



STATE OF CONNECTICUT  
OFFICE OF GOVERNMENTAL ACCOUNTABILITY  
STATE CONTRACTING STANDARDS BOARD

Final & Approved  
Minutes

Friday, May 8, 2020 Meeting of the State Contracting Standards Board  
Via Conference Call

Members Present:

Lawrence Fox, Chair – Via Conference Call

Thomas Ahneman – Via Conference Call

Alfred Bertoline – Via Conference Call

Bruce Buff – Via Conference Call

Charles Casella, Jr. – Via Conference Call

Albert Ilg. – Via Conference Call

Stuart Mahler – Via Conference Call

Jean Morningstar – Via Conference Call

Robert Rinker – Via Conference Call

Robert Sember – Via Conference Call

Brenda Sisco – Via Conference Call

David L. Guay, Executive Director - ex-officio board member – Via Conference Call

Lauren Gauthier, UConn Graduate Intern – Via Conference Call

1. Call to order

Meeting called to order by Chair Lawrence Fox at 10:00 A.M.

Due to the meeting held via a conference call, Executive Director Guay conducted a roll call to determine members present.

2. Approve the Minutes of the March 13, 2020 Meeting

Motion made by Robert Rinker and seconded by Alfred Bertoline to approve the minutes of the March 13, 2020 Board meeting. All voted in favor, with Jean Morningstar abstaining due to her absence from the March 13, 2020 meeting.

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

Subcommittee Chair Robert Rinker reported that no matters were pending before the Subcommittee.

4. Privatization Contract Committee Report

Privatization Contract Committee Chair Lawrence Fox Reported that the Committee will meet immediately after this meeting to take up the matter of possible privatization of Nuclear Density Testing at the Department of Transportation that was referred to the Committee by the Board.

5. Work Group Reports

a. Report from Audit Work Group

Audit Work Group Chair Thomas Ahneman reported that the Audit Work Group met this morning. The Work Group reviewed the status of the Department of Motor Vehicles and the Office of Early Childhood audits. Noting the roles each agency is playing in the COVID-19 Pandemic, the Work Group continues to table the audits while waiting for agency responses. The Work Group will send to the Board qualified audits if the information requested of the Agencies is not received by the June 12, 2020 Audit Work Group meeting.

The Work Group reviewed and made suggested revisions to the Audit questionnaire developed by Lauren Gauthier for the Fiscal Year 2019 Audit.

• Accept Audit Reports

- Department of Veterans Affairs: Motion made by Robert Rinker and seconded by Alfred Bertoline to accept the Fiscal 2018 Audit of the Department of Veteran Affairs. All voted in favor.
- Connecticut State Library: Motion made by Robert Rinker and seconded by Alfred Bertoline to accept the Fiscal 2018 Audit of the Connecticut State Library. All voted in favor.
- Office of the Chief Medical Examiner: Motion made by Robert Rinker and seconded by Alfred Bertoline to accept the Fiscal 2018 Audit of the Office of the Chief Medical Examiner. All voted in favor.

b. Data Analysis Work Group

Data Analysis Work Group Chair Alfred Bertoline reported that he had Executive Director Guay search for a way to get the raw data on procurement and contracting. Executive Director Guay reported the possibility of direct access to the Core-CT data.

6. Report of Special Committee on Dillon Stadium contracts

Executive Director Guay reported the Committee last met March 17, 2020 via teleconference. A list of questions provided to AAG Hawes was reviewed. A narrative is currently being drafted.

7. Complaint Letter re MIRA and DEEP

Robert Rinker requested that Chair Lawrence Fox's letter of April 6, 2020 to Alyssa Peterson in response to her complaint re MIRA and DEEP be included in the minutes without objection.

*April 6, 2020*

*Ms. Alyssa Peterson  
Hartford, CT  
Via email only: [alyssa.peterson@att.net](mailto:alyssa.peterson@att.net)*

*Dear Ms. Peterson:*

*Upon receipt of your complaint letter concerning the Materials Innovations Recovery Authority (MIRA) and the Department of Energy and Environmental Protection (DEEP), I assigned Executive Director David Guay to review the matter.*

*After review of the documents provided and a subsequent review of other documents and reporting, he has found the following:*

*Mr. Guay reports he found no violation by the Department of Energy and Environmental Protection of Connecticut contracting and bidding statutes and regulations in the selection of Sacyr Rooney Recovery Team (SRRT) for the redevelopment of the Connecticut Solid Waste System Project.*

*Mr. Guay further reports he found no violation by the Department of Energy and Environmental Protection (DEEP) in the specified Request for Proposals (RFP) process established through Section 22a-268g of the Connecticut General Statutes for the redevelopment of the Connecticut Solid Waste System Project.*

*The Department of Environmental Protection (DEEP) on December 31, 2017, consistent with the requirements of Section 22a-268g, directed the Materials Innovation and Recycling Authority (MIRA) to enter into an agreement with Sacyr Rooney Recovery Team (SRRT) for the redevelopment of the Connecticut Solid Waste System Project.*

*Subsequently MIRA and SRRT signed a Memorandum of Understanding in July 2019 in furtherance of the negotiation of a final agreement.*

*MIRA described in a presentation dated January 8, 2020 their position in the negotiation...*

- *30 year term FIRM tipping fee subject only to COLA and change in law adjustments.*
- *\$4 mm PILOT to Hartford.*
- *Utilization of existing infrastructure.*
- *\$330 mm capital investment by MIRA, diversion facility investment (if executed), by SRRT.*
- *Assured reliability and 85% capacity for 30 years.*
- *Projected fee for municipal customers:*
  - *\$145/ton MSW*
  - *\$0/ton recycling*

