

August 27, 2007

To: Prospective Bidders
From: Connecticut Office of State Ethics
Re: Executive Search Services – Executive Director
RFP: 1-07-ED

The goal of this solicitation is to retain Executive Search Services for the position of Executive Director of the Connecticut Office of State Ethics. The Request for Proposal (RFP) No. is 1-07-ED. A copy of the official solicitation is attached for your convenience. The RFP can also be found on our website at <http://www.ct.gov/ethics>. We look forward to your participation in this process.

Christine Vieira, Clerk to the Citizen's Ethics Advisory Board (CEAB)
18-20 Trinity Street, Suite # 205
Hartford, CT 06106
860-566-4472, Ext # 412

Request for Proposal

Bid No. 1-07-ED
Executive Search Services
Executive Director
Connecticut Office of State Ethics
August 27, 2007
Proposal Due Date: Thursday, September 13, 2007
By: 4:30 p.m.
Issued By:
Christine Vieira, Clerk to the Citizen's Ethics Advisory Board
18-20 Trinity Street, Suite # 205
Hartford, CT 06106
860-566-4472, Ext # 412

OFFICE OF STATE ETHICS
EXECUTIVE SEARCH FIRM
REQUEST FOR PROPOSAL – 1-07- ED
AUGUST 27, 2007

INTRODUCTION

The Office of State Ethics (OSE) is issuing this Request for Proposal (RFP) for retained Executive Search Services. The qualified respondent will assist the OSE's Citizen's Ethics Advisory Board (CEAB) in conducting a nationwide search for the position of Executive Director.

The Connecticut Office of State Ethics was officially created on July 1, 2005, by Public Act 05-183. The governing body of the OSE is the Citizen's Ethics Advisory Board, consisting of nine members appointed by the Governor and legislative leadership. The CEAB meets monthly in meetings that are open to the public.

The OSE is an independent watchdog agency for the State of Connecticut that administers the Code of Ethics for Public Officials (Part I) and the Code of Ethics for Lobbyists (Part II). The four component parts of the OSE are the CEAB, the Executive Director, a Legal Division and an Enforcement Division. Presently, the OSE has a staff of 15 persons, but is budgeted for 19.

The Executive Director is selected by the CEAB and responsible to the Board. The position responsibilities include but are not limited to:

- Responsibility for the welfare and effectiveness of the agency, including but not limited to the agency's budget of approximately \$2,500,000.00;
- Staffing and personnel policies and the hiring and firing of all personnel;
- Data base storage and maintenance.
- High visibility with the other state agencies and the general public. The legislative strategy and priorities of the OSE are within the responsibilities of the Executive Director.

Strong management skills, exceptional leadership ability and experience in working with government agencies are qualities required for this position.

SCOPE OF SERVICES

The OSE is seeking the assistance of a retained executive search firm to provide the following services:

- Review and finalize the position description, qualifications and performance standards;
- Develop key competency areas for evaluating candidates;
- Design interview questions;
- Identify organizations that represent likely targets for prospective candidates;

- Identify names of prospective candidates within and outside those organizations that appear to fit the criteria;
- Contact prospects to determine their qualifications for and interest in this position;
- Conduct telephone interviews with and actively recruit individuals meeting the minimum requirements as described in the position description;
- Prepare and submit a resume for each candidate that has the appropriate qualifications and interest. Identify their current compensation;
- Based on feedback from the search committee, conduct in-person interviews with five to ten select candidates. Prepare and submit detailed written comments for each interviewee including an informed assessment of their suitability and enthusiasm for the position;
- Recommend finalists by preparing a slate including comparative remarks;
- Provide support in scheduling and conducting interviews with finalists to ensure that comparable information is obtained from each candidate interviewed and the Search Committee has a common set of criteria for evaluating finalists;
- Complete thorough reference checks and verify academic and business credentials of finalists;
- Assist with the preparation of an offer to facilitate acceptance;
- Communicate with all candidates regarding the process and outcome of the search.

EVALUATION CRITERIA

Respondents will be evaluated on the basis of their written responses to this RFP; additional written information, if any, as requested by the Search Committee; references; and oral presentations, if any, against the following criteria:

- Experience of the Respondent in providing retained executive search services at the executive level for governmental agencies, quasi-public agencies and/or Lottery or gaming organizations;
- Background and qualifications of personnel to be assigned to lead and support the search project;
- Methodology and approach of the search process;
- Fee structure including related fees;
- Billing cycle;
- Guarantee and off-limits provisions;
- Ability to conduct research in a short time frame;

- Connecticut presence as defined by the number of offices or search consultants the Respondent maintains in Connecticut and the number of executives at a similar level in comparable organizations that the Respondent has placed within Connecticut;
- Oral presentation;
- References;
- Success rate for closing search assignments.

