subsection shall be subject to the provisions of subsection (g) of section 12-15.

(d) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of section 4-275 until such time as the Attorney General files a civil action pursuant to section 4-276. Service of a subpoena ad testificandum, subpoena duces tecum and a notice of deposition, may be made by: (1) Personal service or service at the usual place of abode; or (2) registered or certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at such person's principal place of business in this state, or, if such person has no principal place of business in this state, at such person's principal office or such person's residence. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or sections 4-276 to 4-280, inclusive, disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation. All documentary material or other information furnished to the Attorney General, his or her deputy or any assistant attorney general designated by the Attorney General, pursuant to a demand issued under this subsection for the purpose of investigating a suspected violation of subsection (a) of section 4-275, shall be returned to the person furnishing such documentary material or other information upon the termination of the Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

(e) (1) No state officer or employee, as defined in section 4-141, no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for (A) such employee's or contractor's disclosure of information to (i) an employee of the Auditors of Public Accounts or the Attorney General under the

provisions of subsection (a) of this section; (ii) an employee of the state agency or quasi-public agency where such state officer or employee is employed; (iii) an employee of a state agency pursuant to a mandated reporter statute or pursuant to subsection (b) of section 17a-28; (iv) an employee of the Probate Court where such employee is employed; or (v) in the case of a large state contractor, an employee of the contracting state agency concerning information involving the large state contract; or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint against the state agency, quasi-public agency, Probate Court, large state contractor or appointing authority concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. The human rights referee may order a state agency, quasi-public agency or Probate Court to produce (i) an employee of such agency, quasi-public agency or Probate Court to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such agency, quasi-public agency or Probate Court fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54,¹ establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection: (A) A state or quasi-public agency employee who alleges that a personnel action has been threatened or taken may file an appeal not later than ninety days after learning of the specific incident giving rise to such claim with the Employees' Review Board under section 5-202, or, in the case of a state or quasi-public agency employee covered by a collective bargaining contract, in accordance with the procedure provided by such contract; or (B) an employee of a large state contractor alleging that such action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any state or quasi-public agency employee or any employee of a large state contractor, which personnel action occurs not later than two years after the employee first transmits facts and information concerning a matter under subsection (a) of this section or discloses information under subdivision (1) of this subsection to the Auditors of Public Accounts, the Attorney General or an employee of a state agency, quasi-public agency or Probate Court, as applicable, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subsection (a) of this section or subdivision (1) of this subsection.

(5) If a state officer or employee, as defined in section 4-141, a quasi-public agency officer or employee, an officer or employee of a large state contractor or an appointing authority takes or threatens to take any action to impede, fail to renew or cancel a contract between a state agency and a large state contractor, or between a large state contractor and its subcontractor, in retaliation for the disclosure of information pursuant to subsection (a) of this section or subdivision (1) of this subsection to any agency listed in subdivision (1) of this subsection, such affected agency, contractor or subcontractor may, not later than ninety days after learning of such action, threat or failure to renew, bring a civil action in the superior court for the judicial district of Hartford to recover damages, attorney's fees and costs.

(f) Any employee of a state agency, quasi-public agency, Probate Court or large state contractor, who is found by the Auditors of Public Accounts, the Attorney General, a human rights referee or the Employees' Review Board to have knowingly and maliciously made false charges under subsection (a) of this section, shall be subject to disciplinary action by such employee's appointing authority up to and including dismissal. In the case of a state or quasi-public agency employee, such action shall be subject to appeal to the Employees' Review Board in accordance with section 5-202, or in the case of state or quasi-public agency employees included in collective bargaining contracts, the procedure provided by such contracts.

(g) On or before September first, annually, the Auditors of Public Accounts shall submit in accordance with the provisions of section 11-4a, to the clerk of each house of the General Assembly a report indicating the number of matters for which facts and information were transmitted to the auditors pursuant to this section during the preceding state fiscal year and the disposition of each such matter.

(h) Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in retaliation for such employee's disclosure of information to any employee of the contracting state or quasi-public agency or the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) or subdivision (1) of subsection (e) of this section, the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(i) Each state agency or quasi-public agency shall post a notice of the provisions of this section relating to state employees and quasi-public agency employees in a conspicuous place that is readily available for viewing by employees of such agency or quasi-public agency. Each Probate Court shall post a notice of the provisions of this section relating to Probate Court employees in a conspicuous place that is readily available for viewing by employees of such court. Each large state contractor shall post a notice of the provisions of this section relating to large state contractors in a conspicuous place which is readily available for viewing by the employees of the contractor.

(j) No person who, in good faith, discloses information in accordance with the provisions of this section shall be liable for any civil damages resulting from such good faith disclosure.

(k) As used in this section:

(1) "Large state contract" means a contract having a value of five million dollars or more (A) between an entity and a state or quasi-public agency, or (B) for the receipt of financial assistance by an entity from the state pursuant to title 32; and

(2) "Large state contractor" means an entity that has entered into a large state contract with a state or quasi-public agency.

