CHESLA

CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY

January 11, 2016

To Whom It May Concern:

In accordance with the requirements in Connecticut General Statutes, Chapter 187, Section 10a-179h (4), the Connecticut Higher Education Supplemental Loan Authority (the "Authority") on behalf of itself an certain Connecticut State agencies (collectively, the "Working Group")is requesting proposals from qualified firms wishing to assist the Working Group in the development and implementation of an on-line financial literacy program. The program will be available through a planned statewide student financial aid/financial literacy portal.

The Authority seeks proposals from firms with established expertise in the area of financial literacy and on-line platforms. Proposals should highlight recent experience in this regard.

Responses to the RFP

Your firm's submission relating to this RFP should include a response to the questions and requests for information included in the attached ***Exhibit A, as well as the materials required by Exhibit D. Please be sure to include the required undertakings set out on Exhibit A in your response.***

Proposal Schedule

- RFP Issued ***January 11, 2016***
- Proposals are due by no later than ***January 25, 2016 at 12:00 PM Eastern***
- Selection of Consultant on or about ***March 22, 2016***

Selection Process

Evaluation of firms will include, but will not be limited to: the reputation of the firm, the scope of services to be provided, cost, the reputation and experience of the professionals assigned, and other value added services that may be provided.

10 Columbus Boulevard, Hartford, Connecticut 06106
(860) 520-4001 Outside CT • (800) 252-3357 In CT • FAX (860) 520-4004
www.chesla.org

Contractual Relationships with Quasi-Public Agencies

1. Public Act No. 01-184

AN ACT CONCERNING THE PENALTY FOR FALSE STATEMENTS ON APPLICATIONS FOR FINANCIAL ASSISTANCE FROM QUASI-PUBLIC AGENCIES.

Any quasi-public agency, as defined in Section 1-120 of the General Statutes, shall require any application, agreement, financial statement, certificate or other writing submitted to such quasi-public agency with respect to any loan, mortgage, guarantee, investment, grant, lease, tax relief, bond financing or other extension of credit or financial assistance made or provided by such quasi-public agency and that provides information on which the decision of such quasi-public agency was based, to be signed under penalty of false statement as provided in Section 53a-157b of the General Statutes. The Authority requires that proposals in response hereto be provided on the same basis.

2. State of Connecticut Office of State Ethics ("OSE") Requirements

Attached is the OSE "Guide to the Code of Ethics for Current or Potential State Contractors" **(Exhibit B).** This document and the revised statutes effective January 1, 2013 (available on the OSE website) provide your company with a guide to your financial relationship and statutory requirements for conducting business with a quasi-public agency. ***By submitting a response to this request for proposal, your firm acknowledges receipt of this information and acceptance of the provisions applicable to organizations doing business with the Authority*.**

3. State Election Enforcement Commission Campaign Contribution and Solicitation Ban

Section 9-612(g)(1) of the Connecticut General Statutes prohibits "principals" (AND CERTAIN FAMILY MEMBERS) of State contractors and prospective State contractors from donating and soliciting certain campaign contributions. ***The Authority is required to provide all prospective State contractors with a copy of the Notice to Executive Branch State Contractors and Prospective State Contractors of Campaign Contribution and Solicitation Limitations which has been included as Exhibit C.***

4. **C.G.S. Sections 4a-60 and 4a-60a**

   AN ACT CONCERNING CERTAIN STATE CONTRACTING NONDISCRIMINATION REQUIREMENTS
   Connecticut General Statutes Sections 4a-60 and 4a-60a, as amended, require an entity or individual entering into a contract with the State or certain of its political subdivisions, including quasi-public agencies, to provide the contracting agency with a written affidavit, representation or other acceptable documentation that certifies the contractor's compliance with the State's nondiscrimination agreements and warranties and to periodically update such documentation. ***(Please refer to the form of the required certification attached as Exhibit D.)***

Scope of Services

The overall charge to the consultant is to work with the Working Group and other related advisors to provide assistance regarding development and implementation of an on-line financial literacy program. The scope of services to be provided by the consultant will include, but not be limited to, the following services:

- Develop a reasonable implementation timeline, identifying all steps in the process, with a goal of having a product available online and on mobile devices by September 2016
- Work with the Working Group and its other consultants to develop and finalize the content of the on-line offering
- Provide a mechanism for updating content as appropriate
- Provide ongoing maintenance and support to the on-line product

