

OFFICE OF THE STATE COMPTROLLER
REQUEST FOR PROPOSAL
WORKERS' COMPENSATION SELF-INSURED RESERVE ANALYSIS
MARCH 16, 2018

I. STATEMENT OF OBJECTIVES

The purpose of this Request for Proposal (the "RFP") is to retain actuarial services to conduct an independent actuarial review of the loss reserve requirements in accordance with Generally Accepted Accounting Principles (GAAP) for the State of Connecticut's self-insured Workers' Compensation program. Such loss reserve is to be calculated as of June 30th each year for the duration of the contract period.

II. BACKGROUND

The State's total reserve requirement for loss liability consists of:

- Case outstanding; claim adjusters' estimates of outstanding unpaid loss for known, reported claims.
- Incurred but not reported claims ("IBNR"); claims not yet reported and not recorded in the loss system, which are expected to arise from accidents that have already occurred.
- "Pipeline" claims; claims known but not yet recorded in the loss system.
- Case development; future development on known, recorded claims.
- Reopened claims; future reopened claims which should be coded to the year the claim was originally reported.

The last four components listed above are commonly referred to collectively as bulk IBNR.

The overall indicated undiscounted unpaid claim liability loss and allocated loss adjustment expense (ALAE) estimates for the State of Connecticut workers' compensation self-insured program as of June 30, 2017, is estimated to be between \$662.3 million and \$773.8 million.

The State of Connecticut has provided workers' compensation coverage to its employees on a self-insured basis since the early 1950's. It retains responsibility for all claims and does not purchase per claim or aggregate reinsurance. In January 2002, GAB Robins North America, Inc. began serving as the State's workers' compensation claims administrator. In October 2010, Gallagher Bassett Services, Inc. acquired GAB Robbins and took over the role of the State's claims administrator.

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III. SCOPE OF SERVICE

OSC wishes to contract with a firm providing actuarial services with substantial expertise in workers' compensation programs. The loss reserve requirement is needed for the State's Comprehensive Annual Financial Report (CAFR), which is prepared in accordance with GAAP.

The contract will be for the four-year period, July 1, 2018 to June 30, 2022, as follows:

Year 1	Valuation as of June 30, 2018
Year 2	Valuation as of June 30, 2019
Year 3	Valuation as of June 30, 2020
Year 4	Valuation as of June 30, 2021

The contractor will be expected to produce an annual loss reserve amount for the State's Workers Compensation Fund. The calculation of the annual loss reserve amount must comply with the requirements of GAAP as established by the Governmental Accounting Standards Board. Loss reserves must be calculated by department. An annual actuarial report must be produced containing the following information:

1. The Contractor will be expected to produce an annual loss reserve amount for the State's Workers Compensation Fund. The calculation of the annual loss reserve amount must comply with the requirements of GAAP as established by the Governmental Accounting Standards Board. Loss reserves must be calculated by department. An annual actuarial report must be produced containing the following information:
 - a. A scope of the review including any relevant assumptions or limitations applied in calculating the loss reserve;
 - b. A range of loss and allocated loss adjustment expense reserves based on current data for the self-insured workers' compensation program by department and in total;
 - c. Comparisons to prior year loss reserves by department and in total; and
 - d. An actuarial report which includes findings and recommendations with specific emphasis on departmental detail containing a summary of data and methodologies used in performing the reserve analysis.
2. The Contractor will provide a range of reserve estimates which consists of:
 - a. Case reserve on reported claims;
 - b. Additional development on these case reserves;
 - c. Pure "incurred but not reported claims";
 - d. Reopened claims; and
 - e. Claims in transit.
3. The Contractor will perform a separate review of the following eleven (11) main agencies in order to isolate which contain higher than average loss exposure and to group similar agencies to generate greater statistical credibility:

