



REQUEST FOR PROPOSALS FOR LEGAL SERVICES

August 8, 2024

The Connecticut Housing Finance Authority (“CHFA”) requests proposals for legal services from qualified law firms. Proposals will be considered for the categories of legal representation of special counsel, bond counsel, and multifamily closing counsel as described below. Any firm submitting a proposal must be prepared to participate with other firms in arrangements necessary for the representation of CHFA’s interests. A separate proposal must be submitted for each category of legal representation for which you apply. 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, if required. Please be advised that responses will be considered property of CHFA and are matters of public record.

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-income 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.

SCOPE OF SERVICES

A. Special Counsel

Special counsel will provide legal representation on an as-needed basis for various aspects of CHFA's business which includes, without limitation, contract and employment matters, general litigation, single family homeownership and multifamily rental housing financing matters, delinquencies, foreclosures, bankruptcy, partnership law, law of limited liability companies, mortgage insurance requirements, taxation of ownership entities, lender liability and environmental law.

While CHFA special counsel are encouraged to maintain a diverse legal practice with capacity to apply an in-depth comprehensive range of legal disciplines to the business of CHFA, submissions for the provision of representation limited to specific areas of legal practice are also encouraged and will be seriously considered under this RFP. Accordingly, please identify your firm's areas of practice in your proposal.

B. Bond Counsel

Bond counsel will be required to provide complete legal representation as to state and federal law, including tax matters with respect to all CHFA bond issues, and:

- be a law firm with a national reputation, experienced in municipal bond financing to provide services, including tax opinions, validation of bonds, the tax status of bond issues, and have knowledge of requirements of securities law with respect to offerings.
- have a working knowledge of CHFA's mortgage finance bond programs and provide sophisticated legal advice on federal tax matters, including, but not limited to, arbitrage.
- be experienced in tax-exempt and taxable financings, credit-enhanced financings, financings incorporating derivative structures and other forms of debt financings.
- be experienced in credit agreements, cash-collateralized and special purpose entity transactions.
- be experienced in affordable housing financing including but not limited to federal and state tax credits, third-party debt such as federal HOME and state financing programs, third-party subsidy such as federal Section 8 and state RAP, third-party insurance such as FHA, PMI, mortgage-backed securities or other related components.
- be able to draft and review all legal documentation necessary to issue CHFA bonds, to render unqualified legal opinions regarding the validity and tax-exempt status of CHFA bonds and to conduct closings of CHFA bond issues.
- be able to draft and review legislation relevant to CHFA's bond issues, seek any necessary opinions, letter rulings, or other documentation from the federal government and assist CHFA in resolving issues regarding its pledged assets, bonds and subordinate debt raised by bondholders, rating agencies or other interested parties.

C. Multifamily Closing Counsel

Multifamily Closing Counsel will provide comprehensive legal representation to effectuate the closing and funding of CHFA multifamily financing transactions that may include federal low-income housing tax credit and tax-exempt bond or taxable bond funded transactions, joint legal representation with other sources of State funding, and special multifamily financing

programs including, without limitation, “Build For CT” (chfa.org/buildforct/). Multifamily Closing Counsel must:

- be able to draft and/or review all legal documentation, all entity organizational documentation, all title and survey matters, and to apply all other regulatory or administrative requirements necessary in order to effectuate multifamily real estate financing transactions necessary to further CHFA’s and the State of Connecticut’s mission of the continued development of sustainable affordable housing;
- be experienced with affordable housing financing in Connecticut including, without limitation, the federal low-income housing tax credit program and related tax credit equity syndication and investment, State of Connecticut affordable housing financing programs, federal tax-exempt bond financings, project-based Section 8 rental assistance;
- be experienced with commercial and multifamily real estate financing in the State of Connecticut, including, without limitation, issues related to title, survey, collateral, contracts, partnerships and limited liability companies, insurance, taxation, and environmental matters and be experienced negotiating and working with borrower counsel, general contractors, environmental consultants, accountants, development consultants, investors and investor counsel and other transaction related parties; and
- be effective and efficient transaction closing counsel in order to represent CHFA’s interest while accomplishing multifamily real estate financing transaction closings on aggressive timeframes.

EVALUATION CRITERIA

Firms will be evaluated on the basis of their written responses to this RFP, additional written information as requested by CHFA and oral interviews, if any, and the following criteria:

- Experience of the firm
- Qualifications of personnel
- Organization and approach
- Fees
- Commitment to Affirmative Action and/or Diversity, Equity and Inclusion
- Connecticut presence
- Absence of conflicts or potential conflicts
- Location/geographic area of practice

CHFA may select multiple firms for the services described herein. No selected firm is guaranteed or ensured any number of contracts or proportion of business.

REQUESTED INFORMATION PART A: GENERAL INFORMATION

All firms must address the following issues and questions.

