

**STATE OF CONNECTICUT**

**BY HIS EXCELLENCY**

**NED LAMONT**

**EXECUTIVE ORDER NO. 11D**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –  
FLEXIBILITY IN BUSINESS RULES TO SUPPORT COVID-19 RESPONSE**

**WHEREAS**, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

**WHEREAS**, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies remained in effect until February 9, 2021; and

**WHEREAS**, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021, unless earlier terminated; and

**WHEREAS**, on March 31, 2021, I signed into law Special Act 21-2, through which the General Assembly ratified the previously mentioned declarations and endorsed a renewal and extension of such declarations through May 20, 2021; and

**WHEREAS**, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic (the “COVID-19 Orders”); and

**WHEREAS**, on April 19, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until through May 20, 2021; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

**WHEREAS**, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

**WHEREAS**, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

**WHEREAS**, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

**WHEREAS**, because COVID-19 has caused unanticipated health effects that are not fully understood by the medical community, residents, businesses, and government, agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

**WHEREAS**, infections with highly transmissible variants of the coronavirus that causes COVID-19 have spread widely in the United Kingdom and elsewhere and have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

**WHEREAS**, during the current public health crisis, accommodations for safe and effective operations of state agencies and state employees and the clients of these agencies are rapidly changing and evolving; and

**WHEREAS**, during the current public health crisis, additional accommodations and facilities beyond what is currently available in Connecticut may be necessary to address the effects of COVID-19, including but not limited to housing, health care, and medical treatment; and

**WHEREAS**, it is imperative to the health and safety of the general public that the State of Connecticut is able to adapt to the current crisis on an emergency basis, and provide essential human services for the duration of this emergency; and

**WHEREAS**, it is critical to the protection of the public health and safety that the Department of Administrative Services and the agencies for which it provides real estate services be able to respond to these emergency circumstances as expeditiously as possible; and

**WHEREAS**, in order to effectively respond to and alleviate the effects of the emergency, certain statutorily mandated procedures for the leasing, assignment and use of real estate for state agencies, employees and the general public should be condensed and streamlined, to enable the State to enter into leases relating to emergency needs created by the COVID-19 crisis; and

**WHEREAS**, effective utilization of leased real estate may require the State to make certain minor capital improvements, or acquire furniture, fixtures and equipment; and

**WHEREAS**, it remains critical to the protection of the public health and safety that state agencies be able to procure essential goods in high demand and in low supply as expeditiously as possible; and

**WHEREAS**, many potential vendors and donors of goods and services essential to the state's COVID-19 response effort are outside the United States or have never done business with the state, and have little or no familiarity with Connecticut statutory requirements for state contracting; and

**WHEREAS**, familiarizing potential vendors and contractors with such requirements, negotiating, drafting, and, in some cases, translating contracts to contain such requirements, is not possible in the time frame that such essential goods and services are required to effectively and expeditiously respond to the COVID-19 pandemic;

**WHEREAS**, many potential providers of services essential to the state's COVID-19 response effort may be new to the state contracting process or affected by personnel shortfalls and other obstacles posed by the current remote working environment, and therefore may have difficulty preparing for and complying with certain statutory contracting requirements in the short time frames required to effectively respond to the COVID-19 pandemic; and

**WHEREAS**, among the COVID-19 Orders, I have issued several orders, including Executive Order Nos. 7J, 7Z, and 7GG, which, among other things, provided flexibility in state contracting procedures to ensure expeditious procurement of real property, goods, and services in order to respond efficiently and expeditiously to the COVID-19 pandemic, including the continuation of a statewide vaccination campaign and the provision of safe housing to persons experiencing homelessness; and

**WHEREAS**, because of the changing circumstances and the evolving nature of the pandemic and the resulting evolution of measures taken in response to it, consolidation of such orders regarding procurement would assist the public in understanding the current rules and assist the General Assembly in planning for continuing or future safety measures;

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020, January 26, 2021, and April 19, 2021, and the new public health and civil preparedness emergencies declared on April 19, 2021, do hereby **ORDER AND DIRECT**:

**1. Modification of Real Property Statutes to Facilitate Leasing, Repairs, Alterations and Use of Real Property to Address the COVID-19 Emergency (Supersedes Section 5 of Executive Order No. 7J).**

