



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved
Minutes

Friday, May 10, 2019 Meeting of the State Contracting Standards Board
5th Floor Conference Room
18-20 Trinity Street, Hartford, Connecticut

Members Present:

Lawrence Fox, Chair
Thomas Ahneman
Alfred Bertoline
Charles Casella, Jr.
Albert Ilg
Donna Karnes
Salvatore Luciano
Stuart Mahler
Robert Rinker
Brenda Sisco

David L. Guay, Executive Director - ex-officio board member

1. Call to order

Meeting called to order by Chair Lawrence Fox at 10:04 A.M.

2. Approve the Minutes of the April 12, 2019 Meeting

Motion made by Alfred Bertoline and seconded by Stuart Mahler to approve the minutes of the April 12, 2019 Board meeting. All voted in favor.

3. Report of the Privatization Contract Committee

Chair Fox reported that the Committee had a very short last meeting as Board members were scheduled to meet with the House Republican Leadership. Chair Fox noted that there is no further report.

4. Report from the Sec. 4e-36 Contested Solicitations and Awards Subcommittee

Chair Rinker reported that the Sec. 4e-36 Contested Solicitations and Awards Subcommittee has handled a contest concerning American Dream Clean, LLC and the Department of Administrative Services.

1. On April 8, 2019, American Dream Clean, LLC contested DAS's award of a contract to Coastal Cleaning for custodial services at 24-38 Wolcott Hill Road, Wethersfield. Attached to the contest was a draft legal complaint with a date of February 2019.
2. The subcommittee met on April 17, 2019, to review the contest and to prepare questions for its next meeting on April 26, 2019 with American Dream Clean and DAS.
3. At its meeting on April 26, 2019, the Subcommittee discussed the timeliness of the contest since the Board received a draft legal complaint dated February 2019. A responder has fourteen days to file a contest from the time it knew or should have known of the facts giving rise to such contest. American Dream Clean, LLC stated that it became aware of the facts based upon information they received from DAS on April 3, 2019. The Subcommittee also set the next meeting date for May 2, 2019.
4. On April 26, 2019, American Dream Clean, LLC submitted a letter and exhibits to support its position that the contest was timely filed with the State Contracting Standards Board (SCSB).
5. On April 29, 2019, David Guay, Executive Director sent an email to Attorney Rosenthal representing American Dream Clean, LLC requesting the facts giving rise to its contest and limited to the procedural elements of the solicitation or award process, or claims of an unauthorized or unwarranted, noncompetitive selection process.
6. On April 30, 2019, American Dream Clean, LLC submitted a statement of facts and stated that "DAS acted in an arbitrary and capricious manner."
7. On April 30, 2019, Mr. Guay emailed American Dream LLC's letter of April 30, 2019 to Ms. Carol Wilson of DAS requesting (1) Describe the procedure used by such agency in soliciting and awarding such contract (2) Indicate such agency's finding as to the merits of such bidder or proposer's contest.
8. On May 1, 2019 and again on May 2, 2019, DAS sent emails with attachments to Mr. Guay to DAS's findings as to the merits of American Dream Clean LLC's contest as stated in American Dream Clean's letter of April 30, 2019.
9. At the Subcommittee meeting on May 2, 2019, the Subcommittee shared in writing its draft decision on the contest. This prompted the parties to enter into settlement discussion to resolve the matter away from the Subcommittee.
10. On May 8, 2019, American Dream Clean withdrew its contest. A decision was not issued by the Subcommittee.

Chair Rinker thanked DAS and American Dream Clean for their prompt responses to the Subcommittee.

Chair Rinker also thanked Bruce Buff, Stu Mahler and David Guay for the time and effort they put into this contest.

Chair Rinker concluded his report by stating contrary, to some who believe that this Board is another level of bureaucracy, we were able to handle this matter within the 30 day statutory timeline with the limited staff we have at the Board.

5. Work Group Reports

a. Report from Audit Work Group

Audit Work Group Chair Thomas Ahneman reported that the Work Group met this morning and started the interviews. This morning the Work Group interviewed the State Elections Enforcement Commission, The Office of State Ethics and the Teachers' Retirement Board. Chair Ahneman commented on the responses concerning Department of Administrative Services Master contracts and the misunderstanding by the agencies on how to use them.

Discussion was held with Carol Wilson, Director of Procurement for the Department of Administrative services concerning master contracts. Brenda Sisco offered that solutions include education and training. Charles Casella noted the need for effective oversight.

Chair Fox expressed that his vision is for the State of Connecticut to have the best in procurement in terms of quality, speed, cost effectiveness and transparency.

Charles Casella asked Ms. Wilson if she could provide a list Information Processing Agreements that were "older" and don't have sunset/expiration dates.

6. Review of the Board's General Assembly and Administration activity

Chair Fox initiated discussion on the review of the Board's General Assembly and Administration activity. Chair Fox reported that since the last meeting in April a number of Board members met with Republican House Leadership. Chair Fox's impression of the meeting is that our message was positively received.

Chair Fox also noted that the Board received a favorable budget out of the Appropriations Committee, but cautioned that the budget has a long way to travel.

Chair Fox further noted that it is amazing that the amount of savings that they are budgeting for the Board's efforts in competitive bidding for PSA's is actually very modest and believes can be achieved with anticipated reforms at the Office of Policy and Management.

Alfred Bertoline reviewed his meeting with OPM staff to go over sample data used in the Board's report.

Brenda Sisco remarked that this is the first time the Legislature has given the Board positions and not cuts.

Chair Fox noted that there is another narrative out there that the Board is bureaucratic red tape, coming from some places in the administration.

Chair Fox concluded the discussion by noting we are engaged and it isn't over till it's over.

7. Report on internship

Albert Ilg and Executive Director Guay reported that they have hired an intern, her name is Lauren Gauthier, with her resume in Board members meeting materials.

8. Report on Department of Education MOU compliance

Chair Fox referred the Board to the training manual submitted by the State Department of Education in compliance with the items one, two and three in the Memorandum of Understanding (MOU) with the Board.

Robert Rinker brought forward comments Bruce Buff made by marking up his draft, before he left for his trip. One comment raised by Mr. Buff was to have DAS review the document as well. Mr. Rinker summarized that Mr. Buff's overall concern is with types of agreements, such as memorandums of understanding and memorandums of agreement. Mr. Rinker suggested that the Board have a meeting with SDE when Bruce returns from Peru. Chair Fox agreed that the Board should wait to have a full discussion at the June meeting when Mr. Buff returns. Mr. Ahneman would also like to hear from Carol Wilson in June after she has a chance to review the document.

By consensus the Board postponed the agenda item until the June meeting.

9. Other business

Executive Director Guay, informed Board member to sign their per diem forms upon receipt and to review and clean out member binders.

10. Public comment.

Richard Kerrigan Sr. raised a question concerning the Board's meeting with the Republican House Leadership and how the meeting came about and how the meeting was conducted. Chair Fox responded that we were asked to meet with them and the Board made a quick presentation and then conducted a question and answer session. Chair Fox added that they were interested in the findings of the Board's report.

11. Adjournment

Motion made by Brenda Sisco and seconded by Thomas Ahneman to adjourn. All voted in favor, the motion passed and the meeting was adjourned at 11:29 A.M.

Respectfully submitted: David Guay