



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Minutes

State Contracting Standards Board 4e-36 Contest Subcommittee
Special Meeting
Thursday, January 8, 2015, 10:00 AM
Conference Room
First Floor, 999 Asylum Avenue
Hartford, CT 06105

Members Present:

Stuart Mahler
Robert Rinker
Roy Steiner – via conference telephone

Staff Present:

Julia Marquis, Chief Procurement Officer
David Guay, Executive Director

Meeting was called to order at 10:04 A.M. by Robert Rinker, acting chair.

[Approve the minutes of the February 4, 2014 Meeting](#)

Acting Chair Rinker entertained a motion to approve the draft minutes of the February 4, 2014 meeting of the State Contracting Standards Board 4e-36 Contest Subcommittee.

Motion made by Stuart Mahler and seconded by Roy Steiner to approve the minutes of the February 4, 2014 meeting of the State Contracting Standards Board 4e-36 Contest Subcommittee. No discussion. All voted in favor, the minutes of the February 4, 2014 meeting of the State Contracting Standards Board 4e-36 Contest Subcommittee were approved.

[Approve Subcommittee policies and procedures](#)

Acting Chair Rinker asked Chief Procurement Officer Marquis to review with the subcommittee members the draft policies and procedures she provided. She also reviewed the incorporated edits from Mr. Mahler and noted the suggested edits from Mr. Rinker with the subcommittee taking up and discussing Mr. Rinker's suggestions. The subcommittee asked Ms. Marquis to contact the Board's Assistant Attorney General to determine the Uniform Administrative

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Procedure Act's (UAPA) impact on the subcommittee including the question of declaratory ruling requests.

The subcommittee incorporated discussion of the disposition options for the next matter on the agenda as part of the discussion on the thirty day timeline for the subcommittee to make a decision. Stuart Mahler made a motion to table discussion on the policies and procedures and move to the next agenda item, which was seconded by Roy Steiner. All voted in favor to table the discussion. The matter of policies and procedures was tabled.

[Discuss contest of UCONN's contract award to DTZ, Inc. raised by GCA Services](#)

[Group, Inc. and determine next steps](#)

Ms. Marquis explained that on December 22, 2014, GCA Services Group, Inc. filed a contest pursuant to C.G.S. 4e-36 to the contract awarded to DTZ, Inc. following procurement RFP LM011014-1 Storrs. Due to the holidays and weekend, the Contested Solicitations and Awards Subcommittee did not receive the contest until Monday, December 29, 2014. The protest was also filed with the Office of the Attorney General and the Office of the General Counsel for the University of Connecticut (UConn).

Ms. Marquis began initial inquiries of all parties. She spoke with Eliezer Strassfeld, Associate Director of Procurement for UCONN who indicated the Office of the General Counsel and the Office of the Attorney General were actively investigating the matter, which was reported to the subcommittee via email. Upon suggestion from subcommittee members, Ms. Marquis drafted a memo to UConn seeking more information to properly investigate the matter and indicating since it is understood that the matter is under investigation C.G.S. 4e36 (c) permits the Subcommittee to settle and resolve such matters. As part of the resolution, Ms. Marquis, on behalf of the Subcommittee, strongly recommended that UConn extend GCA Services Group, Inc.'s contract with UConn for 30 days to give the Subcommittee the opportunity to conclude its investigation.

Ms. Marquis explained that the contest is more about the solicitation, and the processing of the solicitation and not about the award. During her investigation, Ms. Marquis became aware and obtained a very detailed but anonymous memo from one of the members of the UConn Evaluation Committee for the above referenced RFP, with a list of serious allegations of possible fraud and corruption. The allegations allege that after the evaluation committee chose one contractor, the committee was brought back together and told to change the score sheets and choose another contractor.

Ms. Marquis subsequently learned that the UConn Office of General Counsel was not yet investigating the matter and that the Office of the Attorney General would not be investigating the matter in the first instance and properly had referred an anonymous whistleblower complaint on the matter to the Auditors of Public Accounts. As of a January 7, 2015 conversation with the

UConn Office of the General Counsel, that office is absolutely investigating the matter as a duty to the University and would endeavor to have a report to the Subcommittee by January 22, 2015.

Mr. Rinker suggested that if the matter before the Subcommittee contains allegations of fraud or possible corrupt acts, that it is a matter not only for the Auditors of Public Accounts but also for the Chief State's Attorney Office. Mr. Rinker also suggested that the matter is not ripe for review by the Subcommittee as no award has been made.