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- a. Department of Public Safety;
 - b. Department of Developmental Services;
 - c. Department of Mental Health;
 - d. Department of Transportation;
 - e. Department of Children and Families;
 - f. Department of Corrections;
 - g. University of Connecticut;
 - h. University of Connecticut Health Center;
 - i. Board of Regents of Higher Education;
 - j. Judicial Department; and
 - k. General Government
4. The Contractor review will be performed separately by the following loss types:
 - a. Indemnity;
 - b. Medical; and
 - c. Expense
5. The Contractor will use the following actuarial methodologies to estimate reserves for unpaid losses occurring between July 1, 1985 and the applicable evaluation date:
 - a. Paid loss development;
 - b. Incurred loss development;
 - c. Paid Bornhuetter-Ferguson; and
 - d. Incurred Bornhuetter-Ferguson
6. The Contractor will review the State's claim frequency and severity trends and compare them to industry average and provide a graphical summary of each department's loss rates, severity, and frequency over a 15+ year period.
7. The Contractor will provide a report, graphical summaries and all analysis exhibits in total and by department by type of loss and an "executive summary report" which will include the report, graphical summaries and summary exhibits only. The report will include:
 - a. A scope of review including any relevant assumptions or limitations applied in calculating the loss reserve;
 - b. A range of loss and allocated loss adjustment expense reserves based on current data for the self-insured workers compensation program by department, by loss type, and in total;
 - c. Comparisons to prior year loss reserves by department, by loss type, and in total;
 - d. Findings and recommendations with specific emphasis on departmental detail; and
 - e. A summary of data and methodologies used in performing the reserve analysis.
8. The actuarial report for each evaluation date will be completed and submitted to the Comptroller no later than December 15th following each fiscal year end.

IV. SELECTION CRITERIA

Each proposal will be evaluated by a screening committee against the following criteria to determine which vendor is most capable of implementing the state's requirements.

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- Vendor's ability to perform the specified work.
- Vendor's understanding of the project and its purpose and scope, as evidenced by the proposed approach and level of effort detailed in the proposal.
- Competitiveness of the proposed cost.
- Availability and competence of the vendor's assigned personnel.
- Conformity with the specifications of this request for proposals.
- Demonstration of commitment to Affirmative Action by full compliance with the regulations of the Connecticut Commission on Human Rights and Opportunities.
- Presentation to the screening committee, if necessary.

The evaluation committee will evaluate firms on the basis of their written responses to this RFP and possibly oral interviews. Additional written information may be requested by the State. The goal of the evaluation will be to select the best combination of qualifications, relevant experience and cost. The evaluation committee will also consider the following non-exclusive factors in making the determination:

- A. Depth and quality of experience with Connecticut and federal law related to public sector pension plans.
- B. Depth and quality of experience providing all other services described herein.
- C. Qualification of personnel, including the experience and availability of the lead attorney(s) and the breadth and depth of experience of other partners, associates, and other professionals available to provide the requested services to the State.
- D. Demonstrated ability to work closely and cooperatively with clients.
- E. Results of reference checking.
- F. Reasonableness of rates proposed, and demonstrated efficiency in providing sound advice and counsel without unnecessary or excessive charges.
- G. Equal opportunity record as evidenced by the composition of the firm personnel and the firms' affirmative action and equal employment opportunity policies and practices.
- H. Record of compliance with all applicable ethical rules of professional conduct.

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- I. The proposing firm will not be considered to have any irreconcilable conflict of interest because the firm or attorneys associated with the firm have in the past brought or are currently bringing litigation against the State of Connecticut, whether in court, mediation or arbitration, so long as that litigation does not concern the firm's involvement in matters related to and adverse to the State in related issues described herein. All potential conflicts with the State of Connecticut must be fully described and discussed in the proposal.