1. Provide a brief description of your firm, its history and main areas of practice. Describe any significant changes in the organization of your firm since 2021. Indicate the total number of attorneys and the number of attorneys available to CHFA.
2. Describe your presence in Connecticut, if any, including corporate existence in Connecticut, whether formed in Connecticut or authorized to do business in the State. This may include, but not be limited to, information on the number of offices your firm maintains in Connecticut, the location of such offices, the number of Connecticut residents employed in those offices, payroll and corporate taxes paid in Connecticut. Also, include any participation by your firm in any civic or other non-profit activities, including any charitable contributions that your firm made in Connecticut. If your firm is not currently registered with the Connecticut Secretary of State, please indicate whether your firm will register if your firm enters into an agreement in accordance with this RFP.
3. Provide a brief summary of the legal background of any individual lawyers who would be assigned to work with CHFA. Please indicate their probable areas of responsibility and the percentage of their time which would be available to assist CHFA.
4. Fees
 - a. *Special Counsel*

- (i) Provide the hourly rates of the individual lawyers identified above. Provide the estimated hours for the applicable services to allow CHFA to compute the cost of such services per assignment. Indicate whether there is a cap or not-to-exceed fee for each assignment.
- (ii) Provide an alternative fee structure such as a fixed or flat fee per assignment.
- (iii) Indicate whether your firm has discounted rates for quasi-government agencies, such as CHFA. Provide a narrative on the services to justify the fees under (i) and (ii).

b. *Bond Counsel*

CHFA intends to engage two (2) firms to act as co-bond counsel for its Housing Mortgage Finance Program Bonds and State-Supported Special Obligation Bonds and one firm to act as bond counsel for its Housing Revenue Bonds, *provided, however*, CHFA reserves the right to change its decision based upon its determination that such action is in the best interest of CHFA. Below is a brief summary describing the role of each co-bond counsel:

Housing Mortgage Finance Program Bonds and State-Supported Special Obligations Bonds:

Co-Bond Counsel #1	Co-Bond Counsel #2
Prepare and confirm deliveries of the Closing Checklist	Prepare the POS, the OS & the Bond Purchase Agreement
Produce the Series Resolution	Produce the Bond Specimen & the Remarketing Agreement
Produce the Arbitrage and Tax Certificates	

Housing Revenue Bonds:

Bond Counsel
Prepare and confirm deliveries of the Closing Checklist
Produce the Supplemental Indenture
Produce the Arbitrage and Tax Certificates
Produce Disclosure documents

Please Note: CHFA accepts electronic documents and does not require hard copies and wet signatures for bond closings. CHFA may issue certain stand-alone

multifamily financings, where the debt is secured solely by the trust estate and/or mortgage insurance and will require a firm to act as bond counsel.

- (i) Provide a fixed or flat rate fee based upon each role (if interested). Indicate whether there is a pricing variance between
 - aa) tax exempt issuance and taxable issuance,
 - ab) public sale and direct placement,
 - ac) fixed rate bond and variable rate bond, or
 - ad) single family and multifamily.

Provide a breakdown if an additional fee is required for replacement refunding or economic refunding transactions or the inclusion of a new swap or transferring an existing swap. Assume CHFA issues between 4 and 5 series of bonds a year under its master resolution, for single- and multifamily however no assurance can be given on its annual issuances. Refer to EMMA for CHFA past issuances.

- (ii) Provide a fixed or flat rate fee for its special needs or stand-alone bond issuance by CHFA.
- (iii) If your firm would like to suggest an alternative fee structure such as hourly rates, please provide the hourly rates of the individual lawyers identified above. Provide the estimated hours for a customary bond issuance and additional hours required to perform various structures described under 4.b.(i) above, if applicable, to allow CHFA to compute the total cost of bond counsel services for each issuance. Indicate whether there is a cap or not-to-exceed fee for each issuance or each engagement year.
- (iv) Indicate whether your firm has discounted rates for quasi-government agencies, such as CHFA or for small issuances (less than \$50 million). Provide a narrative on the services to justify the fees under (i), (ii), and (iii) as applicable.

c. Multifamily Closing Counsel

- (i) For multifamily closings, provide a transactional-based fixed or flat rate fee structure and proposed parameters.
- (ii) Indicate whether your firm has discounted rates for quasi-government agencies, such as CHFA. Provide a narrative on the services to justify the fees under (i) and (ii).

5. Provide the rate or range of rates at which ancillary services would be billed, if such expenses are not included under #4 above, including:
 - a. paralegal assistants (hourly rate)
 - d. any other services for which you routinely bill
6. Provide, in tabular form, information on the employee composition of your firm indicating the total number of employees and the total number and percentages of minorities and women employed as partners, associates, paralegals, etc.
7. Submit specific information regarding your firm's commitment to affirmative action and/or diversity equity and inclusion. Please include, at a minimum, policies and practices, including but not limited to hiring practices and any information that would demonstrate your firm's commitment to expanding diversity in the workplace, including recruiting initiatives, retention and promoting efforts and ongoing assessment of your firm's progress with respect to underrepresented groups (e.g. in terms of ethnicity, gender, sexual orientation, disability, etc.). Please include your firm's most recent EEO-1 report if required to file.
8. Describe your firm's commitment to diversity, education and training of the next generation of workers in your profession. Please include:
 - a. A brief description of any internship programs your firm offers and the applicable percentage of the internships for the underrepresented groups.
 - b. A brief description of any scholarships your firm provides to students and the applicable percentage of the underrepresented recipients.
9. Does your firm have a written policy, program or initiatives to foster business relationships with the underrepresented groups? If so, please provide details of the program and the percentage of business conducted with those groups.
10. Disclose any material assignments, relationships or other employment that your firm or any employee of your firm has with any financial advisory firms, investment banks or law firms, governmental entities, institutional or private mortgage lenders, builders, developers or general contractors, or other persons or entities that may create a conflict of interest or the appearance of a conflict of interest in serving as counsel to CHFA. Discuss any measures that are either in place at your firm or would be taken to identify, disclose and resolve any possible conflicts of interest.
11. Discuss any pending investigations by the Securities and Exchange Commission, the Internal Revenue Service, the Connecticut Bar Examining Committee, the bar examining committee of any state other than Connecticut, or any other regulatory body or court (local, state or federal) regarding the conduct of your firm, the firm's management or any individuals assigned to work with CHFA which might affect your ability to deliver legal

services described in this RFP. Discuss any such investigation that has occurred during the past three years.