RFP Format and Submission Requirements

1. The total length of the response is limited to 15 pages.

2. Please submit a copy of your firm's response to this RFP via email by no later than **Monday, January 25, 2016 at 12:00 noon** in PDF format to the following individuals:

   Jeanette W. Weldon, Executive Director jweldon@chesla.org
   Josh Hurlock, Loan Portfolio and Marketing Associate jhurlock@chesla.org

The Authority reserves the following rights (without limitation or waiver):

1. To reject any or all proposals.

2. To conduct investigations or request further information relating to the qualifications of any or all respondents.

3. To supplement, modify or cancel this request for proposals without notice or substitution of another such request.

4. To reevaluate a proposal or selection if there are any changes in the substance of the proposal.

The Authority shall not be liable for any cost incurred in connection with responding to this proposal. Please direct any questions to Josh Hurlock via email at jhurlock@chesla.org or call 860-761-8482.

Sincerely,

Jeanette W. Weldon

Jeanette W. Weldon
Executive Director

Exhibits Attached

STUDENT FINANCIAL LITERACY CONSULTANT REQUEST FOR PROPOSAL

I. General Information

1. **Background Information:** Provide a brief description of your firm and its ownership structure. Discuss the location(s) of the office(s) from which the primary work on this engagement is to be performed.

2. **Qualifications:** Please describe your firm's experience and qualifications to serve as a consultant with regard to development and implementation of an on-line financial literacy product. Be specific and please do not submit lengthy marketing materials.

3. **Personnel:** Provide brief resumes summarizing the backgrounds and qualifications of the specific individuals in your firm who would be assigned to work this engagement. Specify the person who will serve as the primary day- to-day contact and provide contact information. Discuss the primary roles that other members of your team will fill. Indicate how the quality and availability of the staff over the term of the agreement will be assured. (Resumes may be included as an Appendix to your proposal.)

II. Connecticut Experience

1. Discuss your firm's experience within the State of Connecticut. Describe your firm's commitment to the State of Connecticut and whether you have offices or employees in the State. Describe your firm's corporate citizenship policies in the State of Connecticut including the charitable contribution of money and time; local procurement of goods and services; development or participation in internship programs or scholarships; and policies with regard to the use of women-owned, minority-owned and small business enterprises.

III. Financial Literacy Expertise

1. **Financial Literacy Products and Services:** Please describe your experience and expertise with regard to providing financial literacy training to students. Please provide specific details with regard to:

a. On-line offerings
b. Mobile offerings
c. Educational tools regarding student debt
d. Educational tools regarding budgeting and money management while in college
e. Ongoing updates and support

2. **Support Services:** Discuss your firm's ongoing support services for your financial literacy products.

3. **Client portfolio summary:** Summarize in tabular format your experience with providing financial literacy products. Please specify the client, type of products/services provided, length of engagement, and any other relevant information.

4. **Relevant Assignments:** Describe in more detail a relevant engagement of your firm within the last three years that illustrates the quality of your product and service.

5. **References:** Provide the name, title, address and telephone number of three client references the Authority may contact in connection with your proposal.

IV. Firm Details

1. **Affirmative Action:** What is your firm's Affirmative Action and Equal Employment Policy and what proportion of your firm's professionals are minorities and women?

2. **Pending Litigation:** Please disclose any criminal, civil litigation or administrative proceedings involving allegations of securities law violations by your firm or its employees during the last five years.

3. **Potential Conflicts:** Are there any other lines of business conducted by your firm that could conflict with your service as financial advisor to the Authority? Please specify how you would propose to resolve any such conflict, including ensuring that there would be no real or apparent compromise of your objectivity as the Authority's financial advisor?

V. Discussion of Significant Issues

1. In your view, what are the most important challenges to improving the financial literacy of the nation's students over the next 3 – 5 years?

VI. Compensation

1. Please provide your fees for your products and services and ongoing support and other work necessary to provide services described in your response and describe how the fees will be assessed and charged. Please detail any other fees and expenses you would anticipate in connection with this engagement.