Although cost is an important consideration, this will be a quality-based selection of which price is one factor.

PROPOSAL CONTENT

Firms submitting a proposal in response to this request must provide the following information:

1. Firm Experience

Provide a brief description of your organization and experience in providing the requested scope of services. Demonstrate your experience performing searches for positions at similar levels and within comparable organizations. For each search identified, the following information must be included:

- a. Scope of services
- b. Dates of engagement
- c. Position title and description
- d. Salary range for the position
- e. Whether the recruitment was accomplished within the desired timeframe
- f. Client contact names and telephone numbers

Client contacts and telephone numbers for at least five (5) searches in the last three years must be included.

2. Staff Experience

Describe the qualifications, training and experience of key staff members that will be assigned to work on this project and their roles in this project. For the searches listed in item 1, identify the searches, if any that were conducted by the individuals who will be assigned to this engagement.

3. Fee Structure

Provide your fee structure including related fees on the form located in Appendix A. Describe any guarantee your firm provides for placement services.

4. Conflicts of Interest

Disclose any material assignments or relationships that your firm or any employee of your firm has that may create a conflict of interest or the appearance of a conflict of interest in providing the services called for under this RFP. 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.

5. References

If different from clients listed in item #1, please provide three references for whom your firm has performed similar search services. For each reference, please provide a description of the work performed by your firm and a contact person along with contact information.

SUBMISSION OF PROPOSALS:

1. (1) original and five (5) copies of your Proposal shall be delivered to Christine Vieira of Office of State Ethics, 18-20 Trinity Street, Suite 205, Hartford, CT 06106, **no later than 4:30PM on Thursday, September 13, 2007**. Faxed responses will not be considered. Proposals received after the aforementioned deadline may result in the OSE's rejection of the proposal.
2. Responses must include a cover letter signed by an individual authorized to enter into a contract with the OSE on behalf of the firm, acknowledging that the firm agrees to be bound by all terms and conditions of the RFP and affirming that all information contained in the Proposal is true and accurately portrays all aspects of the search services to be provided.
3. The estimated costs, presented in the format provided in the attachment Appendix A), must be submitted.
4. The following documents, included in Appendix A, must be submitted in a separately sealed envelope and must be included in your Proposal:
 - Gift Affidavit (Appendix A-1)
 - Affidavit Regarding Consulting Agreements (Appendix A-2)
 - Campaign Contribution Certification (Appendix A-3)
 - Campaign Contribution Restriction Affidavit – SEEC Form SC 3

- List of Principals – SEEC Form SC 3A
- 5. Failure to comply with the requirements of this RFP may result in the OSE's rejection of a Proposal.

GENERAL REQUIREMENTS

1. Organizations submitting a Proposal may not contact members of the Board of Directors or other staff of the Office of State Ethics.
2. All requests for interpretation or clarification of any term in the RFP should be directed to Christine Vieira, Office of State at (860) 566-4472, ext. 412 no later than September 4, 2007. All clarifications will be available to all respondents on or before September 13, 2007 on the OSE's website <http://www.ct.gov/ethics>.
3. The OSE shall not be liable for any pre-contract costs incurred by any organization participating in the selection process.
4. All matters set forth in a Proposal shall become the property of the OSE and may be disclosed by the OSE after the awarding of the contract. The contents of each Proposal will be available for public inspection after the awarding of a contract.
5. The OSE is exempt from the payment of excise and sales taxes imposed by the Federal Government and/or the State. Organizations submitting Proposals remain liable, however, for any other applicable taxes.

In reviewing all Proposals, the OSE reserves the right to:

1. Reject any and all Proposals received in response to this request;
2. Negotiate the fees and charges contained in any Proposal, and is not obligated to accept a Proposal based upon the lowest fee schedule;
3. Waive or modify any irregularities or informalities in Proposals received;
4. Award contracts for consulting services in any manner necessary to serve the best interests of the OSE and the State of Connecticut; and
5. Request additional information as determined necessary.

Respondents should also be aware of the following:

1. Failure to perform to the satisfaction of the OSE will result in termination of the contract upon fifteen (15) days written notice by the OSE.