12. 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 perform the services in this RFP.
13. Describe your firm's knowledge of and past experience with CHFA.
14. Does your firm represent state housing finance authorities, institutional or private mortgage lenders, builders, developers, or general contractors? If so, please explain.
15. Please provide as references a minimum of three clients for whom your firm has provided 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.
16. Please disclose any payment of third-party fees and/or agreements to pay third party fees your firm has made in an effort to provide services to CHFA. Additionally, please explain how said payments and/or agreements fall within one or more of the exceptions to the ban on finder's fees as more fully set forth in section 3-131 of the Connecticut General Statutes. Please disclose any and all contracts evidencing the terms of the fee arrangement and services. *Note: If a firm seeking to provide services fails to establish that a third-party payment and/or agreement to pay a third party falls within one or more of the exceptions enumerated in Section 3-131, then it will have failed to meet the minimum qualifications to provide investment services to CHFA. During the contract term for services provided to CHFA, a provider of services has a continuing duty to disclose third party fees, in writing, within sixty (60) days upon any change to a prior disclosure.*
17. Selected persons or firms must comply with CHFA and State Ethics requirements, laws and regulations. Persons or firms seeking to do business with CHFA are required to comply with the ethics statement, attached hereto on **Exhibit C**, and the applicable provisions of the Code of Ethics and Code of Ethics for Lobbyists incorporated therein by reference.

18. An authorized signatory of any firm submitting proposals is required to execute and submit with the proposals and with any agreement or contract awarded in accordance herewith all applicable representations and certifications set forth on **Exhibit A**, attached hereto and made a part hereof, regarding:

Gift and Campaign Contributions; Connecticut General Statutes §4-252

Entities Making Investments in Iran; Connecticut General Statutes §4-252a

Nondiscrimination; Connecticut General Statutes §4a-60 & Connecticut General Statutes §4a-60a

Consulting Agreements; Connecticut General Statutes §4a-81

Campaign Financing Contributions; Connecticut General Statutes §9-612

All of the above are attached hereto in full and incorporated herein on **Exhibit C**.

19. What is the most important question that we haven't asked you? Why should CHFA hire your firm instead of another firm?

PART B: ADDITIONAL INFORMATION

In addition to Part A, firms are to provide the information requested under Part B for the categories applied for.

A. Special Counsel & Multifamily Closing Counsel

- Describe your firm's experience in the following areas: corporate; real estate, including multifamily closings, workouts, foreclosure, bankruptcy, litigation and environmental matters; employment/labor and criminal law; federal tax credit programs, including, but not limited to, low-income housing tax credits, historic tax credits and new market rate tax credits.
- Describe your firm's experience closing affordable housing financing transactions in the State of Connecticut.

B. Bond Counsel

- Describe your firm's experience and capabilities with swap agreements, forward purchase agreements and other derivative structures. Discuss any federal tax and state law issues that CHFA should be mindful of in evaluating derivative structures in its financings.

- Indicate your experience with Federal tax credit programs, including, but not limited to, low-income housing tax credits, historic tax credits and new market rate tax credits.
- Describe your firm's experience in Pre-Ullman refunding bonds. Provide recent example(s) where your firm was involved, the nature of the transaction(s) and the outcome of such transaction(s).
- Describe your firm's experience with FHA Risk Share bonds or certificates. Provide recent example(s) of your firm's FHA Risk Share related involvement, the nature of a transaction(s), and the outcome of such transaction(s).
- Describe your firm's experience with GSE-backed or involved bonds. Provide recent example(s) of such engagement with GSEs including Fannie, Freddie or Federal Home Loan Banks, the nature of the transaction(s), and the outcome of such transaction(s).
- Describe your firm's experience in transferred proceeds, bond cross-calls, zeros, participation interest and universal cap. Provide recent example(s) where your firm was involved, the nature of the transaction(s) and the outcome of such transaction(s).
- Describe any recent legislation related to the debt issuance of any Connecticut governmental entity that your firm had a principal role in preparing.
- Describe your firm's experience in providing advice regarding compliance with appropriate state and federal disclosure laws.
- Provide a summary of the key strengths and qualifications of your firm to serve as Bond Counsel to CHFA. (Your response to this question should not exceed one page.)