- a. In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, the following statutes are modified as set forth herein to authorize the Secretary of the Office of Policy and Management or her designee, or the Commissioner of Administrative Services, as applicable, to take any action they deem necessary to expedite the leasing

or use of real property by the State of Connecticut to respond to the COVID-19 emergency:

- i. Subsections (a), (k) and (o) of Section 4b-23 of the Connecticut General Statutes, which require agencies to submit requests for space for approval by the Secretary of the Office of Policy and Management; to obtain approval for any space that was not included in the state facilities plan, and require the approval of the Secretary of the Office of Policy and Management of all leases, lease renewals and holdover agreements proposed by the Commissioner of the Department of Administrative Services;
- ii. Subsections (3) and (4) of Section 4-67g(f) of the Connecticut General Statutes, which requires the approval of the Secretary of the Office of Policy and Management prior to any use of state real property by an entity other than a state agency, or use of state real property by a state agency other than the state agency with custody and control over such state real property;
- iii. Subsection (f) of section 4b-3 of the Connecticut General Statutes, as to that portion of the statute that requires the approval of the State Properties Review Board of real estate acquisitions, sales, leases and subleases proposed by the Commissioner of Administrative Services;
- iv. Section 4b-29 of the Connecticut General Statutes, only as to that portion of the statute that requires the approval of the State Properties Review Board for the Commissioner of Administrative Services to order the assignment and removal of state agencies to and from real estate available to the state, through ownership or lease, when he deems it necessary to provide space, facilities and necessary accommodations to meet the needs of any of such agencies and when such assignment or removal will be in the best interests of the state;
- v. Section 4b-33 of the Connecticut General Statutes in its entirety, which requires any person, firm, partnership, association, corporation or other entity, seeking to enter into a lease or lease-purchase agreement with the state through the Commissioner of Administrative Services to file a sworn statement with said Commissioner disclosing the names of any persons having a financial interest in the property or premises involved, and which provides that failure to make such disclosure is punishable by a civil penalty;

- vi. Section 4b-34 of the Connecticut General Statutes in its entirety, which mandates advertising for leased space and notification to the Connecticut Association of Realtors of requirements for leased space by executive branch agencies;
- b. **State Contracting Statutes Modified to facilitate Leasing, Repairs, Alterations and Use of Real Property to Address the COVID-19 Emergency** (Supersedes Section 6 of Executive Order No. 7J). In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, the following statutes are modified as set forth herein to authorize the Secretary of the Office of Policy and Management or her designee, or the Commissioner of Administrative Services, as applicable, to take any action they deem necessary to expedite the state-wide property transfers, assignments of space and leasing or use of real property by the State of Connecticut to respond to the COVID-19 emergency:
- i. Sections 4-252 and 9-612(f)(2)(E) of the Connecticut General Statutes and Governor Malloy's Executive Order 49, which require disclosure of certain gifts and campaign contributions by state contractors and prospective state contractors for state contracts over \$50,000;
  - ii. Section 4e-70 of the Connecticut General Statutes, which requires state contractors to comply with certain confidentiality requirements;
  - iii. Sections 4e-29 and 4e-30 of the Connecticut General Statutes, which require state contractors to permit certain audit and inspection activities by the State at the contractors' expense;
  - iv. Section 4a-57 requiring competitive solicitations for all purchases and contracts for supplies, materials, equipment and contractual services, including, pursuant to section 4d-8, the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services; and
  - v. Section 4b-91 that sets forth the process for competitive solicitation for public works contracts.
- c. **Approval for Transactions Covered by Subsections a and b of This Order** (Supersedes Section 7 of Executive Order No. 7J). The Department of Administrative Services shall submit all proposed real estate transactions subject to this order to the Deputy Secretary of the Office of Policy and Management or his/her designee for review and approval. The Deputy Secretary or his/her designee shall have one (1) calendar day to respond to

any proposed transaction pursuant to this Order, after which it shall be deemed approved.

