STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7GG

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – EMERGENCY PROCUREMENT OF ESSENTIAL SERVICES, OTHER PUBLIC HEALTH MEASURES

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued thirty-three (33) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; 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 risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, it is critical to the protection of the public health and safety that state agencies be able to procure essential services in high demand and in low supply as expeditiously as possible to limit the harm of the COVID-19 pandemic; and

WHEREAS, because greatly increased volume of diagnostic testing for COVID-19 is critical to sustaining the protection of public health and safety during the COVID-19 pandemic and to preventing or limiting a resurgence of COVID-19 infections, such testing capability is among the essential services that state agencies may need to procure on an expedited basis; and

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 timeframes required to effectively respond to the COVID-19 pandemic; and

WHEREAS, the significant death toll from COVID-19 has created unprecedented demands on Connecticut funeral directors and embalmers; and

WHEREAS, the United State Centers for Disease Control and Prevention has requested more timely submission of death data to assure necessary surveillance of COVID 19 deaths; and

WHEREAS, requiring an embalmer to affirm that the body of a person who had a communicable disease at the time of death has been disinfected in accordance with the Public Health Code by way of a witnessed or notarized sworn affidavit requires embalmers to more frequently come in contact with third parties and also makes it more difficult for them to provide timely data to state and local governments; and

WHEREAS, the Connecticut Department of Public Health has waived requirements for licensure, certification or registration for out of state health care providers so that such providers can render temporary assistance in Connecticut within the scope of the profession for which they are licensed, certified or registered, but such providers require a separate registration from the Department of Consumer Protection in order to prescribe controlled substances; and

WHEREAS, sealed ticket purchases are made by non-profit organizations, many of which have closed as a result of the ongoing state of emergency, thereby making it difficult for sealed ticket distributors to collect from those nonprofits revenue due to the distributor for the first quarter of 2020;

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, do hereby **ORDER AND DIRECT:**

1. **Modification of State Contracting Statutes to Facilitate the Emergency Procurement of Essential Services.** 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."

a. 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.

b. 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;

c. 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.

2. **Modification of State Contracting Authorities to Facilitate the Emergency Procurement of Essential Services.** 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.

3. **Modification of State Construction Requirements to Facilitate the Emergency Provision of Construction and Construction-Related Services.** 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.

4. **Extension of Existing Contracts to Prevent Gaps in Necessary Services.** In accordance with the provisions of Section 28-9(b)(1) of the Connecticut General Statutes and if necessary in order to ensure continuity of services, for any state contract in existence on or after March 10, 2020, including but not limited to contracts which provide critical services to vulnerable populations in the State, the head of a state contracting agency may amend or extend the renewal deadline of any expiring contract for services until September 30, 2020, provided that the agency head certifies in writing that the failure to provide such extension would compromise the continuity of state agency systems, operations or critical services to vulnerable populations.

5. **Required Embalmer's Affidavit Regarding Communicable Disease Modified.** Section 7-62b(b) of the Connecticut General Statutes is modified to permit a licensed embalmer, who is filing a death certificate of a deceased person who had a communicable disease at the time of death, to state on a form provided by the department that the body has been disinfected in accordance with the Public Health Code, by providing a signed statement of fact made under penalty of false statement pursuant to Section 53a-157b instead of by a signed and sworn affidavit.

6. **Temporary Suspension of Controlled Substance Registration.** Section 21a-317 of the Connecticut General Statutes is modified to provide that out-of-state practitioners, working within the scope of practice for which the practitioner is licensed, registered or certified in another state, and in accordance with the order issued by the Commissioner of Public Health on March 23, 2020 authorizing certain out-of-state practitioners to provide care in Connecticut, or any superseding or amended order, may prescribe controlled substances in Connecticut without obtaining a Controlled Substance Registration from the Department of Consumer Protection (DCP). This modification shall continue as long as such order by the Commissioner of Public Health remains in effect. The Commissioner of Consumer Protection may issue any implementing orders that she deems necessary to effectuate the purposes of this order.

7. **Extension of Payment Time for Sealed Ticket Revenue Due to the State.** Section 7-169h(i) of the Connecticut General Statutes is modified to provide that sealed ticket distributors, who are having difficulty collecting payments from sealed ticket purchases during the first quarter of 2020, shall collect such amounts that are due during the second quarter of this year and include such revenue in the payment due to the State for the second quarter of 2020. Sealed ticket distributors shall make a payment to the State this quarter based on

revenue that has been collected and shall notify the Department of Consumer Protection of such amounts that remain uncollected.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 30th day of April, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State