*Under the DEEP directed negotiation by MIRA with SRRT it appears a possible viable agreement would include public financing in the amount of \$333 million.*

*Mr. Guay offered that the Board lacks the authority to determine whether public financing, in any amount is appropriate and further, the Board lacks the authority to determine whether an agreement between SRRT and MIRA, when reached, is appropriate.*

*Mr. Guay summarized that the negotiating of public financing in any amount is totally consistent with the RFP established through Section 22a-268g of the Connecticut General Statutes and as of the writing of this letter it is his understanding that no public financing has been sought, only proposed.*

*At the next meeting of the Board on May 8, 2020, I will ask that this letter be read into the record, I will also take the extraordinary step of providing you with a chance to speak at that time, after which I will entertain motions from the Board. If no motion is brought forward for further action, the matter will be concluded.*

*Sincerely,*

*Lawrence S. Fox, Chair  
State Contracting Standards Board*

*Cc: State Contracting Standards Board*

Chair Fox had Executive Director Guay review his research. Alyssa Peterson addressed the Board.

No action taken.

## 8. Other Business

Chair Fox asked Executive Director Guay to review the document he prepared, at the request of the Chair, on the Governor's Executive Orders concerning procurement and contracting.

### [As of May 1, 2020 – Summary of Governor Lamont's Executive Orders concerning procurement](#)

This Summary contains three sections.

- The Executive Order and link to the order itself.
- A summary of the procurement content within the order.
- The text of the order.

#### **April 30, 2020: [Executive Order No. 7GG](#)**

##### Summary of procurement content:

- Modification of state contracting statutes to facilitate the emergency procurement of essential services
- Modification of state contracting authorities to facilitate the emergency procurement of essential services
- Modification of state construction requirements to facilitate the emergency provision of construction and construction-related services
- Extension of existing contracts to prevent gaps in necessary services

##### Executive Order Text:

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 4b100, 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.

April 14, 2020: [Executive Order No. 7Z](#)

Summary of procurement content:

- Modification of state contracting statutes to facilitate the emergency procurement of essential goods

Executive Order Text:

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 Goods. 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 provisions of the following statutes if he or she deems such waiver necessary to expedite the procurement of “essential goods,” defined as “all things which are movable at the time of contract, including, but not limited to supplies, materials, equipment, products or devices that are manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, cure or limit harm that COVID-19 pandemic may cause”:

a. Sections 4-252 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;

b. Section 4-61dd(h) of the Connecticut General Statutes, which requires the inclusion of language regarding contractors’ civil liability for violations of the state’s whistleblower statute in state contracts;

c. Section 4a-57 of the Connecticut General Statutes, which requires the competitive solicitation for all purchases and contracts for supplies, materials and equipment, including, pursuant to Section 4d-8, the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services;

d. Sections 4a-60 and 4a-60a of the Connecticut General Statutes, which requires the inclusion of certain anti-discrimination terms in State contracts and requires contractors to adopt anti-discrimination policies;

e. Section 4e-29 and 4e-30 of the Connecticut General Statutes, which require state contractors to permit certain audit and inspection activities by the State at the contractors' expense; and

f. Section 4e-70(b) of the Connecticut General Statutes, which requires state contractors to comply with certain confidentiality requirements.

March 25, 2020: [Executive Order No. 7M](#)

Summary of procurement content:

- Authorization of state agencies to extend statutory regulatory administrative deadlines by 90 days
- This order includes State Contracting Standards Board deadlines, such as under Sec. 4e-36.

Executive Order text:

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:

Authority to Extend Statutory and Regulatory Administrative Deadlines by 90 Days. Notwithstanding any provision of the Connecticut General Statutes, any regulation, or other provision of law, I hereby authorize each department head, commissioner, agency head, and board and commission of this State to extend, as they deem reasonably necessary to respond to the COVID-19 pandemic or its effects, any statutory or regulatory time requirements, decision-making requirements, hearings, or other time limitations or deadlines, procedure or legal process pertaining to matters under their respective jurisdiction, functions or powers for a period not to exceed 90 days. Department heads, commissioners, agency heads, and board and commission of this State may issue any orders necessary to implement and effectuate the purposes of this order and shall publicly post and maintain such orders on their respective websites.

Motion made by Albert Ilg and seconded by Alfred Bertoline to move that the State Contracting Standards Board express its deepest appreciation to Lauren Gauthier, at the completion of her

UCONN internship, for her excellent work, constructive contributions, and valuable assistance to our Board and Executive Director. All voted in favor.

The Board discussed the following Office of Policy and Management (OPM) position posting:

The State of Connecticut's Office of Policy and Management (OPM) seeks to fill a Procurement Policy Development Coordinator position in the Office of Finance. This is an exciting opportunity to assess options and develop strategic plans to implement policy decisions; coordinate development of policies for the state, towns, or municipalities; develop required recommendations for legislative or administrative actions in order to institute required policies; and to represent the Secretary of the Office of Policy and Management on various boards or commissions.

Chair Fox concluded discussion by declaring the creation of the OPM position a great victory for the Board, OPM and the people of the State. He noted the Board has been urging OPM to provide more resources and focus on procurement and we all should celebrate the success.

9. Public Comment

No public comment.

10. Adjournment

Motion made by Jean Morningstar and seconded by Alfred Bertoline to adjourn. All voted in favor, the motion passed and the meeting adjourned at 11:11 A.M.

Respectfully submitted: David Guay