2. The agreement between the OSE and the selected organization will be evidenced by a written contract (the “Contract”), which shall incorporate this RFP, the Proposal and any related correspondence. In executing such Contract, the selected organization agrees to be bound by the terms and conditions of this RFP, and that all representations, warranties and commitments in the Proposal and related correspondence are contractual obligations. In the event of any conflict in the terms and conditions between the RFP, Proposal and any related correspondence, the RFP shall control.
3. The Office of State Ethics is an Affirmative Action/Equal Opportunity Employer. Any person or firm awarded a contract pursuant to the RFP agrees that they will comply with all provisions on Affirmative Action/Equal Employment Opportunity created by applicable state, federal or local laws, rules and regulations.
4. It is the policy of the OSE to contribute to the establishment, preservation and strengthening of small businesses and businesses owned by women and minorities in our procurement activities. Toward that end, the OSE encourages Connecticut small businesses and Connecticut businesses owned by women and minorities to submit Proposals in response to this RFP. This solicitation, however, is NOT restricted to Connecticut businesses nor those designated as small and/or minority owned businesses. Vendors that are certified through the Connecticut Department of Administrative Services (DAS), Business CONNections as a small, minority, women, or disabled owned business are requested to provide a copy of their current certification of eligibility issued by DAS with their bid.
5. Any individual or firm submitting a Proposal in response to this RFP must comply with newly enacted contracting requirements regarding restrictions on campaign contributions in connection with legislative or statewide election campaigns as more specifically described in the Campaign Contribution Restriction Provision attached here.
6. Connecticut law shall govern this Contract.

APPENDIX A

ESTIMATED COST

Firm Name: _____

Contact Person: _____

FEE STRUCTURE

Professional Services _____ %

Related Fees, if any _____ % or \$ _____

Explain Submitted by: _____

Date: _____

Signature: _____ Title: _____

APPENDIX A-1

GIFT AFFIDAVIT

I _____ of _____

(hereinafter "Company") hereby swear that neither myself nor any principals or key personnel of the Company who participated directly, extensively and substantially in the procurement, awarding, negotiation and preparation of the Executive Search Firm Agreement dated _____, 2007 between the Company and the Connecticut Lottery Corporation, nor any agent of the Company gave a gift, as defined in Con. Gen. Stat. §1-79(e), including a life event gift as defined in Conn. Gen. Stat. §1-79(e)(12), to (1) any public official, or state employee of the state agency or quasi-public agency with whom we have the Executive Search Firm Agreement who participated directly, extensively, and substantially in the procurement, awarding, negotiation and preparation of the Executive Search Firm Agreement or (2) to any public official or state employee who has supervisory or appointing authority of the state agency or quasi-public agency negotiating and preparing the Executive Search Firm Agreement, except the gifts listed below:

Name of Benefactor	Name of Recipient	Gift Description	Value	Date of Gift
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Further, neither I nor any nor any principals or key personnel of the Company who participated directly, extensively and substantially in the procurement, awarding, negotiation and preparation of the Executive Search Firm Agreement know of any action to circumvent this gift affidavit disclosure.

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

Signature Date

Sworn and subscribed before me on this _____ day of _____, 2007.

Notary Public
Commissioner of the Superior Court

APPENDIX A-2

AFFIDAVIT REGARDING CONSULTING AGREEMENTS

All state contractors, vendors, consultants or other entities seeking to conduct business with the State of Connecticut who anticipate entering into, or renewing, an agreement for procurement of goods or services having a total value to the state of more than fifty thousand dollars (\$50,000) in a calendar or fiscal year (hereinafter “agreement”) shall disclose any and all consulting agreements, whether written or oral, to the head of the contracting agency (hereinafter “such agency”).

“Consulting agreement” means any written or oral agreement to retain the services, for a fee, of an individual or business entity for the purposes of:

- (1) Providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the State of Connecticut, or,
- (2) 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,
- (3) Any other similar activity related to the procurement agreement. “Consulting agreement” does not include those agreements or services registered under the provisions of Chapter 10 of the Connecticut General Statutes (Code of Ethics for Lobbyists).

Such disclosure affidavit shall be required if any duties of the consultant include communication concerning business of such agency, whether or not direct contact with a state agency, state official and state employee is expected or made. The disclosure affidavit shall include the name of the consultant, the consultant’s firm, whether the consultant is a former state employee or public official (if so, indicate the consultant’s former agency and termination date), the basic terms of the consulting agreement, and a brief description of the services to be provided. The disclosure affidavit shall be amended whenever such entities enter into any new consulting agreements during the term of the procurement agreement.

I, _____ (name, title, and company name) disclose the following consulting agreements (if not applicable, indicate “none”):

- 1.
- 2.
- 3.