V. SELECTION PROCESS AND SCHEDULE

Request for Proposal Questions and Response Phase:

March 16, 2018	Release of RFP
March 30, 2018	Questions, if any, due at osc.rfp@ct.gov
April 6, 2018	Answers to vendor questions released
April 20, 2018	Proposals Due

Proposal Review and Proposer Selection Schedule:

April 26, 2018	Tentative Finalist Interviews, if necessary
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VI. PROPOSAL SUBMISSION REQUIREMENTS

A. Proposal Questions

From the date the State issues this RFP until the date that it awards the Contract to the successful proposer, interested parties should not contact any employee of the State of Connecticut for additional information concerning this RFP, except in writing via email to the following address: osc.rfp@ct.gov. Interested parties should submit questions no later than March 30, 2018. Late questions may not receive answers. The State will answer all questions in the form of one or more addenda to this RFP and will post them on the Comptroller's website at <http://www.osc.ct.gov/vendor/index.html>.

B. Sealed Proposals

An authorized agent for the Proposer with authority to negotiate and contractually bind the Proposer must sign the proposal; such individual's title, address, and telephone number must also be provided. **The Proposer must submit one original, one unbound, plus five (5) copies of both their business proposal and their cost proposal in a sealed envelope or carton upon which a clear indication has been made of the RFP reference title and the date and time the proposal is submitted.**

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Hard copies must also be accompanied by electronic PDF format on USB flash drive or CD. Proposers are also required to submit two CD copies of the redacted proposal (see Section XIII).

Proposers may send the proposal by courier or overnight delivery service or deliver in person to the address below, arriving no later than **April 20, 2018 at 3:00 p.m. local time**. To avoid any delivery issues, proposals sent by U.S. Postal Service must arrive before 3:00 p.m. on the day prior to the due date. Proposals will not be publicly opened on the due date. Proposals received after the stated time herein may not be accepted. Postmark dates will not be considered as the basis for meeting any submission deadlines.

Proposals are to be submitted to:

STATE OF CONNECTICUT
Office of the State Comptroller
Administrative Services Division
55 Elm Street
Hartford, CT 06106
Attention: Steven Cosgrove

C. Submission of Proposals:

To be considered, all submissions must contain the following information:

- a. All proposals must address all the requirements listed in the prescribed order in Section D below;
- b. All information and completed forms attached to this RFP;
- c. The following completed forms:
 - i. Agency Vendor Form (SP-26NB), available at: [http://das.ct.gov/Purchase/Info/Vendor_Profile_Form_\(SP-26NB\).pdf](http://das.ct.gov/Purchase/Info/Vendor_Profile_Form_(SP-26NB).pdf)
 - ii. W-9 Form, available at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>
 - iii. **"BizNet"**

The Connecticut Department of Administrative Services ("DAS") requires that all firms seeking to do business with the State create a business profile on the DAS Business Network ("BizNet") system. Additional required forms as described below must be submitted to or on file with the Biznet system by the deadline for submission of proposals. Paper or electronic copies need not be provided with the submission to the Comptroller's office.

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Firms create an account on BizNet by using the following link:
<https://www.biznet.ct.gov/AccountMaint/Login.aspx>.

Once your firm creates an account, login and select “CT Procurement” and then “Company Information” for access. If you experience difficulty establishing or otherwise managing your firm's account, please call DAS at 860-713-5095.

DAS has implemented the requirement to create a BizNet account to make doing business with the State of Connecticut more business friendly.

One benefit to using BizNet is that it eliminates certain redundancies, such as the former requirement to complete and submit forms even though the forms had been recently submitted in response to another Request for Proposals.

In addition to eliminating redundancy, BizNet has automated the completion and submission of required Ethics Affidavits and Non Discrimination forms. Firms must now upload these forms electronically to their BizNet account and update them on an annual basis, rather than submitting paper copies with each proposal. Firms will have the ability to view, verify and update their information, by logging in to their BizNet account, prior to submitting responses to an RFP.

For information about how to upload the Ethics Affidavits and Non-Discrimination forms please access the following page:
<http://das.ct.gov/images/1090/Upload%20Instructions.pdf>

1. Ethics Affidavits

The following Ethics Forms must be signed, dated, notarized, uploaded or updated on BizNet. To obtain these forms, you must login to Biznet and follow the instructions referenced above.