VII. Required Undertakings

Please remember to include the following required undertakings in your response:

1. **The information provided herein is submitted by the undersigned firm under penalty of false statement as provided in the Connecticut General Statutes, Section 53a-157b.**

EXHIBIT B

State Contractors
Guide to the Code of Ethics

Office of State Ethics
Carol Carson, Executive Director

Contact Us

Agency Address: Connecticut Office of State Ethics
18-20 Trinity Street
Suite 205
Hartford, CT 06106

Telephone: 860-263-2400

Facsimile: 860-263-2402

Website: www.ct.gov/ethics

Business Hours: 8:00 am to 5:00 pm

Visitors must enter the building through the door next to the Bushnell Memorial Theater.

Specific E-mail Contacts: For the timeliest responses, please be sure to direct your questions to the appropriate e-mail address; for example, with a question such as, "Can I accept this outside position with a vendor?" please be sure to send your query to ethics.code.@ct.gov

➢ Legal Advice Regarding Code of Ethics	ethics.code@ct.gov
➢ Lobbyist Filing/Reporting Questions	lobbyist.ose@ct.gov
➢ Public Official Filing/Reporting Questions	sfi.ose@ct.gov
➢ Enforcement / Filing a Complaint	ethics.enforcement@ct.gov
➢ All Other Inquires	ose@ct.gov

Staff Phone Number Listing

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OFFICE OF STATE ETHICS

Introduction

The Connecticut Office of State Ethics was created on July 1, 2005, pursuant to Public Act 05-183, and is an independent regulatory division of the Office of Governmental Accountability, charged with administering and enforcing the Connecticut Codes of Ethics, located in Chapter 10 of the Connecticut General Statutes.

The Connecticut Office of State Ethics educates all those covered by the Ethics Codes; provides information to the public; interprets and applies the Connecticut Codes of Ethics; and investigates violations of, and otherwise enforces, the Ethics Codes.

The Office of State Ethics consists of:

- Citizen's Ethics Advisory Board
- Executive Director
- Legal Division
- Enforcement Division

The Office of State Ethics has the following jurisdiction:

- **Part I** The Code of Ethics for Public Officials
  General Statutes §§ 1-79 to 1-90a;
- **Part II** The Code of Ethics for Lobbyists
  General Statutes §§ 1-91 to 1-101a; and
- **Part IV** Ethical Considerations Concerning Bidding and State Contracts
  General Statutes §§ 1-101mm to 1-101rr.

Citizen's Ethics Advisory Board

The governing body of the OSE is the Citizen's Ethics Advisory Board (CEAB), comprised of nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public. A schedule of CEAB meeting dates, times and locations is available at www.ct.gov/ethics.

Board Members:

- Attend monthly Citizen's Ethics Advisory Board meetings
- Appoint and evaluate the Executive Director of the Office of State Ethics
- Serve as a Hearing Officer for non-confidential UAPA hearings
- Attend hearings to determine whether violations occurred and assess penalties
- Attend special meetings if necessary
- Oversee legislative agenda

THE BIG PICTURE

All state officials and employees (except judges) are covered by Part I of the Code of Ethics for Public Officials (henceforth, Part I, or the Code). It is important to remember that certain provisions of the Code also apply to public officials and state employees after they leave state service.

As you read through this guide, be aware that these laws were enacted to prevent individuals from using their public position or authority for personal, financial benefit.

Each state agency also has its own ethics policy, which may be more restrictive than what follows, particularly in connection with which benefits a lobbyist, or a person regulated by, doing or seeking to do business with a state agency (e.g., a state contractor) may provide to public officials and state employees.

GIFTS

As a current or potential state contractor, you are presumably doing business with or seeking to do business with a state agency, and are therefore considered to be a **restricted donor**. For a public official or state employee, there are rules in place regarding the acceptance of gifts from both restricted and non-restricted donors. In general, they may not accept gifts from restricted donors.

A **gift** is defined as anything of value that is directly and personally received by a public official or state employee (or sometimes family members) *unless* he or she provides consideration of equal or greater value (e.g., pays for the item). Conn. Gen. Stat. § 1-79 (e).

Restricted Donors

Restricted donors include:

- Registered lobbyists (a list is available on the OSE's website) or a lobbyist's representative;
- Individuals or entities doing business with a state department or agency;
- Individuals or entities seeking to do business with a state department or agency;
- Individuals or entities engaged in activities regulated by a state department or agency; or
- Contractors pre-qualified by the Connecticut Department of Administrative Services (Conn. Gen. Stat. § 4a-100).