**2. Modification of State Contracting Statutes to Facilitate Emergency Procurement of Essential Goods** (Supersedes Section 1 of Executive Order No. 7Z). General Statutes, for any contract entered into on or after March 10, 2020, the head of a state contracting agency may waive the provisions of the following statutes if he or she deems such waiver necessary to expedite the procurement of “essential goods,” defined as “all things which are movable at the time of contract, including, but not limited to supplies, materials, equipment, products or devices that are manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, cure or limit harm that COVID-19 pandemic may cause”:

- a. Sections 4-252 and 9-612(f)(2)(E) of the Connecticut General Statutes and Governor Malloy’s Executive Order 49, which require disclosure of certain gifts and campaign contributions by state contractors, prospective state contractors for state contracts over \$50,000;
- b. Section 4-61dd(h) of the Connecticut General Statutes, which requires the inclusion of language regarding contractors’ civil liability for violations of the state’s whistleblower statute in state contracts;
- c. Section 4a-57 of the Connecticut General Statutes, which requires the competitive solicitation for all purchases and contracts for supplies, materials and equipment, including, pursuant to Section 4d-8, the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services;
- d. Sections 4a-60 and 4a-60a of the Connecticut General Statutes, which requires the inclusion of certain anti-discrimination terms in State contracts and requires contractors to adopt anti-discrimination policies;
- e. Section 4e-29 and 4e-30 of the Connecticut General Statutes, which require state contractors to permit certain audit and inspection activities by the State at the contractors’ expense; and
- f. Section 4e-70(b) of the Connecticut General Statutes, which requires state contractors to comply with certain confidentiality requirements.

**3. Modification of State Contracting Statutes to Facilitate the Emergency Procurement of Essential Services** (Supersedes Section 1 of Executive Order No. 7GG).

- a. In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, for any contract entered into on or after March 10, 2020, the head of a state contracting agency may waive the following statutes or

requirements as described below if he or she deems such waiver is necessary to expedite the procurement of “essential services,” defined as “all services which (1) are necessary for the servicing or supporting of persons who might be affected by COVID-19 and state agencies that are responding to COVID-19, including, but not limited to, cleaning, security, treatment, diagnosis, counseling, health-related care, and mitigating, preventing, curing or limiting the risk of transmission of COVID-19 within Connecticut or as part of any mutual aid agreement with one or more other states or (2) are necessary for supporting or servicing critical care, including but not limited to health-related care, food, housing and social supports, to vulnerable populations, including but not limited to children, the aged, and the disabled, and for state agencies to ensure delivery of such critical care to vulnerable populations.”

- i. For Sections 4a-60, 4a-81(a), 4-252, 4-252a, and 9-612(f)(2)(E) of the Connecticut General Statutes and Governor Malloy’s Executive Order 49, which require disclosure of certain gifts and campaign contributions by state contractors, prospective state contractors for state contracts over \$50,000, all certification and affidavit requirements may be temporarily suspended for the duration of the public health and civil preparedness emergency.
  - ii. Section 4a-57 of the Connecticut General Statutes, which requires the competitive solicitation for all purchases and contracts for supplies, materials and equipment, and contractual services and includes, pursuant to Section 4d-8, the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services;
  - iii. Section 4-70b(e) and sections 4-214 through 4-219 of the Connecticut General Statutes, which establish competitive solicitation requirements for Personal Services Agreements and Purchase of Services Agreements.
- b. **Modification of State Contracting Authorities to Facilitate the Emergency Procurement of Essential Services** (Supersedes Section 2 of Executive Order No. 7GG). Notwithstanding any provisions to the contrary, for any Purchase of Service or Personal Service Agreement entered into on or after March 10, 2020 related to direct response to the COVID-19 pandemic or its effects, the head of any state contracting agency may use the authority under Department of Administrative Services [General Letter 71](#), Section (e) for an emergency procurement.
- c. **Modification of State Construction Requirements to Facilitate the Emergency Provision of Construction and Construction-Related Services** (Supersedes Section 3 of Executive Order No. 7GG). In

accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes, for any contract entered into on or after March 10, 2020, the head of any state contracting agency may waive the competitive solicitation requirements imposed by Sections 4b-55 through 4b-58 and 4b-91 through 4b-100, and associated regulations, if he or she deems such waiver is necessary to expedite the provision of construction or construction-related services in order to respond to emergency needs created by the COVID-19 pandemic.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect through May 20, 2021.

Dated at Hartford, Connecticut, this 19<sup>th</sup> day of April, 2021.



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Ned Lamont  
Governor

By His Excellency's Command



Denise W. Merrill  
Secretary of the State