I understand that this information shall be updated, as necessary, during the pendency of this, or any other contract that I may have with the State of Connecticut.

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

Signature: _____ Date: _____
Subscribed and Sworn before me this ___ day of _____, 20__.

Notary Public/Commissioner of the Superior Court

APPENDIX A-3
CAMPAIGN CONTRIBUTION CERTIFICATION

I, _____, hereby swear that during the two-year period preceding the submission of this bid or proposal, neither I nor any principals or key personnel of the submitting firm or corporation who participated directly, extensively and substantially in the preparation of this bid or proposal nor any agent of the above gave a contribution to a candidate for statewide public office or the General Assembly, as defined in Conn. Gen. Stat. §9-333b, except as listed below:

Contributor	Recipient	Amount/Value	Date of Contribution	Contribution Description
Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.				

Signature Date
Sworn and subscribed before me on this _____ day of _____, 200__.

Commissioner of the Superior Court
Notary Public

EXHIBIT A
CAMPAIGN CONTRIBUTION RESTRICTION PROVISION

1. Campaign Contribution Restrictions. This section (the “CCR Section”) is included here pursuant to Conn. Gen. Stat. § 9-333n and, without limiting its applicability, is made applicable to State Contracts, bid solicitations, request for proposals and prequalification certificates, as the context requires. This CCR Section, without limiting its applicability, is also made applicable to State Agencies, Quasi-public Agencies, the General Assembly, State Contractors, Prospective State Contractors and the holders of valid prequalification certificates, as the context requires.

(a) For purposes of this CCR Section only:

(1) “Quasi-public Agency” means the Connecticut Development Authority, Connecticut Innovations, Incorporated, Connecticut Health and Educational Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Connecticut Hazardous Waste Management Service, Capital City Economic Development Authority, Connecticut Lottery Corporation, or as this definition may otherwise be modified by Title 1, Chapter 12 of the Connecticut General Statutes concerning quasi-public agencies.

(2) "State Agency" means any office, department, board, council, commission, institution or other agency in the executive, legislative or judicial branch of State government, or as this definition may otherwise be modified by Title 9, Chapter 150 of the Connecticut General Statutes concerning campaign financing.

(3) "State Contract" means an agreement or contract with the State or any State Agency or any Quasi-public Agency, 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 fiscal year, for (A) the rendition of personal services, (B) the furnishing of any material, supplies or equipment, (C) the construction, alteration or repair of any public building or public work, (D) the acquisition, sale or lease of any land or building, (E) a licensing arrangement, or (F) a grant, loan or loan guarantee, or as this definition may otherwise be modified by Title 9, Chapter 150 of the Connecticut General Statutes concerning campaign financing.

(4) "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 the termination of said contract. "State contractor" does not include a municipality or any other political subdivision of the State or an employee in the executive, legislative or judicial 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, or as this definition may otherwise be modified by Title 9, Chapter 150 of the Connecticut General Statutes concerning campaign financing.

(5) "Prospective State Contractor" means a person, business entity or nonprofit organization that (A) submits a bid in response to a bid 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 State Contract has been entered into, or (B) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under Section 4a-100 of the Connecticut General Statutes. "Prospective State Contractor" does not include a municipality or any other political subdivision of the State or an employee in the executive, legislative or judicial 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. Title 9, Chapter 150 of the Connecticut General Statutes concerning campaign financing may modify this definition, which modification shall control.

(6) "Principal of a State Contractor or Prospective State Contractor" (collectively referred to in this CCR Section as "Principal") means (A) an individual who is a member of the board of directors of, or has an ownership interest in, a State Contractor or Prospective State Contractor, which is a business entity, except for an individual who (i) owns less than five per cent of the shares of any such State Contractor or Prospective State Contractor that is a publicly traded corporation, or (ii) is a member of the board of directors of a nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, (B) an individual who is employed by a State Contractor or Prospective State Contractor, which is a business entity, as president, treasurer or executive or

senior vice president, (C) an individual who is the chief executive officer of a State Contractor or Prospective State Contractor, which is not a business entity, (D) an employee of any State Contractor or Prospective State Contractor who has managerial or discretionary responsibilities with respect to a State Contract, (E) the spouse or a dependent child of an individual described in this subparagraph, or (F) a political committee established by or on behalf of an individual described in this subparagraph, or as this definition may otherwise be modified by Title 9, Chapter 150 of the Connecticut General Statutes concerning campaign financing.