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 Information will not be accepted. If CHFA receives a request for your firm's Confidential Information, it will use its best efforts to notify your firm of such request and provide your firm 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. Your 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. Your 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. on Friday, August 23 2024. Firms submitting a proposal should not contact members of the CHFA's Board of Directors or CHFA staff, which may be grounds for elimination from consideration.
2. The entire proposal must not exceed 20 single-sided pages (in addition to the required submissions included herein).
3. Submissions must be sent electronically (not to exceed 100 MB) to RFP.RFQ@chfa.org no later than 12:00 p.m. EDT on **Friday, September 27, 2024**. *In the event the submission exceeds 100 MB, please split the content of the submission into several parts. 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. Please remember to submit completed **Exhibit A (Representations and Certifications), and Exhibit B (OPM Form 1, SEEC Form 10, and Section 3-13j Affidavit of Disclosure)**.
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 that it will comply with the provisions of Connecticut General Statutes applicable to contracts with CHFA including, but not limited to, nondiscrimination and affirmative action provisions. Selected firms will also be required to provide evidence of the firm's professional liability insurance in the amounts listed on **Exhibit C**. 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.*

Entities Making Investments in Iran; Connecticut General Statutes §4-252a. Proposer hereby represents, warrants and certifies to CHFA that Proposer has not 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 and Proposer has not increased or renewed such investment on or after said date. **Notice: CHFA shall not enter into any contract or agreement with Proposer if Proposer fails to make and comply with the certification requirements set forth in Connecticut General Statutes §4-252a.**

Nondiscrimination; Connecticut General Statutes §4a-60 & Connecticut General Statutes §4a-60a. Proposer hereby represents, warrants and certifies to CHFA that the Proposer has a policy in place that complies with, and will remain in compliance with throughout the term of any contract or agreement awarded in connection with the Request for Proposal, to the extent applicable, the nondiscrimination requirements and warranties set forth in Connecticut General Statutes §4a-60(a)(1) and §4a-60a(a)(1), as amended.

The authorized signatory of Proposer confirms, acknowledges and demonstrates their understanding of the obligations set forth in Connecticut General Statutes §4a-60 & §4a-60a by initialing here:

Print Name: _____ Initials: _____

CHFA shall not award or enter into any contract or agreement with Proposer if Proposer has not included the nondiscrimination affirmation provision in the contract and otherwise complied with the requirements set forth in Connecticut General Statutes §4a-60 & §4a-60a.

Consulting Agreements; Connecticut General Statutes §4a-81. **Notice: CHFA shall not enter into any contract or agreement with Proposer if Proposer fails to make and comply with the representation requirements set forth in Connecticut General Statutes §4a-81.** Proposer hereby represents, warrants and certifies to CHFA that, to the extent any agreement or contract awarded in connection with the Request for Proposal has a total value of fifty thousand dollars or more in any calendar or fiscal year, no consulting agreement (as such term is defined in Connecticut General Statutes §4a-81(b)*) has been entered into in connection with such agreement or contract, except as follows:

(PLEASE CHECK APPROPRIATE BOX)

No Consulting Agreements

OR

Itemized Consulting Agreements, as follows:

(For each consultant, please 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. _____
3. _____

**“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) contracting, 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 and “consulting agreement” does not include any agreements entered into with a consultant who is registered under the provisions of chapter 10 of the Connecticut General Statutes as of the date such affidavit is submitted in accordance with the provisions of §4a-81 of the Connecticut General Statutes.*

Campaign Financing Contributions; Connecticut General Statutes §9-612(f) & (g).

Proposer has delivered to CHFA a completed SEEC Form 10 Notice in accordance with Connecticut General Statutes §9-612(g)(1), a copy of which can be obtained at the following internet link: https://seec.ct.gov/Portal/data/forms/ContrForms/seec_form_10_final.pdf

Proposer hereby represents, warrants and certifies to CHFA:

(1) that Proposer has received a copy of the written notice advising state contractors and prospective state contractors of the contribution and solicitation prohibitions set forth in Connecticut General Statutes §9-612(f)(2)(A) & (B);

(2) that the Proposer has not made any contributions to, or solicited any contributions on behalf of, any party committee, exploratory committee, candidate for state-wide office for the General Assembly, or political committee authorized to make contributions to or expenditures to or for, the benefit of such candidates, in the previous four years, that were determined by the State Elections Enforcement Commission to be violation of Connecticut General Statutes §9-612(f)(2)(A) & (B) without mitigating circumstances having been found to exist concerning such violation; and

(3) Proposer’s chief executive officer or authorized signatory of this Request for Proposal submission has completed and delivered to CHFA the State of Connecticut Campaign Contribution Certification in accordance with Connecticut General Statutes §9-612, set forth on **Exhibit C**, attached hereto and made a part hereof.

Notice: CHFA shall not enter into any contract or agreement with Proposer if Proposer fails to make and comply with the representation requirements set forth in Connecticut General Statutes §9-612.

Each approved firm agrees that it will execute a contract satisfactory to CHFA which includes representations and certifications, similar to those agreed upon herein, to comply with the provisions of Connecticut General Statutes applicable to contracts with CHFA.

Notice: All representations, warranties and disclosures contained above are sworn as true to the best knowledge and belief of the below authorized signatory and any false statements made herein are punishable under the penalty for false statement set out in §53a-157b of the Connecticut General Statutes.

PROPOSER:

[ENTITY NAME]

By: _____

Name:

Title:

Sworn and subscribed before me on this ____ day of _____, 2024.

Notary Public/Commissioner of the Superior Court

Exhibit B

OPM Form 1



**STATE OF CONNECTICUT
CAMPAIGN CONTRIBUTION CERTIFICATION**

Written or electronic certification to accompany a bid or proposal or a non-competitive contract with a value of \$50,000 or more, pursuant to C.G.S. § 9-612.

