

**OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD**



**FISCAL YEAR (FY) 2024
TRI-ANNUAL PROCUREMENT AUDIT REPORT
DEPARTMENT OF EMERGENCY SERVICES AND
PUBLIC PROTECTION**

Revision 0

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State of Connecticut contracting agencies have been given the incredible authority to procure goods and services for their needs in exchange for the commitment that they will adhere to the State's statutes and regulations governing the commitment and expenditure of public funds. The State Contracting Standards Board (SCSB) has been given the responsibility to monitor procurement practices by state contracting agencies and to take corrective actions for non-compliance with those statutes and regulations.

PURPOSE OF REPORT

The State Contracting Standards Board's (SCSB) tri-annual audit program assesses a state contracting agency's compliance with state procurement rules, regulations, statutes, and guidance provided by the Department of Administrative Services and the Office of Policy and Management. A random sample of open procurement contracts from the state contracting agency was selected and examined for compliance with those regulations. This report presents our findings from those assessments performed in January 2024 by the SCSB Staff.

SCOPE OF AUDIT

The Department of Emergency Services and Public Protection (DESPP) was one of eleven contracting agencies selected for examination for FY2024. The State Comptroller's CORE system was used to identify the organization's contract portfolio, which indicated that the DESPP had ninety-one contracts representing expenditures of approximately \$2,951,000. Initially, the SCSB chose nine random samples, but one sample (22DPS0134FPCAA) was canceled before delivery, so it was not evaluated under this audit. Contracts selected for testing were:

1. **Contract # 21DPS14058PSA01** (Non-competitive—\$68,488)—This contractor (Blue Courage LLC) provides specialized law enforcement training courses. This agreement ended on August 31, 2023.

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2. **Contract # 21DPS14162PSA01** (Non-competitive—\$152,943)—This contractor (James Rocco Lauber) provides computer forensic examination services for DESPP. This agreement ended on September 30, 2023.
3. **Contract # 21DPS14365PSA01** (Non-competitive - \$103,500) – The Contractor (J Harris Academy of Police Training LLC) provides specialized law enforcement training courses. This agreement ended on October 31, 2023.
4. **Contract # 21DPS15809PSA01** (Non-competitive - \$191,992) – The contractor (Oak Ridge Associated Universities INC) provides two Forensic Science Examiners to work within the DSS Toxicology Unit. This agreement ended on September 30, 2022.
5. **Contract # 22DPS0132DSSAA** (Competitive - \$151,000) – The Contractor (Thermo Electron North America LLC) provides service, maintenance, and support of DESPP instrumentation. This agreement ends on June 30th, 2024.
6. **Contract # 22DPS0134FPCAA** (Competitive—\$127,436)—The contractor (Gabrielli Truck Sales of CT LLC) was to provide a specialized emergency vehicle. **This agreement was canceled before the item was delivered.**
7. **Contract # 22DPS16443PSA01** (Non-competitive—\$74,820)—The contractor (The National Consortium For Justice) supports the state’s criminal history repositories to enhance recordkeeping. This agreement ended on March 31st, 2023.
8. **Contract # 22DPS17702PSA01** (Non-competitive - \$195,000) – The contractor (Behavioral Health Consultants, LLC) provides mental health consultations for DESPP employees. This agreement ends on October 30, 2025.
9. **Contract # 22DPS18204PSA01** (Competitive - \$250,000) – The contractor (Dewberry Engineers INC) supports the update of the 2023 State Natural Hazard Mitigation Plan. This agreement ends on February 29, 2024.

NON-COMPLIANCE SUMMARY

In total, there were thirteen findings over the eight samples tested. Our findings are as follows:

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Contract # 21DPS14058PSA01, 21DPS14162PSA01, 21DPS15809PSA01, 21DPS14365PSA01, 22DPS16443PSA01 – one finding.

Compliance Requirement: (Contractor Performance Evaluation) – [OPM Procurement Standards](#) state, “Not later than 60 days after a contractor has completed work on a contract, an agency must prepare a written evaluation of the contractor’s performance.”

Finding: The agency did not provide a written evaluation of the contractor’s performance within 60 days after contract completion.

Agency Response: The Agency agrees with this finding and has developed a standardized tool for Divisions to use to complete this task in the future. The Purchasing Unit will notify all the current Contract Administrators of the requirement and will make it part of the package sent to Administrators as contracts are executed in the future.