(b) No State Contractor, Prospective State Contractor or Principal, with regard to a State Contract, bid solicitation or request for proposals with or from a State Agency in the executive branch or a Quasi-public Agency, and no Principal of a holder of a valid prequalification certificate, shall make a contribution to, or solicit contributions on behalf of (1) 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, (2) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (3) a party committee.

(c) No State Contractor, Prospective State Contractor or Principal, with regard to a State Contract, bid solicitation or request for proposals with or from the General Assembly, and no Principal of a holder of a valid prequalification certificate, shall make a contribution to, or solicit contributions on behalf of (1) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State senator or State representative, (2) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (3) a party committee.

(d) If a State Contractor or a Principal of a State Contractor makes or solicits a contribution prohibited under this CCR Section, the contracting State Agency or Quasi-public Agency may void the existing contract with said contractor, and no State Agency or Quasi-public Agency shall award the State Contractor a State Contract or an extension or an amendment to a State Contract for one year after the election for which such contribution is made or solicited.

(e) If a Prospective State Contractor or a Principal of a Prospective State Contractor makes or solicits a contribution prohibited under this CCR Section, no State Agency or Quasi-public Agency shall award the Prospective State Contractor the contract described in the bid solicitation or request for proposals, or any other State Contract for one year after the election for which such contribution is made or solicited.

(f) The chief executive officer of each State Contractor and Prospective State Contractor, or if a State Contractor or Prospective State Contractor has no such officer then the officer who duly possesses and exercises comparable powers and duties, shall certify, in the form of an affidavit executed subject to the penalties of false statement, that: (1) such officer has informed each individual described in subsection (a)(6) of this CCR Section with regard to said State Contractor or Prospective State Contractor concerning the provisions of subsection (b) or (c) of this CCR Section, whichever is applicable, and this subsection (f), (2) no such individual will make or solicit a contribution in violation of the provisions of subsection (b) or (c) of this CCR Section, whichever is applicable, and this subsection (f), and (3) if any such contribution is made or solicited, the State Contractor or Prospective State Contractor, as the context requires, shall not be awarded the contract described in the bid solicitation or request for proposals and shall not be awarded any other State Contract for one year after the election for which such contribution is made or solicited. Such officer shall submit the affidavit to the contracting State Agency or Quasi-public Agency prior to, in the case of an RFP, executing a negotiated contract or prior to, in the case of an ITB, the award and acceptance of a contract. In the case of an application for prequalification to the Connecticut Department of Administrative Services (“DAS”), the application shall not be deemed to be complete until DAS receives the affidavit. The State Contractor or Prospective Contractor shall submit the affidavit on a form which the State Elections Enforcement Commission (“SEEC”) prescribes.

(g) The person executing the affidavit referenced in subsection (f) shall submit to the SEEC a list of Principals in accordance with the requirements set forth on a form that the SEEC shall have prescribed for this purpose. The complete list of Principals shall be submitted to the SEEC at the same time that the affidavit is submitted to the State Agency, Quasi-public Agency or, in the case of a prequalification application, DAS. Notwithstanding any other provision in any applicable document or instrument, no party to the Contract, or a contract awarded pursuant to a non-competitive procurement, may begin performing in any way until the contracting State Agency or Quasi-public Agency has received the affidavit referenced in subsection (f) and the SEEC has received the Principals list.

(h) Notwithstanding any other provision in the Contract, invitation to bid, request for proposals and prequalification application:

- (1) The State Contractor and Prospective State Contractor shall report to the SEEC, on a form which the SEEC prescribes, any changes in Principals occurring from and after the date of the previous Principals list by

submitting and delivering such form to the SEEC no later than the fifteenth day of each month following the month when a change in Principals occurs, or the next succeeding business day, whichever is later. If the Contractor or Prospective State Contractor fail to submit and deliver the appropriately completed form by its due date, then the SEEC shall notify the State Agency or Quasi-public Agency and the Contractor of the failure in writing. The State Agency or Quasi-public Agency shall then review all relevant information and determine whether such failure constitutes a breach of this Contract. If the State Agency or Quasi-public Agency determines that a breach of this Contract has occurred, then the State Agency or Quasi-public Agency shall deliver a notice of breach to the Contractor, affording the Contractor an opportunity to cure the breach within ten (10) days from the date that the Contractor receives the notice. The State Agency or Quasi-public Agency may extend the right to cure period if, and continuing so long as, the State Agency or Quasi-public Agency is satisfied that the Contractor is making a good faith effort to cure the breach but the nature of the breach is such that it cannot be cured within the right to cure period. The SEEC may, if it deems it to be appropriate, send to the Contractor electronic reminders of the Contractor's obligation to report changes in Principals. The undertaking of this reminder is permissive and shall not be construed to be a condition precedent to the Contractor's obligation to submit and deliver the form timely.