INSTRUCTIONS:

Complete all sections of the form. Attach additional pages, if necessary, to provide full disclosure about any campaign contributions made to campaigns of candidates for statewide public office or the General Assembly, as described herein. Sign and date the form, under oath, in the presence of a Commissioner of the Superior Court or Notary Public. Submit the completed form to the awarding State agency at the time of submission of your bid or proposal (if no bid or proposal— submit this completed form with the earliest submittal of any document to the state or quasi-public agency prior to the execution of the contract), and if there is a change in the information contained in the most recently filed certification, such person shall submit an updated certification either (i) not later than thirty (30) days after the effective date of such change or (ii) upon the submittal of any new bid or proposal for a contract, whichever is earlier.

Check One:

Initial Certification

Updated Certification because of change of information contained in the most recently filed certification

CAMPAIGN CONTRIBUTION CERTIFICATION:

I certify that neither the contractor or prospective state contractor, nor any of its principals, have made any contributions to, or solicited any contributions on behalf of, any party committee, exploratory committee, candidate for state-wide office or for the General Assembly, or political committee authorized to make contributions to or expenditures to or for, the benefit of such candidates, in the previous four years, that were determined by the State Elections Enforcement Commission to be in violation of subparagraph (A) or (B) of subdivision (2) of subsection (f) of Section 9-612 of the General Statutes, without mitigating circumstances having been found to exist concerning such violation. 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 not later than thirty days after the effective date of any such change or upon the submittal of any new bid or proposal for a state contract, whichever is earlier.

All Campaign Contributions on behalf of any party committee, exploratory committee, candidate for state-wide office or for the General Assembly, or political committee authorized to make contributions to or expenditures to or for, the benefit of such candidate, for a period of four years prior to signing the contract or date of the response to the bid, whichever is longer, include:

<u>Contribution Date</u>	<u>Name of Contributor</u>	<u>Recipient</u>	<u>Value</u>	<u>Description</u>

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

Printed Contractor Name

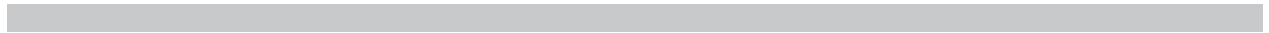
Printed Name of Authorized Official

Signature of Authorized Official

Subscribed and acknowledged before me this _____ day of _____, 20____.

Commissioner of the Superior Court (or Notary Public)

_____ My Commission Expires



SEEC FORM 10

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 07/18

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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.

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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.

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ACKNOWLEDGEMENT OF RECEIPT

SIGNATURE

DATE (mm/dd/yyyy)

NAME OF SIGNER

First Name	MI	Last Name	Suffix

TITLE

COMPANY NAME

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"

§3-13j Affidavit of Disclosure

CONNECTICUT GENERAL STATUTES §3-13J AFFIDAVIT OF DISCLOSURE

STATE OF _____)
) ss: _____
COUNTY OF _____)

Pursuant to §3-13j of the Connecticut General Statutes, I, _____
(*Print Name*), a duly authorized officer and/or representative of Proposer, an entity duly formed and existing and qualified to do business in the State of Connecticut and proposing to enter into a contract for investment services with CHFA, being duly sworn, do hereby certify as follows:

1. I am over the age of eighteen (18) and understand and appreciate the obligations of an oath.
2. Proposer hereby swears and attests that all third-party fees attributable to the Agreement wherever paid, are listed, as follows:

(PLEASE CHECK APPROPRIATE BOX)

No third-party fees

OR

Itemized third party fees*, as follows:

Name of Payee	Dollar Amount of Value of Non-cash Compensation & Date	Fee Arrangement	Specific Services Performed by Payee

**Third party fees include, 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 §3-13j or any amendments thereto.*

3. I, on behalf of Contractor, hereby agree that during the term of the Agreement, I will disclose in writing any thirty party fees in excess of any amounts disclosed above within sixty (60) days of payment of such fees.

In Witness Whereof, I, as _____ of the above-named Contractor have hereunto set my hand and seal.

Name:
Title:

Subscribed and sworn to before me this _____ day of _____, 2024.

Notary Public/Commissioner of the Superior Court
My Commission Expires: _____

Instructions: CHFA Insurance Requirements

All contractors and vendors are required to provide proof of the required insurance coverage before entering the premises or commencing any work at any CHFA facility. Contractors and vendors must obtain, at their own expense, all the insurance required here, and acceptable evidence of such insurance must be properly furnished to, and approved by, CHFA.

All subcontractors are subject to the same requirements. It is the responsibility of the primary contractor or vendor to obtain acceptable evidence of insurance from subcontractors.

CHFA also requires that they be named as an additional insured on your general liability policy(ies). Your general liability policy must be endorsed with ISO Endorsement CG 20 10 (or equivalent) *or* ISO Endorsement CG 20 26 (or equivalent), *and* ISO Endorsement CG 20 37 (or equivalent) if so required. These form numbers must be specifically referenced on the certificate of insurance. If your insurance company uses a different form to provide CHFA with additional insured status on your policies, copies of those forms must be provided in advance with the insurance certificate for review and approval by CHFA. All coverage must be primary as to CHFA.

The proper name for the entity to be named as additional insured is: “Connecticut Housing Finance Authority, and/or related or affiliated entities.”