Gift Exceptions

There are, however, certain exceptions to this definition of gift. Not all exceptions are covered below; see Conn. Gen. Stat. § 1-79 (e) (1) – (18) for the complete list.

- *Token Items* – Restricted donors such as registered lobbyists may provide any item of value that is not more than $10 (such as a pen, mug, or inexpensive baseball cap), provided that the annual aggregate of such items from a single source is $50 or less. Conn. Gen. Stat. § 1-79 (e) (16).

- *Food and Beverage* – Restricted donors may also provide up to $50 worth of food and beverage in a calendar year, provided that the restricted donor or his/her representative is in attendance when the public official/state employee consumes the food and/or beverage. Conn. Gen. Stat. § 1-79 (e) (9).

- *Training* – Vendors may provide training for a product purchased by a state or quasi-public agency provided such training is offered to all customers of that vendor. Conn. Gen. Stat. § 1-79 (e) (17).

- *Gifts to the State* – Restricted donors may provide what are typically referred to as "gifts to the state." These gifts are goods and services provided to a state agency or quasi-public agency for use on state or quasi-public agency property or that support an event, and which facilitate state or quasi-public action or functions. Conn. Gen. Stat. § 1-79 (e) (5).

- *Other Exceptions* – There are a total of 18 separate gift exceptions in the Code. Also exempt from the definition of gift are items such as informational materials germane to state action, ceremonial plaques or awards costing less than $100, or promotional items, rebates or discounts also available to the general public. See Conn. Gen. Stat. § 1-79 (e) (1) – (18).

Major Life Event

The popularly-cited exception for major life events does not apply to those who are regulated by, doing business with or seeking to do business with a state agency. Please note: Registered lobbyists are the only restricted donors who may make use of the "major life event" gift exception.

This list of major life events is exhaustive. Regs., Conn. State Agencies § 1-92-53.

Gift Reporting Requirements

Should you or your representative give anything of value to a public official or state employee, you must, within **10 days**, give the gift recipient and the head of that individual's department or agency a written report stating:

- Name of the donor;
- Description of item(s) given;
- Value of such item(s); and
- Total cumulative value of all items given by you during the calendar year.

This helps both you and the state employee keep track of the gift exceptions noted above, so that permissible limits are not exceeded. Conn. Gen. Stat. § 1-84 (o).

NECESSARY EXPENSES

Necessary expenses may be received by a public official or state employee ***only*** if the official or employee, in his/her official capacity, is actively participating in an event (giving a speech or presentation, running a workshop, etc.).
Conn. Gen. Stat. § 1-84 (k).

Necessary expenses can include:

- Travel (coach);
- Lodging (standard cost of room for the night before, of, and immediately following the event);
- Meals; and
- Related conference expenses.

Entertainment costs (tickets to sporting events, golf outings, night clubs, etc.) are ***not*** necessary expenses.

Necessary expense payments ***do not*** include payment of expenses for family members or other guests.

Within 30 days of receiving payment or reimbursement of necessary expenses for ***lodging or out-of-state travel***, state employees must file an ETH-NE form with the Office of State Ethics (OSE). Conn. Gen. Stat. § 1-84 (k).

Fees and Honoraria

Public officials and state employees may ***not*** accept fees and/or honoraria for an article, appearance, speech or participation at an event in their official capacity.

Fees or honoraria for such activities, if offered based solely on expertise and without any regard to official position, may be acceptable. Contact the OSE before offering any such payment.

ETHICS AT WORK

Post-State Employment (Revolving Door)
Hiring State Personnel

If you are considering hiring a *former* state employee seeking post-state employment, you should be aware of the Code's revolving-door provisions:

Lifetime Bans

- Certain former state employees may **never** disclose any confidential information they learned during the course of their state service for anyone's financial gain. Conn. Gen. Stat. § 1-84a. (Excludes judicial employees.)

- Certain former state employees may **never** represent anyone other than the state regarding a particular matter in which they were personally or substantially involved while in state service and in which the state has a substantial interest. This prevents side-switching in the midst of on-going state proceedings. Conn. Gen. Stat. § 1-84b (a). (Excludes judicial employees.)