- (2) If the State Agency or Quasi-public Agency determines that the Contractor has breached the Contract by failing to comply with the requirements of this CCR provision, then the State Agency or Quasi-public Agency may, after expiration of the right to cure period, direct all appropriate State entities using the Contract to withhold any payment, in whole or in part, that may be due and owing to the Contractor under this Contract until such time as the Contractor submits and delivers an appropriately completed form to the SEEC.
- (3) If the Contractor fails to submit and deliver the Principals list form timely three times in any 12-month period, then the SEEC may recommend to the State Agency or Quasi-public Agency that it take these failures into account for purposes of evaluating the Contractor's responsibility in future procurements. The SEEC may recommend that the State Agency or Quasi-public Agency make a determination that the Contractor is not responsible.
- (4) The Contractor's failure to submit and deliver the Principals list form time for the third time in any 12-month period shall, upon the SEEC's recommendation, entitle the State Agency or Quasi-public Agency to Cancel the Contract. Accordingly, the third notice of breach to the Contractor from the State Agency or Quasi-public Agency in any 12-month

period may include an effective Contract Cancellation date, in which case no further action shall be required of any party to effect the Cancellation of the Contract as of the stated date. If the notice does not set forth an effective Contract Cancellation date, then the State Agency or Quasi-public Agency may Cancel the Contract by giving the Contractor no less than twenty four (24) hours' prior written notice.

- (5) Noting the absence of the SEEC's signature on the Contract, the State Agency or Quasi-public Agency represents that the SEEC has previously agreed in writing to assume the rights and responsibilities attaching to the SEEC and set forth in this CCR section. The State Agency or Quasi-public Agency shall provide a copy of that document to the Contractor upon request.

ETHICS AND CONFIDENTIALITY AGREEMENT

REQUEST FOR PROPOSAL NAME: _____

I, _____ (Print Full Name), by my signature below, declare and attest that neither I nor any member of my immediate family, as defined by C.G.S. § 1-79(f), has any personal or financial interests in the outcome of this Request For Proposal (RFP) process.

I believe in good faith that my participation in this RFP process shall not raise any question of conflict of interest or breach of ethics under the provisions of the State’s Code of Ethics (C.G.S. § 1-84 and § 1-85).

Should my participation in this RFP process include the review and rating of proposals, I declare that I have not been and shall not be subject to any undue influence that would affect my fair and objective review and rating of the proposals submitted in response to this RFP.

I agree not to accept any gifts, gratuities, meals, or reimbursements in any form or value from any Proposer who responds to this RFP or from any other party having a personal, professional, or financial interest in the outcome of this RFP process.

I also agree not to participate in any *ex parte* communications with any Proposer who responds to this RFP or with any other party having a personal, professional, or financial interest in the outcome of this RFP process, except as provided by this RFP and its approved evaluation plan.

Finally, I agree to maintain the confidentiality of all information and materials that I receive as a result of my participation in this RFP process.

Signed: _____ Date: _____

Subscribed and sworn to, Before me
this ___ day of

Month, Year

Notary Public
Commissioner of Superior Court

Commission Expires _____
Date

ENDORSEMENT [completed after proposals are opened]:

I declare and affirm that, to the best of my knowledge, neither I nor any member of my immediate family, as defined by C.G.S. § 1-79(f), has any personal, professional, or financial interest in any Proposes that has responded to the above noted RFP.

Signed: _____ Date: _____

Subscribed and sworn to, Before me,
this ___ day of

Month, Year

Notary Public
Commissioner of Superior Court

Commission Expires _____
Date

Guide to the Code of Ethics

For Current or Potential State Contractors 2007

Guide for Current or Potential State Contractors

2

INTRODUCTION

The Connecticut Office of State Ethics (OSE) is an independent regulatory agency for the state of Connecticut, charged with administering and enforcing Connecticut General Statutes, Chapter 10, Part I and Part II.

The Ethics Codes under the OSE's jurisdiction are comprised of:

- The Code of Ethics for Public Officials (Part I); and
- The Code of Ethics for Lobbyists (Part II).

This guide provides general information only. The descriptions of the law and the OSE are not intended to be exhaustive. Please contact the OSE with any questions regarding interpretation of the law.