Evidence of compliance with these requirements is with the ACCORD form 25, “Certificate of Liability Insurance”, with 30 days’ notice of cancellation, plus copies of any required additional insured endorsements. Certificates should be sent to: Connecticut Housing Finance Authority, Attention: Shelly Mondo, 999 West St., Rocky Hill, CT 06067. Tel.: (860) 721-9501.

Current insurance certificates must be furnished to CHFA at all times. Replacement certificates must be furnished *prior to the expiration or replacement* of referenced policies.

Required (if checked)	Type of Insurance	Standard Requirement
	<p>Commercial General Liability</p> <p>Contractors or service vendors:</p>	<p>\$1,000,000 per occurrence/ \$2,000,000 aggregate bodily injury/property damage.</p> <p>The CGL policy must include coverage for:</p> <ul style="list-style-type: none"> • liability from premises and operations. • liability from products or completed operations. • liability from actions of independent contractors. • liability assumed by contract. <p>All coverage provided to CHFA under this section must be primary.</p> <p>CHFA must be named as “additional insured” on your CGL policy with ISO form CG 20 10 or CG 20 26 or equivalent</p> <p>CHFA must <i>also</i> be named as “additional insured” on your CGL policy with form CG 20 37 or equivalent</p> <p>The Aggregate limit must apply per job/project.</p> <p>Products/completed operations must be carried for 2 years after completion of job/acceptance by owner.</p>
	<p>Automobile Liability</p>	<p>\$1,000,000 per accident for bodily injury/property damage, including hired & non-owned vehicles</p>
	<p>Workers' Compensation</p> <p>Employers Liability</p>	<p>Statutory coverage in compliance with compensation laws of the State of Connecticut.</p> <p>\$100,000 each accident, \$500,000 Disease – Policy limit \$100,000 each employee per policy period</p>
	<p>Umbrella Liability</p>	<p>\$1,000,000 Excess over underlying limits described above.</p>
<p>√</p>	<p>Professional Liability</p>	<p>\$1,000,000 per claim/ \$1,000,000 aggregate</p>
	<p>Cyber Liability</p>	<p>\$1,000,000 per occurrence/\$1,000,000 aggregate</p>

Insurance Requirements

Contractors or vendors working for and/or doing business with the Connecticut Housing Finance Authority (CHFA), or using CHFA facilities, shall agree as a condition of acceptance to furnish and perpetually maintain, at their own expense, for the duration of any project, work, contract or use of CHFA facilities the following policies of insurance covering the following items. Insurance must be primary and endorsed to be noncontributory by CHFA, must be written in an insurance company A.M. Best rated as “A-VII” or better, and CHFA must be endorsed to the policy as an additional insured (except Worker’s Compensation) unless this requirement is specifically waived in writing by CHFA. Contractors further agree that any subcontractor they intend to use on CHFA assigned work will be required to submit to the same indemnity and insurance requirements contained in this schedule. Contractor shall obtain insurance certificates stating that both Contractor and CHFA shall be endorsed to the subcontractor’s insurance policies as additional insured.

Indemnification

The contractor/vendor shall save harmless, indemnify, and in the event of claim, notification or suit will immediately defend CHFA and any related or subsidiary entities, their officers, employees and volunteers, from and against all loss, costs, damage, expense, claims or demands arising out of or caused or alleged to have been caused in any manner by the performance of work or use of facilities herein provided, including all suits, claims or actions of every kind or description brought against the CHFA either individually or jointly with the entity or organization for or on the account of any damage or injury to any person or persons or property, including the entity or organization’s employees or their property, caused or occasioned, or alleged to have been caused or occasioned in whole or in part by the entity or organization, including any subcontractor, their employees or agents.

Certificates of Insurance

Before starting any work, or commencing any use or occupancy of CHFA premises, the contractor or vendor shall furnish to CHFA a certificate of insurance indicating, specifically, the existence of those coverages and limits set forth as follows. CHFA must be named on the insurance certificate as “additional insured” for the coverage’s afforded, and a copy of the actual policy endorsement that adds CHFA as an additional insured must be attached to the certificate (Blanket additional insured endorsements are deemed acceptable). It is also the duty of contractor or vendor to provide renewal or replacement certificates and endorsements to CHFA upon renewal or new placement of any insurance policy which may expire or renew during the term of any project or engagement, and to give CHFA thirty (30) days’ notice of any cancellation or change in the terms of such policy or policies during the periods of coverage. Upon request of CHFA, the contractor or vendor shall furnish to CHFA for its examination and approval such policies of insurance with all endorsements, or copies thereof, certified by the agent of the insurance company.

The contractor or vendor agrees to forward a signed original of this Insurance Requirement signed by an authorized Officer or Agent for the contractor or vendor, to the care of: Connecticut Housing Finance Authority, **Shelly Mondo**, Contracts and Procurement Officer, 999 West St., Rocky Hill, CT 06067. Tel.: (860) 571-4389, Fax: (860) 721-0527, Email: shelly.mondo@CHFA.org, as an acknowledgement and acceptance to the terms and conditions stated herein and prior to the commencement of any work being performed.

Signed by (contractor or vendor)

(type/print name of contractor or vendor)

Date

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 §3-131 regarding disclosure of third party fees and finders fees and §§4-250 through 4-252 regarding affidavits and certifications for large state contracts.

