



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Minutes

**Friday, March 6, 2015 Meeting of the State Contracting Standards Board
Conference Room, 999 Asylum Ave., Hartford, CT**

Members Present:

Claudia Baio, Chair
Thomas Ahneman- via conference telephone until 10:35 A.M. then present thereafter
Charles W. Casella, Jr.
Stuart Mahler
Jean Morningstar
Robert Rinker
Brenda Sisco
Roy Steiner - via conference telephone

David L. Guay, Executive Director - ex-officio
Julia Marquis, Chief Procurement Officer

[Call to order](#)

Meeting called to order by Chair Claudia Baio at 10:30 A.M.

[Approve the Minutes of the December 12, 2014 Meeting](#)

Chair Baio entertained a motion to approve the draft minutes from the December 12, 2014 Board meeting.

Motion made by Stuart Mahler and seconded by Roy Steiner to approve the minutes of the December 12, 2014 Board meeting. All voted in favor, with Brenda Sisco abstaining due to absence from the December 12, 2014 meeting. The minutes of the December 12, 2014 meeting of the State Contracting Standards Board were approved.

[Review and take action on the draft proposal from the SCSB Work Group](#)

Chair Baio welcomed Karen Buffkin, General Counsel, Office of the Governor, by expressing gratitude to her and the work group for the draft proposal before the Board today. Chair Baio thanked Ms. Buffkin for continuing her work with the group after moving from her position at

the Office of Policy and Management (OPM) to her current role as General Counsel for the Office of the Governor. Chair Baio further expressed that the draft was a collaborative effort with global agreement by all the members of the work group.

The work group is composed of representatives from the State Contracting Standards Board (CSB), the OPM, and the Department of Administrative Services (DAS).

Ms. Buffkin explained that the work group effort began last year with the reconstituting of and staffing of the Board, providing an appropriate time to take a look at the statutes governing the work of the Board. This was further prompted by the work the Board did with OPM on the cost benefit analysis template for privatization and the passage of legislation last year. Ms. Buffkin explained what was being frequently heard was overlap between agency jurisdiction for procurement and the CSB. The work group attempted to clarify those areas in its revisions.

Ms. Buffkin, at the invitation of Chair Baio, walked the Board section by section through the draft created by the work group.

At the review of C.G.S. 4e-10, there was discussion about the inclusion of the constituent units of higher education in requiring them to produce a procurement code and share it with the CSB. Jean Morningstar and Bob Rinker questioned why more emphasis was not placed on including the constituent units of higher education in the revisions of the work group, with a particular focus on UConn. Ms. Buffkin responded that the matter of including constituent units of higher education as state contracting agencies beyond C.G.S. 4e-16 had not addressed in this particular work group effort. Both Ms. Morningstar and Mr. Rinker questioned why that had not been addressed.

Ms. Buffkin noted that there are not yet revisions to 4e-16. The work group intends to present revisions to the CSB on 4e-16 at a later date.

Upon completion of Ms. Buffkin's review, Chair Baio shared with the Board that the work group would take their suggestions and comments and return to the Board with another draft which includes possible revisions to 4e-16.

[UConn's position relative to the authority of the contest subcommittee under CGS Sec. 4e-36](#)

Julia Marquis summarized the issue for the Board. A contest came before the 4e-36 Contested Solicitations and Awards Subcommittee against the University of Connecticut (UConn). In the response to the contest it was revealed that UConn made the argument that they don't fall under the Board's jurisdiction, except were the statute states they do, such as C.G.S. Sec. 4e-16. Ms. Marquis indicated that this is consistent with the interpretation of the statutes by our Assistant Attorney General. Robert Rinker, Chair of the 4e-36 Contested Solicitations and Awards Subcommittee further discussed the UConn matter that was before the Subcommittee, concluding that it would be up to the work group to recommend whether UConn and the

constituent units of higher education should be under the jurisdiction of the State Contracting Standards Board. Jean Morningstar asked about and commented on the work group's proposed elimination of C.G.S. Sec. 4e-47. Chair Baio indicated the work group would have to revisit Sec. 4e-47.

Robert Rinker asked the work group to return with what other remedies outside of C.G.S. Sec. 4e-36 are available to a contractor in a contested case.

Mr. Rinker asked why the Metropolitan District Commission (MDC) was deleted in the draft from the work group and noted that it was purposefully included in the original legislation, with Board discussion following on the issue. The work group agreed to take a look at that issue and report back at the next meeting.

Discussion on the agenda item concluded with consensus that the work group would take a look at the issue of whether UConn and the constituent units of higher education should be under the authority of the Board.

Program Review and Investigations Committee PSA Study

Chair Baio asked either David Guay or Julia Marquis to speak to the Program Review and Investigations Committee PSA Study. Ms. Marquis noted that Stuart Mahler had provided a comment to the Committee. Ms. Marquis explained that the study tasks the Board to address an ambiguity in C.G.S. Sec. 4a-50, which is a Department of Administrative Services statute and not the Board's. No further questions and comments and no action taken.

Ethics Education and Reporting

David Guay reminded those who have not completed the Ethics Training to do so and reminded those who have completed the training and have not provided a certificate of completion to do so as soon as possible. Chair Baio noted the handout from David and reminded the Board to file their Statement of Financial Interest before the May 1, 2015 deadline.

Staff Reports

David Guay noted that his report was concerning the proposed Fiscal Year 2016 and 2017 budget, which had already been covered in an email to the Board.

Julia Marquis reported that the Board had asked her to look further in the Berkley Research Group contract, which she had done and is waiting for a response back. Ms. Marquis also reported that she is about to initiate a work group to undertake the training and education component of the statutes.

Other Business

No other business raised.

Adjournment

Motion made by Jean Morningstar and seconded by Brenda Sisco to adjourn. All voted in favor and the meeting was adjourned at 12:09 P.M.

Respectfully submitted: David L. Guay