One-year Bans

- Certain former state employees may not represent the new employer for compensation before their former agency for a period of **one year** after leaving state service. Conn. Gen. Stat. § 1-84b (b). (See Advisory Opinion No. 2003-3, which provides a limited exception to this provision if the employee is providing purely technical expertise to help implement a previously-awarded contract. This exception applies to extremely limited circumstances; contact the OSE for guidance.) (Excludes judicial employees.)

- Former state employees are prohibited from being hired for a period of **one year** after they leave state service by a party to a state contract valued at $50,000 or more if they were substantially involved in, or supervised, the negotiation or award of that contract and it was signed within their last year of state service. Conn. Gen. Stat. § 1-84b (f).

- An Employee who held certain specifically-designated positions (with significant decision-making or supervisory responsibility) at certain state regulatory agencies are prohibited from negotiating for, seeking or accepting employment with any business subject to regulation by the individual's agency within **one year** of leaving the agency. Note that there is an exception for (among others) *ex-officio* board or commission members. Conn. Gen. Stat. § 1-84b (c).

Outside Employment for Public Officials and State Employees

If you are considering hiring a *current* state employee, especially from a state agency that is regulated by or does business with your organization, you should be aware of the following rules regarding the employment of current state employees:

- A current state employee may not accept outside employment that impairs his or her independence of judgment regarding their state duties, or that encourages them to disclose confidential information learned in their job. Conn. Gen. Stat. § 1-84 (b).

- A current state employee may not use his or her position for their own financial gain, or the gain of their family (spouse, child, child's spouse, parent, brother or sister) or an associated business, however inadvertent that use may be. Conn. Gen. Stat. § 1-84 (c).

- A current state employee may not accept employment with an entity that represents others before the following 13 agencies: Department of Banking, the Claims Commissioner, the Office of Health Care Access division within the Department of Public Health, the Insurance Department, the Department of Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council, the Gaming Policy Board within the Department of Consumer Protection or the Connecticut Real Estate Commission. Conn. Gen. Stat. §1-84 (d).

- You may not utilize state time, materials or personnel in completing tasks for outside employment.

Other Outside Employment Considerations

Certain present or former Gaming Policy Board or Division of Special Revenue public officials or employees should be aware of specific provisions relating to their involvement with businesses engaged in Indian gaming activities. See Conn. Gen. Stat. §§ 1-84b (d) and (e).

In Advisory Opinion 2008-5, the Citizen's Ethics Advisory Board concluded that it is impermissible, under the Code of Ethics, for a state employee-supervisor to employ a state employee-subordinate in the supervisor's outside business. Likewise, it is impermissible under the Code for a subordinate to employ a supervisor in the subordinate's outside business. Both situations would involve an impermissible impairment of independence of judgment. The Board noted that this prohibition extends to all supervisors and subordinates up and down the chain of command.

OTHER PROVISIONS

Prohibited Activities for Consultants or Independent Contractors

Consultants or independent contractors are prohibited from the following:

- Using the authority provided to the person under the contract, or any confidential information acquired in the performance of the contract, to obtain financial gain for the person, an employee of the person or a member of the immediate family of any such person or employee;
- Accepting another state contract which would impair the independent judgment of the person in the performance of the existing contract; or
- Accepting anything of value based on an understanding that the actions of the person on behalf of the state would be influenced.

Gift and/or Campaign Contribution Certifications

Contractors seeking large state contracts must provide certifications regarding gifts and/or campaign contributions made to certain state employees or public officials in the two-year period prior to the submission of a bid or proposal. Copies of these certifications and other updated information regarding state contractors can be found on the Web sites of the Department of Administrative Services and the Office of Policy and Management.

Investment Services and the Office of the Treasurer

If you or your business provides investment services, as defined in the Code, and you or one of your firm's principals make a political contribution in connection with the Office of the Treasurer, you may be prohibited from contracting with that office. Conn. Gen. Stat. § 1-84 (n).

Registering as a Lobbyist

If you or your business spends or receives over $2,000 in a calendar year for activities that constitute lobbying under Part II of the Code of Ethics (whether to affect legislation or the actions of an administrative state agency), you/your business may have to register as a lobbyist with the Office of State Ethics. Lobbyist registration information is available at www.ct.gov/ethics.