§ 4-252. Certification requirements for large state contracts

(a) Except as provided in section 10a-151f, on and after July 1, 2021, no state agency or quasi-public agency shall execute a large state contract unless such contract contains the representation described in this section.

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall represent that the selection of the 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 represent:

(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 quasipublic 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 agree to the representations required under this section shall be rejected 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 representation requirements of this section.

Source:

(P.A. 04-245, S. 4 ; P.A. 11-229, S. 2 ; P.A. 17-130, S. 6 .)

History:

Amended by P.A. 22-0040, S. 7 of the Connecticut Acts of the 2022 Regular Session, eff. 7/1/2022.
Amended by P.A. 21-0076, S. 2 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021.
Amended by P.A. 17-0130, S. 6 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017.
Amended by P.A. 11-0229, S. 2 of the the 2011 Regular Session, eff. 10/1/2011.

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

(a) For purposes of this section, "state agency" has the same meaning as provided in section 1-79, "quasi-public agency" has the same meaning as provided in section 1-120, "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 unless such contract contains a certification that such entity has not 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, and has not increased or renewed such investment on or after said date.

(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.

(d) Any entity that makes a good faith effort to determine whether such entity has made an investment described in subsection (b) of this section shall not be deemed to be in breach of the contract or in violation of 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. 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.

Source:

(P.A. 13-162, S. 1.)

History:

Amended by P.A. 23-0037, S. 10 of the Connecticut Acts of the 2023 Regular Session, eff. 10/1/2023. Amended by P.A. 22-0040, S. 8 of the Connecticut Acts of the 2022 Regular Session, eff. 7/1/2022. Amended by P.A. 21-0076, S. 3 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021.

**§ 4a-60. (Formerly Sec. 4-114a).
Nondiscrimination and affirmative action
provisions in awarding agency, municipal
public works and quasi-public agency
project contracts**

(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 shall include a nondiscrimination affirmation provision certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in compliance with the nondiscrimination requirements of subsection (a) of this section. The authorized signatory of the contract shall demonstrate his or

her understanding of this obligation by (A) initialing the nondiscrimination affirmation provision in the body of the contract, (B) providing an affirmative response in the required online bid or response to a proposal question which asks if the contractor understands its obligations, or (C) signing the contract.

(2) 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 that has not included the nondiscrimination affirmation provision in the contract and demonstrated its understanding of such provision as required under subdivision (1) of this subsection.

(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

Conn. Gen. Stat. 4a-60 (Formerly Sec. 4-114a). Nondiscrimination and affirmative action provisions in awarding agency, municipal public works and quasi-public agency project contracts (General Statutes of Connecticut (2024 Edition))

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.

Source:

(February, 1965, P.A. 366, S. 1; 1967, P.A. 284; P.A. 73-279, S. 13; P.A. 74-68; P.A. 76-8; P.A. 78-148, S. 8; P.A. 82-358, S. 7, 10; P.A. 83-569, S. 8, 17; P.A. 84-412, S. 3, 8; 84-418; P.A. 88-351, S. 2, 16; P.A. 89-253, S. 2, 7; P.A. 07-142, S. 9 ; P.A. 09-158, S. 1 ; P.A. 11-55, S. 3 ; 11-129, S. 20 ; 11-229, S. 3 ; June Sp. Sess. P.A. 15-5, S. 63 ; P.A. 17-130, S. 7 ; P.A. 18-75, S. 2 .)

History:

Amended by P.A. 22-0040, S. 5 of the Connecticut Acts of the 2022 Regular Session, eff. 7/1/2022. Amended by P.A. 21-0076, S. 6 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 18-0075, S. 2 of the Connecticut Acts of the 2018 Regular Session, eff. 7/1/2018. Amended by P.A. 17-0130, S. 7 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 15-0005, S. 63 of the Connecticut Acts of the 2015 Special Session, eff. 10/1/2015. Amended by P.A. 11-0229, S. 3 of the the 2011 Regular Session, eff. 10/1/2011. Amended by P.A. 11-0055, S. 3 of the the 2011 Regular Session, eff. 10/1/2011. Amended by P.A. 09-0158, S. 1 of the the 2009 Regular Session, eff. 6/30/2009.

Cross Reference Note:

See Sec. 1-1f for definitions of "blind" and "physically disabled".

See Sec. 1-1g for definition of "intellectual disability".

See Sec. 46a-68b for definition of "public works contract".

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

(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 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;

(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 shall include a nondiscrimination affirmation provision in the contract certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in conformance with the nondiscrimination requirements of this section. The authorized signatory of the contract shall demonstrate his or her understanding of this obligation by either (A) initialing the nondiscrimination affirmation provision in the body of the contract, (B) providing an affirmative response in the required online bid or response to a proposal question which asks if the contractor understands its obligations, or (C) signing the contract.

(2) 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 included the nondiscrimination affirmation provision in the contract and demonstrated its understanding of such provision as required under subdivision (1) of this subsection.

(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.

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(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.

See Sec. 46a-68b for definition of "public works contract".

Source:

(P.A. 91-58, S. 16 ; 91-407, S. 8, 42 ; P.A. 07-142, S. 10 ; P.A. 09-158, S. 2 ; P.A. 11-229, S. 4 ; June Sp. Sess. P.A. 15-5, S. 64 ; P.A. 17-130, S. 8 .)