For more information on the subjects discussed in this guide, call, write or visit:

Connecticut Office of State Ethics

18-20 Trinity Street

Suite 205

Hartford, CT 06106

860/566-4472

www.ct.gov/ethics

Guide for Current or Potential State Contractors

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Guide for Current or Potential State Contractors

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THE OFFICE OF STATE ETHICS (OSE)

The Connecticut Office of State Ethics (OSE) was officially created on July 1, 2005, by Public Act 05-183. The governing body of the OSE is the Citizen's Ethics Advisory Board (CEAB), nine members appointed by the Governor and legislative leadership. The CEAB holds monthly meetings that are open to the public and that are often covered by CT-N. A schedule of CEAB meeting dates, times and locations is available on the OSE's Web site, www.ct.gov/ethics.

The OSE is an independent watchdog agency for the state of Connecticut that administers Connecticut General Statutes, Chapter 10, Parts I and II.

Simply put, the OSE educates all those covered by the law (the "regulated community"); provides information to the public; interprets and applies the codes of ethics; and investigates potential violations of the codes.

The OSE is made up of the following components:

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

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 in many cases may be more restrictive than what follows. Be sure to obtain a copy of the agency's policy before you attempt to provide any benefit to an agency official or employee.

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GIVING BENEFITS TO STATE PERSONNEL

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 **regulated donor**. In general, public officials or state employees may not accept gifts from regulated donors.

Regulated Donors

Regulated donors include:

- Registered lobbyists (the OSE can tell you who is registered);
- Individuals or groups doing business with a state department or agency;
- Individuals or groups seeking to do business with a state department or agency;

- Individuals or groups 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).

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 of those two categories) *unless* consideration of equal or greater value is provided. Conn. Gen. Stat. § 1-79 (e).

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) – (17) for the complete list.

- *Token Items* – Regulated donors such as current or potential state contractors may provide any item of value that is under \$10 (such as a pen, mug, or inexpensive baseball cap) to a public official or state employee, provided that the annual aggregate of such items from a single source is under \$50. Conn. Gen. Stat. § 1-79 (e) (16).
- *Food and Beverage* – Regulated donors may also provide up to \$50 worth of food and beverage in a calendar year to a public official or state employee, provided that the regulated donor or his/her representative is in attendance when the food and/or beverage is being consumed. Conn. Gen. Stat. § 1-79 (e) (9).
- *Training (NEW)* – Vendors may provide public officials and state employees with 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).

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- *Gifts to the State (NEW)* – Regulated 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 16 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) – (17).

Note: 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. The only regulated donor that can make use of this very narrow exception is a registered lobbyist.

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 to date given to that recipient 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).

Gift Provisions

Example: You are in the process of submitting a contracting bid to a state agency. You provide the agency head with a gift certificate for \$45 to a popular West Hartford eatery for her to use on her own. You have not previously given anything of value to this individual. Even though you are under the permissible \$50 food and beverage limit, this gift is not allowed because you or your representative will not be in attendance while the food and beverage is being consumed.

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Necessary Expenses

You may provide necessary expenses to a public official or state employee **only** if the official or employee, in his/her official capacity, is actively participating in an event by giving a speech or presentation, running a workshop, or having some other active involvement.

Necessary expenses can include:

- Travel (not first class);
- Lodging (standard cost of room for the nights 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 also **do not** include payment of expenses for family members or other guests.

Please note, 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/Honorariums

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

Fees or honorariums for such activities, if offered based solely on expertise and without any regard to official capacity, may be acceptable. Contact the OSE before offering such payment to an official or employee. Conn. Gen. Stat. § 1-84 (k).

Necessary Expenses, Fees and Honorariums

Example: You invite a state employee to travel to New York City to give a speech to your managers on issues surrounding contracting with a state agency. You provide Amtrak fare for the employee as well as his spouse, who will spend the day in the city. The evening of the speech, you will treat the employee and his spouse with complimentary tickets to a Broadway show in

lieu of a speaking fee.

You may provide non-first class travel expenses only to the state employee who is actively participating in an event. In this case, you may only provide Amtrak fare for the employee giving the speech, not his spouse. Entertainment costs, such as tickets to a show, are not considered necessary expenses and may not be provided. Additionally, state employees may not accept fees or honorariums for a speech given in their official capacity.

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HIRING STATE PERSONNEL

Post-state Employment (Revolving Door)

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

Lifetime Bans

- 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.
- A former state official or employee may **never** represent anyone other than the state regarding a particular matter in which he or she was personally or substantially involved while in state service and in which the state has a substantial interest. This prevents side-switching. Conn. Gen. Stat. § 1-84b (a).

