



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

To: Agency Fiscal Officers and Contract and Procurement Staff

From: Kimberly Kennison, Executive Financial Officer *Kimberly Kennison*

Date: January 19, 2023

Re: Implementation of New Legislation Public Act 22-40 and Public Act 21-2

Overview of New Legislation

The Office of Attorney General and the Office of Policy and Management (OPM) have implemented changes to contract language to reflect provisions in new legislation [Public Act 22-40](#), *An Act Concerning Recommendations by the Department of Transportation and Various Revisions to the Transportation Statutes*. The provision changes reside within the following sections: Section 5 - nondiscrimination affirmation provision, Section 6 - consultant agreement representation, Section 7 - certification requirements for large state contracts and Section 8 – Iran Investment Energy Certification. Changes have also been implemented to reflect provisions in [Public Act 21-2](#), *An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023*. Section 6 – State business related call center and customer service work.

In order to comply with changes required by Public Act 22-40 and Public Act 21-2, OPM has revised the Purchase of Service (POS) Part II, Terms and Conditions, of the POS Standard Contract Template and the CORE-CT contract module. The revised documents will be used by state health and human service agencies when entering into contract agreements. These changes will allow agencies, bidders and contractors to maintain compliance with current contracting laws.

Changes to OPM-Maintained Forms

Currently, OPM maintains Form 2: Consulting Agreement Representation. Per the Public Act 22-40, this form has been rescinded as noted below.

Old Requirements	New Requirements
<ul style="list-style-type: none">Form 2: Consulting Agreement Representation	<ul style="list-style-type: none">Form 2: <i>Rescinded</i>

*Note: Agencies that need to access **Form 2** listed under “Old Requirements” can access via [OPM’s website here](#).*

Changes to OPM Procurement Document

OPM has updated the following document.

<u>Document</u>	<u>Changes</u>	<u>Link</u>
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POS Part II Standard Contract Template	<ul style="list-style-type: none"> • Table of Contents • Section E – Changes detailed below 	POS Part II
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POS Part II Section E Changes

- **Subsection 5 (j) – Nondiscrimination Certification** – there is added language of *“(B) signing this Contract”* confirming the Contractor and its authorized signatory of this Contract demonstrate their understanding of this obligation.
- **Subsection 8 (a) – Executive Orders and Other Enactments** – there is the removal of the language *“At the Contractor’s request, the Client Agency shall provide a copy of these Enactments to the Contractor.”*
- **Subsection 12 – Large State Contract Representation for Official or Employee of State Agency** – there is the removal of the language *“most qualified or highest ranked”*.
- **Subsection 13 (b) – Iran Energy Investment Certification** – there is added language of *“deemed to be in breach of the Contract or in violation of this section”* and a removal of the language *“subject to the penalties of false statement pursuant to section 4-252a of the Connecticut General Statutes.”*
- **Subsection 15 – State Business-Related Call Center and Customer Service Work.** – new added subsection with all new language pursuant to C.G.S. 31-57aa (h).
- **Subsection 16 – Consulting Agreements Representation** – Form 2: Consulting Agreement Representation has been rescinded as statute states there is no longer a requirement to have a certification by a notary public. New language added into this section, quoting statute, along with a consultant information section to be completed if applicable.

Note: Per CORE-CT DocuSign, this section is to be filled in by the contracting agency with information retrieved from the contractor prior to sending for contract signature (similar to page 1, Contract Header Page).

Note: Agencies who have a Memorandum of Understanding (MOU) with the Attorney General’s Office (OAG) stipulates those agencies are not permitted to make any changes to the POS Part II language without consultation with and approval of the OAG.

Agencies should use this updated document effective immediately. This document will only effect new contracts started after the effective date of January 23, 2023. Any contract in final negotiations prior to this document effective date is not required to, but may, use the revised document.

More Information

OPM has updated its [Ethics Affidavits and Certifications for State Contracts webpage](#), and the [POS Standard Contract Part II webpage](#) to reflect these changes.

Please direct any questions to this updated guidance to Kevin Meakem (Kevin.Meakem@ct.gov).

CC: Daniel Shapiro, Assistant Attorney General; Rosemarie Weber, Assistant Attorney General; Jeffrey Zeman, Assistant Attorney General; José Salinas, Assistant Attorney General; Mildred Bauza, Assistant Attorney General; Leland Moore, Assistant Attorney General; Marcie Archacki, Paralegal Specialist; Nicole Hart, Paralegal Specialist