- a. OPM Ethics Form 1: Gift & Campaign Contribution Certification;
- b. OPM Ethics Form 5: Consulting Agreement Affidavit; and
- c. OPM Ethics Form 6: Affirmation of Receipt of State Ethics Laws Summary

For information on how to complete these forms, please access the Office of Policy and Management website by using the following link:

http://www.ct.gov/opm/cwp/view.asp?a=2982&q=386038&opmNAV_GID=1806

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2. Non-Discrimination Certification

Choose one (1) of the forms listed below that applies to your business. Complete and upload or update the form on Biznet annually. To obtain a copy of these forms, you must login to Biznet and follow the instructions referenced above.

- a. Form A: Representation by Individual (Regardless of Value; or
- b. Form B: Representation by Entity (Valued at \$50,000 or less); or
- c. Form C: Affidavit by Entity (Valued at \$50,000 or more); or
- d. Form D: New Resolution by Entity; or
- e. Form E: Prior Resolution by Entity

For information on how to complete these forms, please access the Office of Policy and Management website by using the following link:

http://www.ct.gov/opm/cwp/view.asp?a=2982&q=390928&opmNAV_GID=1806

3. Commission on Human Rights and Opportunities ("CHRO") Workplace Analysis Affirmative Action Report/Employment Information

The CHRO Workplace Analysis Affirmative Action Report/Employment Information must be completed in BizNet and updated as necessary. You must login to Biznet and follow the Instructions referenced above.

For information on how to complete these forms you may contact Eva Orlinski at eva.orklinski@ct.gov or Marisol Rivera at Marisol.rivera@ct.gov for assistance.

- d. Concise answers are encouraged. Responses should be prepared on 8 ½ x 11 inch paper using at least 12 point type with standard margins.
- e. The submission of proposals shall constitute, without any further act required of the proposers or the State, acceptance of the requirements, administrative stipulations, and all of the terms and conditions of this RFP. Proposals must

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reflect compliance with such requirements. Failure of the proposal to so comply may result in the State's rejection of the proposal. The State will reject any proposal that deviates materially from the specifications, terms or conditions of this RFP. Proposers submitting proposals with any minor or immaterial deviations must identify and fully justify such deviations in order for the State to consider their proposal.

- f. No additions or changes to any proposal will be allowed after the proposal due date, unless the State specifically requests such modifications. The State may, at its option, seek proposer retraction and/or clarification of any discrepancy or contradiction found during the review of the proposals.

D. Information Required in the Proposal:

- a. Provide the information requested below on the title page:

Name of Proposer
Business Location
Mailing Address
Telephone Number
E-mail Address
Federal Employer ID Number / Social Security Number

The Proposer must designate an authorized representative and one alternate who may speak and act on behalf of the Proposer in all dealings with the agency, if necessary. Provide the following information for each individual:

Names
Telephone Numbers
Normal Hours of Work

- b. Transmittal Letter

A transmittal letter must accompany all proposals. A corporate officer or person who is authorized to represent the company must sign this letter. A letter of transmittal must meet the following requirements:

- i. Identify the submitting organization;
- ii. Explicitly indicate unequivocal acceptance of all of the requirements of this RFP and acknowledge receipt of any and all amendments to this RFP;
- iii. Bear the signature of the person with the requisite power and authority to submit and deliver the proposal and subsequently to enter into, execute and deliver and perform on behalf of the firm any contract or agreement with the State.
- iv. Explicitly warrant, represent and certify the following requirements have been met in connection with the RFP:

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1. The fees and costs proposed have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such process with any other organization or with any competitor.
 2. Unless otherwise required by law, the costs quoted have not been knowingly disclosed by the firm prior to the deadline for submission of proposals directly or indirectly to any other organization or to any competitor; and
 3. No attempt has been made, or will be made, by the firm to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting completion.
- v. Explicitly represent that no elected or appointed official or employee of the State of Connecticut had benefited or will benefit financially or materially from any contract or agreement executed in connection with this RFP. Any contract or agreement executed in connection with this RFP may be terminated by the State if it is determined that gratuities of any kind were either offered to, or received by, any state officials or employees from the firm, the law firm's agent(s), representative(s) or employee(s). Such action on the part of the State shall not constitute a breach of contract on the part of the State.
- c. Table of Contents
- The Table of Contents should reference all materials required by this RFP and any additional information or material the Vendor wishes to supply.
- d. Executive Summary
- Proposers must provide an Executive Summary. This is to permit the Proposer to briefly summarize the most important aspects of each section of the Proposal. The Executive Summary must provide a high-level overview of the Proposal. The Proposer must summarize its understanding of the objectives of the State in issuing this RFP, the intended results of the services, the scope of work, and any issues which need to be addressed in this Project. The executive summary should, at a minimum, provide the following information:
- i. A summary of the Proposal to provide the services described in the RFP.
 - ii. Description of the key personnel to be used in providing the services.
 - iii. Discuss the risks and concerns arising from the RFP.
 - iv. Explain what would be needed from the State to begin the project.
- e. Explain the firm's qualifications in light of the Selection Criteria detailed in Section IV above.

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- f. Disclose any past or present assignments, relationships or other employment that your firm or any employee of your firm has had that may create a conflict of interest or the appearance of a conflict of interest in serving as counsel for the State in this matter.
- g. If you find any terms or provisions of the proposed draft contract in Appendix A unacceptable, identify the term, explain why it is unacceptable, and state whether failure to modify this term would result in the firm's failure to execute a contract in this matter.
- h. Discuss any pending complaints or investigations, or any made or concluded within the past five years, to or by any regulatory body or court regarding the conduct of your firm or its predecessors, or any of its present or former members, employees or associates.
- i. Include a detailed and specific fee proposal. You must include a fee proposal specific to hourly rates both for the specific personnel and for each category of person who will work on the assignment (excluding clerical staff, whose time may not be billed).
- j. Provide names and contact information of three (3) client references for whom you have performed services reasonably comparable to those sought in this RFP.
- k. Provide the name of your malpractice insurance carrier, the maximum amount of your coverage, and the deductible amount.

E. Conformity and Completeness of Proposals

To be considered acceptable, proposals must be complete and conform to all material RFP instructions and conditions. The Attorney General's Office, in its sole discretion, may reject in whole or in part any proposal if in its judgment the best interests of the State will be served.

F. Stability of Proposed Fees

Any fee proposals must be valid for the entire duration of the Contract.

V. AMENDMENT OR CANCELLATION OF THIS RFP

The State reserves the right to cancel, amend, modify or otherwise change this RFP at any time if it deems it to be in the best interest of the State to do so.

VI. PRESENTATION OF SUPPORTING EVIDENCE

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Proposers must be prepared to provide evidence of experience, performance, ability, financial resources or other items as the State deems to be necessary or appropriate concerning the performance capabilities represented in their proposals.

VII. MISREPRESENTATION OR DEFAULT

The State may reject the proposal and void any award resulting from this RFP to a firm which makes any material misrepresentation in its proposal or other submittal in connection with this RFP.

VIII. ERRORS

The State reserves the right to correct clerical or administrative errors that may be made during the evaluation of proposals or during the negotiation of the contract and to change the contract award accordingly. In addition, the State reserves the right to re-evaluate proposals and the award of the contract in light of information either not previously known or otherwise not properly having been taken into account prior to contract award. In any case, this may include, in extreme circumstances, revoking the awarding of the contract already made to a firm and subsequently awarding the contract to another firm. Such action on the part of the State shall not constitute a breach of contract on the part of the State since the contract with the initial firm would be deemed void and of no effect as if no contract ever existed between the State and such firm. The State may waive minor irregularities found in proposals or allow the proposer to correct them, depending on which is in the best interest of the State. "Minor irregularities" means typographical errors, informalities that are matters of form rather than substance and evident from the proposal itself, and insignificant mistakes that can be waived or corrected without prejudice to other proposers, as determined in the discretion of the State.

IX. OWNERSHIP OF PROPOSALS

All proposals shall become the sole property of the State and will not be returned.