One-year Bans

- If you hire or otherwise engage the services of a former state official or employee, he or she may not represent you before his or her former agency for a period of **one year** after leaving state service. Conn. Gen. Stat. § 1-84b (b). (See Advisory Opinion 2003-3, which provides a limited exception to this provision if the employee is providing purely technical expertise, for example, to help implement a previously-awarded contract. This exception applies to extremely limited circumstances; contact the OSE for guidance.)
- You are prohibited from hiring a former state official or employee for a period of **one year** after he or she leaves state service if that individual was substantially involved in, or supervised, the negotiation or award of a contract (that you or your business was a party to) valued at \$50,000 or more, and the contract was signed within his or her last year of state service. Conn. Gen. Stat. § 1-84b (f).
- Employees who held certain specifically-designated positions (with significant decision-making or supervisory responsibility) at certain state regulatory agencies are prohibited from 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 *ex-officio* board or commission members. Conn. Gen. Stat. § 1-84b (c).

Post-state Employment

Example: You run a hospital regulated by the Office of Health Care Access (OHCA). You would like to offer a job to the former Commissioner of OHCA, who has been out of state service for 5 months. Because the hospital is regulated by a state agency whose Commissioner is specifically designated in 1-84b (c), the former head of such agency would not be permitted to accept employment with you for one full year

after leaving state service. See Advisory Opinion 2003-19.

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Outside Employment for Current Public Officials and State Employees

If you are considering hiring a *current* state employee, especially from a state agency with which you do business or by which you are regulated, 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 his or her state duties, or that encourages him or her to disclose confidential information learned in his or her state job.

Conn. Gen. Stat. § 1-84 (b).

- A current state employee may not use his or her state position for financial gain, however inadvertent that use may be. For example, a current state employee who exercises any contractual, supervisory or regulatory authority over you or your business may not be able to work for you. Conn. Gen. Stat. § 1-84 (c).

Other Considerations

Business entities engaged in Indian gaming activities in the state should be aware of specific provisions that apply to present or former Gaming Policy Board or Division of Special Revenue public officials or employees. See Conn. Gen. Stat. §§ 1-84b (d) and (e).

Outside Employment

Example: Your small business occasionally receives grants or contracts from Agency X. You know that a particular contract manager with Agency X has the skills you need to help you grow your business. This employee has expressed interest in earning a little extra money for himself, while helping you with your business in the evenings and on weekends.

It would constitute an impermissible impairment of judgment for the employee of Agency X, who has contract management responsibilities, to accept outside employment with your business – a business that receives grants or contracts from Agency X.

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OTHER PROVISIONS

Prohibited Activities for Consultants or Independent Contractors

If you are hired by the state as a consultant or independent contractor, you are prohibited from the following:

- Using your authority under the contract or any confidential information acquired during the course of the contract for your financial gain or the financial gain of your immediate family;
- Accepting another state contract that would impair your independence of judgment or your performance in your existing state contract;
- Accepting anything of value based on the understanding that your actions on behalf of the state would be influenced;

Conn. Gen. Stat. § 1-86e (1) – (3); see also Conn. Gen. Stat. § 1-101m.

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 (www.das.state.ct.us) and the Office of Policy and Management (www.opm.state.ct.us).

Investment Services and the Office of the Treasurer

If you or your business provides investment services, as defined in the Code, and you make a political contribution in connection with the Office of the Treasurer, you may be prohibited from contracting with that office. See 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.

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Public Act 05-287

Public Act 05-287 prohibits anyone who is a party (or seeking to become a party) to a large state construction, procurement, or consultant services contract over \$500,000 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

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.

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.

The full text of these Executive Orders can be found on the Governor's Web site, www.ct.gov/governorrell/site/default.asp.

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FOR MORE INFORMATION

This guide provides general information only. The descriptions of the law and the OSE are not intended to be exhaustive. For more information regarding the Code of Ethics as it pertains to current or potential state contractors, please contact the Office of State Ethics, Monday – Friday, 8:30 a.m. to 5:00 p.m.

Office of State Ethics

18-20 Trinity Street

Hartford, CT 06106-1660

T: 860/566-4472

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www.ct.gov/ethics

Specific Contacts:

Questions or advice regarding the Ethics Codes: Ethics.Code@ct.gov

Lobbyist filing/reporting questions: lobbyist.OSE@ct.gov

Public official filing/reporting questions: SFI.OSE@ct.gov

Enforcement questions: Ethics.Enforcement@ct.gov

All other inquiries: ose@ct.gov