Contract # 22DPS0132DSSAA – two findings.

Compliance Requirement: (Competition)—If this contract is greater than the set threshold amount (based on the type of contract), was it based upon at least three written quotations or bids from a responsible and qualified supply source?

Finding: It was not evident that the agency collected written quotes from three qualified sources of supply.

Agency Response: The Agency disagrees with this finding. The Agency did seek quotations for this service. Two quotations were received. One of the bidders notified the agency that their company was the sole source of service and parts for their company’s equipment. Using other vendors would void the equipment warranty. The Agency validated the sole source status and started contracting with the sole source vendor.

SCSB CPO Response: This contract was entered as a PSC Competitive type contract in CORE, meaning this contract was made under OPM’s delegated

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authority, and the rules are published in [OPM's Procurement Standards](#). Per K.2 (pg. 35), *"If an agency receives fewer than three acceptable proposals in response to an RFP with an anticipated cost of more than \$20,000, then the procurement is considered to be a "sole source." Before selecting a contractor, an agency must apply for approval from OPM by submitting a Request for Non-Competitive Personal Service Agreement through the online PSA/POS Request Website."* The agency did not provide evidence that demonstrated OPM had approved a "sole source" waiver for this contract, nor were three quotes received.

Compliance Requirement: (Ethics/Confidentiality Agreements) – Agency employees must not participate in an RFP process if they have any interest that substantially conflicts with properly discharging their duties in the public interest (C.G.S. § 1-85).

Finding: No signed affidavits were available to support the fact that each employee participating in the RFP process had no interest that would substantially conflict with properly discharging their duties in the public interest.

Agency Response: The Agency disagrees with the finding. Due to the sole source status of the selected vendor and the warranty implications, the Department did not proceed with the RFP process.

SCSB CPO Response: This contract was entered as a PSC Competitive type contract in CORE, meaning this contract was made under OPM's delegated authority under [OPM's Procurement Standards](#). Section III.B (pg. 16) states, "At the start of the agency's RFP process, all participants must sign an ethics and confidentiality agreement." Whenever an agency initiates a competitive procurement, the Contracting Officer should initiate ethics and confidentiality agreements at the start of the RFP process. Based on the agency's previous response, it appears quotes were received; therefore, ethics and confidentiality agreements should have been implemented before seeking quotes.

Contract # **22DPS18204PSA01** – five findings.

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Compliance Requirement: (Competition)—If this contract is greater than the set threshold amount (based on the type of contract), was it based upon at least three written quotations or bids from responsible and qualified sources of supply?

Finding: It was not evident that the agency collected written quotes from three qualified sources of supply.

Agency Response: The Agency agrees with the finding in part. An RFP was issued and advertised. The advertisement resulted in the receipt of one quotation. The quotation was found to meet the requirements of the RFP. Although there was a process to determine if the quotation met the RFP requirements, the Agency has not been able to locate that documentation. The Agency believes this may be due to a large employee turnover since the RFP was processed. With the receipt of only one proposal, the Agency did not see the need to follow the complete RFP process due to the lack of ability to perform a competitive procurement process. The Agency will ensure care is taken to retain the artifacts used for requirements determination in the future.

SCSB CPO Response: This contract was entered as a PSC Competitive type contract in CORE, meaning this contract was made under OPM's delegated authority under [OPM's Procurement Standards](#). Per K.2 (pg. 35), *"If an agency receives fewer than three acceptable proposals in response to an RFP with an anticipated cost of more than \$20,000, then the procurement is considered to be a "sole source." Before selecting a contractor, an agency must apply for approval from OPM by submitting a Request for Non-Competitive Personal Service Agreement through the online PSA/POS Request Website."* The agency did not provide evidence that demonstrated OPM had approved a "sole source" waiver for this contract, nor were three quotes received.

Compliance Requirement: (Ethics/Confidentiality Agreements) – Agency employees must not participate in an RFP process if they have any interest that substantially conflicts with properly discharging their duties in the public interest (C.G.S. § 1-85).

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Finding: No signed affidavits were available to support the fact that each employee participating in the RFP process had no interest that would substantially conflict with properly discharging their duties in the public interest.

Agency Response: The Agency disagrees with this finding. Due to the RFP advertisement resulting in only one proposal, the Agency was unable to perform a formal competitive procurement process.