X. EXECUTION OF CONTRACT AND RELATED REQUIREMENTS

A. This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP only serves as the instrument through which proposals are solicited. Once the evaluation of the proposals is complete and a firm is selected, the selected proposal and this RFP may then serve as the basis for a contract that will be negotiated and executed between the State, and the selected firm. If the State and the initial selected firm fail to reach agreement on all issues relative to the contract within a time determined solely by the State, then the State may commence and conclude contract negotiations with other proposers. The State may decide at any time to start this RFP process again.

B. Conn. Gen. Stat. § 4-252 requires that this RFP include a notice of the certification requirements described in this statute. Accordingly, pursuant to this statute, firms are notified as follows:

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1. The terms "gift," "quasi-public agency," "state agency," "large state contract," "principals and key personnel" and "participated substantially" as used in this section shall have the meanings set forth in this statute.
2. No state agency or quasi-public agency shall execute a large state contract unless the state agency or quasi-public agency obtains the written certifications described in this section. Each such certification shall be sworn as true to the best knowledge and belief of the person signing the certification, subject to the penalties of false statement.
3. The official of the person, firm or corporation awarded the contract, who is authorized to execute the contract, shall certify on such forms as the State shall provide:
 - a) That no gifts were made between the date that the state agency or quasi-public agency began planning the project, services, procurement, lease or licensing arrangement covered by the contract and the date of execution of the contract, by:
 - (1) such person, firm, corporation;
 - (2) any principals and key personnel of the person, firm or corporation, who participated substantially in preparing the bid or proposal or the negotiation of the contract; or
 - (3) any agent of such person, firm, corporation or principals and key personnel, who participated substantially in preparing the bid or proposal or the negotiation of the contract, to:
 - (a) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for the contract, who participated substantially in the preparation of the bid solicitation or request for proposals for the contract or the negotiation or award of the contract; or
 - (b) any public official or state employee of any other state agency, who has supervisory or appointing authority over such state agency or quasi-public agency;
 - b) That no such principals and key personnel of the person, firm or corporation, or agent of such person, firm or corporation or principals and key personnel, knows of any action by the person, firm or corporation to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the person, firm or corporation to provide a gift to any such public official or state employee; and
 - c) That the person, firm or corporation made the bid or proposal without fraud or collusion with any person.

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4. Any bidder or proposer that does not make the certifications required under this section shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

C. Section 4a-81 of the Connecticut General Statutes requires that this RFP include a notice of the consulting affidavit requirements described in the statute. Accordingly, pursuant to the statute, vendors are notified as follows:

1. No state agency shall execute a contract for the purchase of goods or services, which contract has a total value to the state of fifty thousand dollars or more in any calendar or fiscal year, unless the state agency obtains the written affidavit described in subsection (ii) of this section.

2. The chief official of the vendor awarded a contract described in this section or the individual awarded such contract who is authorized to execute such contract, shall attest in an affidavit as to whether any consulting agreement has been entered into in connection with such contract. Such affidavit shall be required if any duties of the consultant included communications concerning business of such state agency, whether or not direct contact with a state agency, state or public official or state employee was expected or made. "Consulting agreement" means any written or oral agreement to retain the services, for a fee, of a consultant for the purposes of (1) providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the State, (2) contacting, whether in writing or orally, any executive, judicial, or administrative office of the state, including any department, institution, bureau, State, commission, authority, official or employee for the purpose of solicitation, dispute resolution, introduction or requests for information or (3) any other similar activity related to such contract. "Consulting agreement" does not include any agreements entered into with a consultant who is registered under the provisions of Chapter 10 of the Connecticut General Statutes concerning the State's Codes of Ethics, as of the date such affidavit is submitted.

3. Such affidavit shall be sworn as true to the best knowledge and belief of the person signing the certification on the affidavit and shall be subject to the penalties of false statement.

4. Such affidavit shall include the name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such affidavit shall indicate his or her former agency and the date such employment terminated.