Prohibited Activities Involving State Contractors

Conn. Gen. Stat. § 1-101nn prohibits anyone who is:

(1) Seeking to be, prequalified under section 4a-100,

(2) Is a party to a large state construction or procurement contract or seeking to enter into such a contract with a state agency, board, commission or institution or a quasi-public agency, or

(3) Is a party to a consultant services contract or seeking to enter into such a contract with a state agency, board, commission or institution or a quasi-public agency, from:

- Soliciting information from a public official or state employee that is not available to other bidders for that contract, with the intent to obtain a competitive advantage;
- Intentionally or recklessly charging a state agency for work not performed or goods or services not provided;
- Falsifying invoices or bills; or
- Intentionally violating or circumventing state competitive bidding and ethics laws.

This Act also requires any prospective state contractor to affirm in writing that he or she has received a summary of the state's ethics laws and that his or her key employees have read and understood the summary and agree to comply with the applicable provisions. Conn. Gen. Stat. § 1-101qq.

An affirmation form is available through the Department of Administrative Services.

Executive Orders

Governor Rell Executive Order 3
Under this Order, the Department of Administrative Services established and maintains on its Web site the State Contracting Portal for purposes of posting all contracting opportunities with state agencies and providing information on contracting processes and procedures.

Governor Rell Executive Order 7C
This Order covers the State Contracting Standards Board, established to conduct a comprehensive review of existing procurement and contracting laws and prepare a uniform code to govern all aspects of procurement and contracting by January 1, 2007.

ETHICS ENFORCEMENT

Procedures and Penalties

Enforcement of the Code is initiated by a complaint, filed by the Ethics Enforcement Officer or any member of the public. In most cases, a complaint by the Ethics Enforcement Officer is preceded by a confidential staff evaluation.

A two-stage process follows:

1. Confidential investigation and confidential probable cause hearing; and
2. If probable cause is found, a public hearing to determine if a violation has occurred.

At any stage of this process, the Office of State Ethics and the Respondent may negotiate a settlement.

After a finding or admission of a violation, the Citizen's Ethics Advisory Board ("Board") can order the Respondent to comply with the Code in the future, file any required report or statement, and/or pay a civil penalty.

For failure to file a report, statement, or other information required by the Code, the Board can, after a single hearing, impose a civil penalty of up to $10 per day, for which the aggregate penalty for any one violation may not exceed $10,000.

The Office of State Ethics may refer matters to the Chief State's Attorney for criminal prosecution. An intentional violation of the Code is a misdemeanor for the first violation, unless the individual has derived a financial benefit of at least $1,000. In that case, the violation is a class D felony.

The Attorney General may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the Code.

The "*Citizen's Guide to Filing a Complaint*," available on the OSE's Web site, provides a detailed overview of the complaint process and associated confidentiality provisions.

NOTES

EXHIBIT C

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

This notice is provided under the authority of Connecticut General Statutes §9-612(g)(2), as amended by P.A. 10-1, 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.

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."

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 of such individual.

"Solicit" means (A) requesting that a contribution be made, (B) participating in any fund-raising 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 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 by Chapter 155 of the Connecticut General Statutes; (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; or (iv) serving as a member in any party committee or as an officer of such committee that is not otherwise prohibited in this section.

"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.

EXHIBIT D

Form B
07-08-2009

STATE OF CONNECTICUT

NONDISCRIMINATION CERTIFICATION — Representation By Entity For Contracts Valued at Less Than $50,000

Written representation that complies with the nondiscrimination agreements and warranties under Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended

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INSTRUCTIONS:

For use by an entity (corporation, limited liability company, or partnership) when entering into any contract type with the State of Connecticut valued at less than $50,000 for each year of the contract. Complete all sections of the form. Submit to the awarding State agency prior to contract execution.

REPRESENTATION OF AN ENTITY:

I, _____ , _____ , of _____ ,
Authorized Signatory Title Name of Entity

an entity duly formed and existing under the laws of _____ ,
Name of State or Commonwealth

represent that I am authorized to execute and deliver this representation on behalf of

_____ and that _____
Name of Entity Name of Entity

has a policy in place that complies with the nondiscrimination agreements and warranties of Connecticut

General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

_____ _____
Authorized Signatory Date

_____
Printed Name