(f) (1) No officer or employee of a state shellfish grounds lessee shall take or threaten to take any personnel action against any employee of a state shellfish grounds lessee in retaliation for (A) such employee's disclosure of information to an employee of the leasing agency concerning information involving the state shellfish grounds lease, or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, an employee of a state shellfish grounds lessee or the employee's attorney may file a complaint against the state shellfish grounds lessee concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this subsection. The human rights referee may order a state shellfish grounds lessee to produce (i) an employee of such lessee to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such state shellfish grounds lessee fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection, an employee of a state shellfish grounds lessee who alleges that a personnel action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any employee of a state shellfish grounds lessee, which personnel action occurs not later than two years after the employee first transmits facts and information to an employee of the leasing agency concerning the state shellfish grounds lease, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subdivision (1) of this subsection.

Credits

(1979, P.A. 79-599, § 1; 1983, P.A. 83-232; 1985, P.A. 85-559, § 5; 1987, P.A. 87-442, § 1, eff. Sept. 1, 1987; 1989, P.A. 89-81, § 3; 1997, P.A. 97-55; 1998, P.A. 98-191, § 1, eff. July 1, 1998; 2002, P.A. 02-91, § 1, eff. June 3, 2002; 2004, P.A. 04-58, §§ 1, 2; 2005, P.A. 05-287, § 47, eff. July 13, 2005; 2006, P.A. 06-196, § 26, eff. June 7, 2006; 2009, P.A. 09-185, § 2; 2009, Sept.Sp.Sess., P.A. 09-5, § 16, eff. Oct. 5, 2009; 2011, P.A. 11-48, § 17; 2014, P.A. 14-217, § 17, eff. June 13, 2014; 2014, P.A. 14-227, § 1, eff. June 13, 2014; 2015, June Sp.Sess., P.A. 15-5, § 117, eff. July 1, 2015; 2017, P.A. 17-136, § 1; 2018, P.A. 18-22, § 2; 2019, P.A. 19-69, § 1, eff. Oct. 1, 2019.)

Notes of Decisions (18)

Footnotes

1 C.G.S.A. § 4-166 et seq.

C. G. S. A. § 4-61dd, CT ST § 4-61dd

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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Proposed Legislation

Connecticut General Statutes Annotated
Title 4. Management of State Agencies
Chapter 55C. Large State Contracts: Certifications (Refs & Annos)

C.G.S.A. § 4-252a

§ 4-252a. Certification re whether making certain investments in Iran

Effective: October 1, 2013
Currentness

<See Connecticut Executive Order 2020-7GG (2020 CT EO 7GG), related to the COVID-19 State of Emergency, for suspension, modification or clarification of certain provisions of this section.>

(a) For purposes of this section, “state agency” and “quasi-public agency” have the same meanings as provided in section 1-79, “large state contract” has the same meaning as provided in section 4-250 and “entity” means any corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business organization whose principal place of business is located outside of the United States, but excludes any United States subsidiary of a foreign corporation.

(b) No state agency or quasi-public agency shall enter into any large state contract, or amend or renew any such contract with any entity who (1) has failed to submit a written certification indicating whether or not such entity has made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010,¹ or has increased or renewed such investment on or after said date, or (2) has submitted a written certification indicating that such entity has made such an investment on or after October 1, 2013, or has increased or renewed such an investment on or after said date. Each such certification shall be sworn as true to the best knowledge and belief of the entity signing the certification, subject to the penalties of false statement.

(c) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the certification requirements of this section. Prior to submitting a bid or proposal for a large state contract, each bidder or proposer who is an entity shall submit a certification that such bidder or proposer has or has not made an investment as described in subsection (b) of this section.

(d) Any entity who makes a good faith effort to determine whether such entity has made an investment described in subsection (b) of this section shall not be subject to the penalties of false statement pursuant to this section. A “good faith effort” for purposes of this subsection includes a determination that such entity is not on the list of persons who engage in certain investment activities in Iran created by the Department of General Services of the state of California pursuant to Division 2, Chapter 2.7 of the California Public Contract Code.² Nothing in this subsection shall be construed to impair the ability of the state agency or quasi-public agency to pursue a breach of contract action for any violation of the provisions of the contract.

(e) The provisions of this section shall not apply to any contract of the Treasurer as trustee of the Connecticut retirement plans and trust funds, as defined in section 3-13c, provided nothing in this subsection shall be construed to prevent the Treasurer from performing his or her fiduciary duties under section 3-13g.

Credits

(2013, P.A. 13-162, § 1.)

Footnotes

1 22 U.S.C.A. § 8532.

2 West's Ann.Cal.Pub.Con.Code § 2200 et seq.

C. G. S. A. § 4-252a, CT ST § 4-252a

The statutes and Constitution are current with all enactments of the 2020 Regular Session, the 2020 July Special Session, and the 2020 September Special Session.

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