Motion made by Stuart Mahler and seconded by Roy Steiner to inform the parties that the matter is not ripe for review by the Subcommittee because an award has not been made and the contest focused on the impropriety of the award. All voted in favor. The motion passed.

Motion made by Roy Steiner and seconded by Stuart Mahler to refer the matter to the Office of the Chief State's Attorney. All voted in favor. The motion passed.

Other Business

Motion made by Stuart Mahler and seconded by Roy Steiner to elect Robert Rinker Chair of the Contested Solicitations and Awards Subcommittee. Stuart Mahler and Roy Steiner voted in favor, with Robert Rinker abstaining. The motion passed, Robert Rinker elected Chair of the Contested Solicitations and Awards Subcommittee.

Approve Subcommittee policies and procedures

Motion made by Roy Steiner and seconded by Stuart Mahler to take off the table the matter of approving the Subcommittee policies and procedures. All voted in favor. The motion was passed.

Motion made by Roy Steiner and seconded by Stuart Mahler to approve the Subcommittee policies and procedures as discussed today. All voted in favor. The motion passed and the following policies and procedures were adopted.

Sec. 4e-36. Contest of the solicitation or award of a contract by bidder or proposer. (a) Any bidder or proposer on a state contract may contest the solicitation or award of a contract to a subcommittee of the State Contracting Standards Board which shall be appointed by the chairperson of the board and consist of three members, at least one of whom shall be a legislative appointee. Such contest shall be submitted, in writing, not later than fourteen days after such bidder or proposer knew or should have known of the facts giving rise to such contest and shall be limited to the procedural elements of the solicitation or award process, or claims of an unauthorized or unwarranted, noncompetitive selection process.

(b) The filing of a contest pursuant to this section shall not, alone, be deemed to prohibit the award or execution of any such contested contract.

(c) The assigned subcommittee of the State Contracting Standards Board may settle and resolve any such contest.

(d) In the event such contest is not resolved by mutual agreement, the assigned subcommittee of the State Contracting Standards Board shall issue a decision, in writing, not later than thirty days after receipt of any such contest. Such decision shall:

- (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; and
 - (3) Inform such bidder or proposer of the right to review.
- (e) A copy of such decision shall be provided to such bidder or proposer.

(Sept. Sp. Sess. P.A. 07-1, S. 36.)

History: Sept. Sp. Sess. P.A. 07-1 effective June 1, 2010.

Policies and Procedures

- 1) The Chair of the Board shall appoint three Board members, at least one of whom shall be a legislative appointee, to serve as the Contested Solicitations and Awards Subcommittee.
- 2) Any bidder or proposer on a state contract may contest the solicitation or award of a contract to the subcommittee in writing. "In writing" shall mean a written document submitted by email, postal mail, hand-delivery, or fax.
- 3) Such writing shall be directed to Julia Marquis, Esq., Chief Procurement Officer, preferably via email to julia.marquis@ct.gov, via hand-delivery or postal mail to at 999 Asylum Avenue, 1st floor, Hartford, CT 06106, or via fax at 860-566-2251.
- 4) Such writing must be submitted within 14 days of the time the bidder or proposer knew or should have known of the facts giving rise to such contest.
- 5) The Chief Procurement Officer shall receive each submission, acknowledge receipt of the document(s), and determine whether the submission is timely. If it is not timely, it shall be referred to the subcommittee.
- 6) If the submission is timely, the CPO shall review the contest to ensure that it is challenging only procedural elements of the solicitation or award, or that it claims an unauthorized, unwarranted noncompetitive solicitation process.
- 7) If the submission is timely and states a claim appropriate for the Board's review, the CPO shall forward the contest to the subcommittee, at which time the contest will be deemed "received" by the subcommittee.
- 8) The assigned subcommittee may attempt to settle and resolve any such contest and may ask the CPO to obtain additional information on the Subcommittee's behalf.
- 9) If resolution is successful, the matter will be closed.
- 10) If resolution is unsuccessful, the subcommittee shall issue a decision on the matter, in writing, within thirty days of receipt of the contest.

Such decision shall:

- (a) Describe the procedure used by such agency in soliciting and awarding such contract;
 - (b) Indicate such agency's finding as to the merits of such bidder or proposer's contest; and
 - (c) Inform such bidder or proposer of the right to review the agency's findings.
- 11) A copy of such decision shall be provided to such bidder or proposer.

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Motion made by Roy Steiner and seconded by Robert Rinker to adjourn. All voted in favor, the meeting was adjourned at 10:54 A.M.