SCSB CPO Response: This contract was entered as a PSC Competitive type contract in CORE, meaning this contract was made under OPM's delegated authority under OPM's Procurement Standards. Section III.B (pg. 16) states, "At the start of the agency's RFP process, all participants must sign an ethics and confidentiality agreement." Whenever an agency initiates a competitive procurement, the Contracting Officer should initiate ethics and confidentiality agreements at the start of the RFP process. Based on the agency's previous response, it appears quotes were received; therefore, ethics and confidentiality agreements should have been implemented before seeking quotes.

Compliance Requirement: (Evaluation Criteria) – Per OPM Procurement Standards, after the evaluation criteria are determined, they must be weighted – i.e., prioritized – according to their relative importance.

Finding: No scoring sheets were available to support the fact that each employee participating in the RFP process utilized the evaluation criteria appropriately.

Agency Response: The Agency agrees with this finding in part. Due to the RFP advertisement resulting in only one proposal, the Agency was unable to perform a formal competitive procurement process. The Agency should have retained the documentation that was completed to ensure the approved proposal met the requirements outlined in the RFP. The Agency will ensure care is taken to retain the artifacts used for requirements determination in the future.

SCSB CPO Response: Evaluation criteria are the standards by which the Screening Committee judges the merits of the proposals submitted in response to the RFP. The criteria should be tailored for each RFP. According to State statutes,

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an RFP must include the criteria that will be used to evaluate proposals. The agency did not provide evidence demonstrating the evaluation criteria had been created before the release of the RFP.

Compliance Requirement: (Evaluation Criteria)—Per Sec. 4a-52 (G) and Procurement Standards, proposals must be evaluated (reviewed) by a Screening Committee composed of three or more individuals. The agency head (or designee) must appoint the Screening Committee and the committee's Chair.

Finding: No evidence supported the agency's appropriate conduct of an RFP screening committee.

Agency Response: The Agency disagrees with this finding. Due to the RFP advertisement resulting in only one proposal, the Agency was unable to perform a formal competitive procurement process.

SCSB CPO Response: Proposals must be evaluated by a Screening Committee composed of three or more individuals. The agency head (or designee) must appoint the Screening Committee and its Chair. The Screening Committee must evaluate the proposals by following the approved evaluation plan. The agency did not provide evidence demonstrating that it used a screening committee appropriately.

Compliance Requirement: (Ranking Proposers) – Per [Procurement Standards](#), the screening committee must report the top three (3) ranking proposers to the agency head. Did the screening committee report the names of the top three (3) proposers to the agency head?

Finding: No evidence was available to support that the screening committee reported the names of the top three proposers to the agency head/signature authority.

Agency Response: The Agency disagrees with this finding. Due to the RFP advertisement resulting in only one proposal, the Agency was unable to perform a formal competitive procurement process.

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SCSB CPO Response: The SCSB was not provided with documentation (Memo for File, sole source authorization, scoring sheet, etc.) establishing the decisions made by the department that explains any part of why this contract was awarded in this manner.

SCSB RECOMMENDATIONS FOR IMPROVEMENT

The SCSB thanks DESPP for their cooperation and diligence in the review and response to our audit findings. Our audit determined the following shortcomings in their procurement process that require the agency's immediate attention. Contracts included in our sample for testing totaled nine; one was canceled, leaving eight contracts examined for compliance. 6 (or 75%) qualified as non-competitive, of which five contracts had no documentation supporting that the vendors were evaluated on their performance. Of the two competitive contract awards, there were several instances of non-compliance, including:

- Documentation supporting multiple quotes.
- Signed ethics affidavits for members of the evaluation team.
- No evaluation criteria for evaluating quotes received.
- No steering committee to evaluate quotes.
- No ranking of quotes against evaluation criteria

SCSB respectfully requests that the Department of Emergency Services and Public Protection prepare a written response explaining how each finding noted above has been addressed and the procedures to be implemented to ensure future compliance within 60 days of the date of this report. Please contact the SCSB's Training Specialist, Carmen Hufcut (carmen.hufcut@ct.gov), if you need assistance developing a corrective action plan to address these non-compliant procedural issues. Further, please offer any suggestions for procurement training and other suggestions to make the procurement process more efficient and effective for your needs.

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