History:

Amended by P.A. 23-0204, S. 427 of the Connecticut Acts of the 2023 Regular Session, eff. 6/12/2023. Amended by P.A. 21-0076, S. 7 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 17-0130, S. 8 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 15-0005, S. 64 of the Connecticut Acts of the 2015 Special Session, eff. 10/1/2015. Amended by P.A. 11-0229, S. 4 of the the 2011 Regular Session, eff. 10/1/2011. Amended by P.A. 09-0158, S. 2 of the the 2009 Regular Session, eff. 6/30/2009.

Cross Reference Note:

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

(a) Except as provided in section 10a-151f, no state agency or quasipublic 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 such contract contains the representations described in subsection (b) of this section.

(b)

(1) Each contract described in subsection (a) of this section shall include a representation whether any consulting agreement has been entered into in connection with any such contract. Such representation 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 10 as of the date such contract is executed in accordance with the provisions of this section.

(2) Such representation shall be made to the best knowledge and belief of the person signing the

contract and shall be subject to the penalty of false statement as provided in section 53a-157b.

(3) If such representation indicates that a consulting agreement has been entered into in connection with any such contract, such representation shall include or attach 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 representation shall indicate his or her former agency and the date such employment terminated.

(c) Each state agency and quasi-public agency shall include a notice of the representation 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 agree to the representations required under subsections (a) and (b) of this section, such bidder or vendor shall be rejected 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.

Source:

(P.A. 05-287, S. 51 ; P.A. 11-229, S. 5 ; P.A. 17-130, S. 10 .)

History:

Amended by P.A. 22-0040, S. 6 of the Connecticut Acts of the 2022 Regular Session, eff. 7/1/2022. Amended by P.A. 21-0076, S. 4 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 17-0130, S. 10 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 11-0229, S. 5 of the the 2011 Regular Session, eff. 10/1/2011.

Conn. Gen. Stat. 9-612 (Formerly Sec. 9-333n). 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 (General Statutes of Connecticut (2024 Edition))

§ 9-612. (Formerly Sec. 9-333n). 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

(a) No individual shall make a contribution or contributions in any one calendar year in excess of fifteen 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.

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(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

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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

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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) 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.

(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

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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;

(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 include in the bid specifications or request for proposals for a state contract, a copy of or Internet link to such notice. No state agency or quasi-public agency shall execute a state contract unless such contract contains a representation that the chief executive officer or authorized signatory of the contract has received such notice; and

(F)

(i) Any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract shall certify that neither the contractor or prospective state contractor, nor any of its principals, have made any contributions to, or solicited any contributions on behalf of, any party committee, exploratory committee, candidate for state-wide office or for the General Assembly, or political

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committee authorized to make contributions to or expenditures to or for, the benefit of such candidates, in the previous four years, that were determined by the State Elections Enforcement Commission to be in violation of subparagraph (A) or (B) of this subdivision, without mitigating circumstances having been found to exist concerning such violation. 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 not later than thirty days after the effective date of any such change or upon the submittal of any new bid or proposal for a state contract, whichever is earlier.

(ii) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a state contract a notice of the certification requirements of this subparagraph. No state agency or quasi-public agency shall execute a state contract unless the state agency or quasi-public agency obtains the written certification described in this subparagraph.

(iii) Any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract shall disclose on the certification all contributions made by any of its principals to any party committee, exploratory committee, candidate for state-wide office or for the General Assembly, or political committee authorized to make contributions to or expenditures to or for the benefit of such candidates for a period of four years prior to the signing of the contract or date of the response to the bid, whichever is longer, and certify that all such contributions have been disclosed.

(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.

**Conn. Gen. Stat. 9-612 (Formerly Sec. 9-333n). 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
(General Statutes of Connecticut (2024 Edition))**

(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,

Conn. Gen. Stat. 9-612 (Formerly Sec. 9-333n). 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
(General Statutes of Connecticut (2024 Edition))

in excess of one hundred dollars in any calendar year.

Source:

(P.A. 86-99, S. 15, 34; P.A. 91-351, S. 14, 19, 28 ; P.A. 95-188, S. 2 ; June 18 Sp. Sess. P.A. 97-5, S. 12, 19 ; P.A. 00-43, S. 18, 19 ; P.A. 02-130, S. 11 ; P.A. 03-241, S. 14 ; Oct. 25 Sp. Sess. P.A. 05-5, S. 31, 32 ; P.A. 06-137, S. 26, 28 ; P.A. 07-1, S. 1 ; 07-202, S. 9 ; P.A. 08-2, S. 10 -12; P.A. 09-234, S. 13 ; P.A. 10-187, S. 6 ; July Sp. Sess. P.A. 10-1, S. 10; June 12 Sp. Sess. P.A. 12-2, S. 51 ; P.A. 13-180, S. 7 ; P.A. 14-182, S. 11 .)

History:

Amended by P.A. 23-0205, S. 190 of the Connecticut Acts of the 2023 Regular Session, eff. 6/29/2023. Amended by P.A. 21-0076, S. 5 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 14-0182, S. 11 of the Connecticut Acts of the 2014 Regular Session, eff. 6/12/2014.

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

(a) Prior to the Treasurer 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 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, 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, 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.

Source:

(P.A. 00-43, S. 5, 19 .)