5. The Office of Policy and Management ("OPM") has provided OPM Ethics Form 5 to satisfy the requirements of this statute. Accordingly, the firm must deliver this Form 5, available through BizNet as described in this section (C),

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together with its proposal and then deliver an updated Form 5 dated the date that the firm executes the contract. Such affidavit shall be amended whenever the vendor awarded the contract enters into any new consulting agreement during the term of the contract.

6. If a vendor refuses to submit the affidavit required under this section, then the State shall not award the contract to such vendor and shall award the contract to the next highest ranked vendor or the next lowest responsible qualified bidder or seek new bids or proposals.

7. This section is set forth here only for purposes of providing notice of the requirements of Section 4a-81 of the Connecticut General Statutes. Accordingly, it is neither intended nor should it be interpreted nor relied upon to be a complete and full reiteration of the Act's contents. Any interpretation or understanding of Section 4a-81 of the Connecticut General Statutes requirements or content by any party must come only from reading the full text of Section 4a-81 of the Connecticut General Statutes itself.

D. Pursuant to Governor M. Jodi Rell's Executive Order No. 1, paragraph 8, and Governor M. Jodi Rell's Executive Order No. 7C, paragraph 10(a), contractors executing state contracts with a value to the State of \$50,000 or more in a calendar or fiscal year shall execute a Gift and Campaign Contribution Certification (OPM Ethics Form 1) contemporaneously with the contract certifying that between the planning and start date and the execution date, neither the contract signatory nor extensively and substantially in the preparation of the proposal or in the negotiation of the contract gave a contribution to candidates for statewide public office or the General Assembly. The firm must execute the Contract and this Form 1 through the BizNet system as explained in Section III, above, and update the form at least annually. Contractors are then required to submit a contract certification annually to update previously submitted certification forms for state contracts. Contractors must use the Gift and Campaign (OPM Ethics Form 1) for this purpose.

E. Pursuant to Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended by Public Act 07-245 and Sections 9 and 10 of Public Act 07-142, every contractor is required to provide the State with documentation in the form of a company or corporate policy adopted by resolution of the State of directors, shareholders, managers, members or other governing body of such contractor to support the contractor's nondiscrimination agreements and warranties which are included in such contractor's contract pursuant to said statutes. The applicable certification form must be completed and submitted through the BizNet system, as explained in Section VI above, and updated at least annually.

XI. ORAL AGREEMENT OR ARRANGEMENTS

Any alleged oral agreements or arrangements made by firms with the State will be disregarded in any proposal evaluation or associated award.

XII. SUBLETTING OR ASSIGNING OF CONTRACT

The contract or any portion thereof, or the work provided for therein, or the right, title, or interest of the firm therein or thereto may not be sublet, sold, transferred, assigned or otherwise disposed of to any person or entity without the prior written consent of the State. No person or entity, other than the firm to which the contract was awarded, is permitted to perform work without the prior written approval of the State.

XIII. FREEDOM OF INFORMATION ACT AND CONFIDENTIAL INFORMATION

A. All proposals submitted in response to this RFP are to be the sole property of the State, subject to the terms of the Connecticut Freedom of Information Act (FOIA) and its corresponding rules, regulations, and interpretations. Those particular sentences, paragraphs, pages, or sections that the proposer believes are proprietary or confidential in nature, and therefore exempt from disclosure under the FOIA, must be specifically identified as such. If the Proposer indicates that certain documentation is submitted in confidence, by specifically and clearly marking said documentation as CONFIDENTIAL, the State will endeavor to keep said information confidential to the extent permitted by law. The State, however, has no obligation to initiate, prosecute, or defend any legal proceeding or to seek a protective order or other similar relief to prevent disclosure of any information that is sought pursuant to a FOIA request. The proposer will have the burden of establishing the FOIA exemption in any proceeding where it is an issue. In no event will the State or the State have any liability for the disclosure of any documents in its possession which the Comptroller believes are required to be disclosed pursuant to the FOIA or other requirements of law.

