



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Draft
Minutes

Wednesday, December 23, 2020 Meeting of the State Contracting Standards Board
Sec. 4e-36 Contested Solicitations and Awards Subcommittee
Via Microsoft Teams Video Conference

Members Present:

Robert Rinker, Chair

Bruce Buff

Stuart Mahler

David L. Guay, Executive Director - ex-officio Board member
Xholina Nano, Staff – 2020-2021 UConn Graduate Intern

JP Hernandez of American Dream Clean LLC

Carol Wilson – DAS

Michael Barrera – DAS

Graham Drew – AAG

Anthony Famiglietti - AAG

1. Call to order

Meeting called to order by Chair Robert Rinker at 9:05 A.M.

2. Approve the Minutes of the March 5, 2020 Meeting

Motion made by Bruce Buff and seconded by Stuart Mahler to approve the minutes of the March 5, 2020 Board meeting. All voted in favor.

3. American Dream Clean, LLC contest of 19PSX0255

Subcommittee Chair Robert Rinker initiated discussion.

Chair Rinker explained that we are here today because of a contest raised by American Dream Clean, LLC regarding RFP #19PSX0255. Under C.G.S. Sec. 4e-36, the Committee's determination in this contest shall be limited to the procedural elements of the solicitation or award process or claims of an unauthorized or unwarranted, noncompetitive selection process. The subcommittee shall issue a decision not later than 30 days after receipt of such contest.

Mr. Rinker explained that he considers this meeting to be organizational in nature and to set some timetables and to answer some preliminary questions. It is Mr. Rinker's desire to have a written response to the contest from DAS by the close of business on January 6th and a response from American Dream Clean by January 11th to DAS's response, and a Sub-committee meeting on January 13th. These dates are not set in stone but will allow the Sub-committee to issue its decision by January 17th.

Mr. Rinker explained that in this contest, it is alleged that the outcome is associated with litigation that resulted in DAS issuing an RFP #19PSX0255 which is the matter before us today.

Mr. Rinker asked was the RFP #19PSX0255 a settlement of action taken by American Dream Clean?

Response: Attorney General's Office – It was a resolution agreed to between DAS and American Dream Clean's attorney.

Mr. Rinker further asked, if so, is that agreement been reduced to writing and can it be shared with the Sub-Committee? Or was it a decision of the Superior Court?

Response: Attorney General's Office - The agreement was reached between DAS and counsel to American Dream Clean. It was not in writing. DAS implemented this agreement. The Court later dismissed the case as moot because of the new RFP; the RFP that is subject to the contest here today.

Mr. Rinker asked if there is a contract with the winning proposer?

Response: DAS - Yes, Coastal Cleaning.

If so, would DAS be willing to share the scoring of the proposals with the Sub-Committee?

Response: DAS - Yes.

Mr. Rinker noted in the contest, American Dream Clean states that Coastal Cleaning should be disqualified because one of its employees has been sexually harassed; it cites C.G.S. 41-60 et. al. Is this an appropriate statutory cite?

Response: DAS – This is not the appropriate statutory cite. DAS has not been noticed ever regarding sexual harassment until now. DAS –this matter was addressed through the employee's union.

Mr. Rinker asked that in the questions asked by vendors there is a reference to addendum 1 contains DAS's response. Mr. Rinker asked could American Dream Clean provide the Subcommittee with questions that DAS allegedly refused to answer, and would DAS provide us the addendum that responded to questions posed by prospective proposers.

Response: American Dream Clean – Yes, DAS – we answered all relevant questions and they will provide the addendums.

Mr. Rinker stated he had one last question to American Dream Clean, stating again it doesn't need to be answered today. On the contest filed by American Dream Clean regarding RFP#19PSX0014, the Subcommittee issued a draft decision to the parties on May 2, 2019, American Dream Clean subsequently withdrew its contest on May 8, 2019. Why is the draft decision and its findings and conclusions not applicable to this contest?

Response: America Dream Clean - No immediate response.

Bruce Buff asked what is the difference between the Invitation to Bid and Request for Proposals?

Response: DAS – Invitation to bid is used when the lowest qualified bidder is chosen based upon price. An RFP is used to determine the best proposer and then negotiations regarding price. RFP is used when selecting a service. American Dream Clean - stated that the invitation to bid process is normal for these types of contracts and not RFPs.

4. Advisement to Attorney General William Tong of allegations asserted in American Dream Cleans, LLC contest

Stuart Mahler motioned, and Bruce Buff seconded to advise Attorney General William Tong of the allegations asserted in American Dream Clean, LLC contest. All voted in favor.

5. Advisement to Chief State's Attorney Richard Colangelo of allegations asserted in American Dream Clean, LLC contest

Bruce Buff motioned, and Stuart Mahler seconded to advise Chief State's Attorney Richard Colangelo of allegations asserted in American Dream Clean, LLC contest. All voted in favor.

6. Request written response from the Department of Administrative Services regarding American Dream Clean, LLC contest by the close of business on Wednesday, January 6, 2021

Bruce Buff motioned, and Stuart Mahler seconded to request a written response from the Department of Administrative Services regarding American Dream Clean, LLC contest by the close of business on Wednesday, January 6, 2021. All voted in favor.

7. Motion made by Stuart Mahler and seconded by Bruce Buff to adjourn. All voted in favor, the motion passed, and the meeting adjourned at 9:40 A.M.

Respectfully submitted: David Guay