B. The State expects that a proposer will in good faith mark only sentences, paragraphs, sections, or pages that qualify as proprietary or confidential under the FOIA. Without waiving the proposal due date and time noted in Section V of this RFP, the State reserves the right to return any proposals having the majority of their pages marked as confidential or proprietary back to the proposer for compliance with this section.

C. With regard to the above Paragraph referring to the Freedom of Information Act and Confidential Information, the proposer will submit two (2) copies of a CD of its entire proposal (including all attachments) in a PDF format with: (1) all confidential and proprietary information redacted; (2) a description of those particular sentences, paragraphs, pages or sections that the Proposer believes are exempt from disclosure under the FOIA; and (3) an explanation and rationale sufficient to justify each exemption. The Division will submit a copy of the CD containing the redacted proposal as necessary in response to any relevant FOIA request it receives with regard to this RFP. Failure to provide such a CD will signify the Proposer's agreement with the disclosure of all submitted information relative to a FOIA request.

XIV. AFFIRMATIVE ACTION

**WORKERS' COMPENSATION SELF-INSURED RESERVE ANALYSIS
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The contract to be awarded is subject to contract compliance requirements mandated by Sections 4a-60 and 4a-60a of the Connecticut General Statutes; and, when the awarding agency is the State, Sections 46a-71(d) and 46a-81i(d) of the Connecticut General Statutes. There are Contract Compliance Regulations, codified at Section 46a-68j-21 through 43 of the Regulations of Connecticut State Agencies, which establish a procedure for awarding all contracts covered by Sections 4a-60 and 46a-71(d) of the Connecticut General Statutes. According to Section 46a-68j-30(9) of the Contract Compliance Regulations, every agency awarding a contract subject to the contract compliance requirements has an obligation to consider certain factors when reviewing the Proposer's qualifications under the contract compliance requirements. By submitting a bid, the Proposer is acknowledging that it has reviewed the applicable statutes and regulations as noted above and is aware of the factors that will be considered by the State in this area. More information about the State of Connecticut's Contract Compliance requirements is available on the State on Human Rights and Opportunities' web site at www.state.ct.us/chro under "Contract Compliance." The Proposer must complete and submit the CHRO's Workforce Analysis Affirmative Action Report-State Proposers form (attached) with the proposal.

XV. CONFORMANCE WITH FEDERAL, STATE AND OTHER REQUIREMENTS

In the contract, the firm will represent and warrant that, at all pertinent and relevant times to the contract, it has been, is and will continue to be in full compliance with all Federal, State, municipal or other governmental department, commission, bureau, agency or instrumentality, codes, statutes, acts, ordinances, judgments, decrees, injunctions and regulations.

XVI. EXECUTIVE ORDERS

The Contract shall be subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill, promulgated June 16, 1971, the provisions of Executive Order No. Seventeen of Governor Thomas J. Meskill, promulgated February 15, 1973, and the provisions of Executive Order No. Sixteen of Governor John G. Rowland promulgated August 4, 1999. The contract may also be subject to Executive Order No. 7C of Governor M. Jodi Rell, promulgated July 13, 2006, concerning contracting reforms, in accordance with its terms and conditions.

XVII. AMERICANS WITH DISABILITIES ACT

The firm shall comply with the Americans with Disabilities Act and any other applicable federal laws and regulations.

XVIII. CAMPAIGN CONTRIBUTION AND SOLICITATION BAN

With regard to a State contract, as defined in Conn. Gen. Stat. § 9-612, having a value in a calendar year of \$50,000 or more or a combination or series of such agreements or contracts having a value of \$100,000 or more, the authorized signatory to the proposal in response to this RFP expressly acknowledges receipt of the State Elections Enforcement State's notice advising prospective state contractors of state campaign contribution and solicitation prohibitions as found at http://www.ct.gov/seec/lib/seec/forms/contractor_reporting/seec_form_10_final.pdf as it may

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be revised from time to time as noted on the website of the Connecticut State Election Enforcement Committee found at <http://www.ct.gov/seec/site/default.asp> and will inform its principals of the contents of the notice.