



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved Minutes
State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee
Special Meeting
Thursday, April 28, 2016, 11:00 AM
999 Asylum Avenue, First Floor
Conference Room
Hartford, CT 06105

Members Present:

Stuart Mahler
Roy Steiner

Staff Present:

Julia Marquis, Chief Procurement Officer
David Guay, Executive Director

1. Call to order

Meeting was called to order at 11:07 A.M. by Stuart Mahler, Acting Subcommittee Chair.

2. Approve the minutes of the November 20, 2015 Meeting

Acting Subcommittee Chair Mahler entertained a motion to approve the draft minutes of the November 20, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee.

Motion made by Roy Steiner and seconded by Stuart Mahler to approve the minutes of the November 20, 2015 meeting of the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee. All voted in favor.

3. Connecticut Council of Family Service Agencies (CCFSA) contest

Acting Chair Mahler allowed for the introduction of committee members, staff and the guests in attendance. The guests in attendance were Alyssa Goduti, President and CEO of CCFSA, Kimberly Williams-Rivera, Director of Quality Assurance at CCFSA, Beverly Malinowski, Director of Finance at CCFSA, Ann Simeone, Manager of the Contracts and Procurement Division of the Department of Social Services (DSS) and Marcia McDonough, Supervisor of Procurements at the Department of Social Services (DSS).

Chief Procurement Officer Julia Marquis provided an overview of the contest by CCFSA. CCFSA appealed an RFP to DSS on March 20, 2016 and the appeal was submitted as the contest to the State Contracting Standards Board 4e-36 Contested Solicitations and Awards Subcommittee on March 24, 2016 and received by the subcommittee on March 28, 2016 triggering the Subcommittee's timeline to move forward. March 24, 2016 constituted a timely filing of the contest.

The primary focus of the discussion held was:

- 1) Whether the allegations made by CCFSA were factual.
- 2) An understanding of the fact that, per the OPM POS/PSA Procurement Standards, an agency is required to lead discussion when scores among evaluators significantly diverge, but the individual evaluator is not required to change their score.
- 3) Dialogue around the duty/due diligence of an agency to stop a procurement if/when an evaluator continually refuses to change a score despite the fact that the factual information they said they could not find is present in the proposer's answer to the question at hand. In other words, the evaluator is scoring the proposer a zero for being non-responsive to a question, when it is clear that the answer given was responsive. See scoring table used by evaluators:
 - 0= Not Responsive F
 - 1= Considerably less than satisfactory D-
 - 2= Less than satisfactory D
 - 3= Satisfactory, Meets the Requirement, C
 - 4= More than Satisfactory B
 - 5= Considerably more than satisfactory A
 - 6= Exceeds Requirements A+

That's not to say that an evaluator has to like or highly regard a responsive answer. But rather, if an answer is responsive to an RFP requirement, a score of zero is inappropriate. This duty on the part of the agency would arise from the procurement standard of conducting a "thorough and professional review," (page 25 of the OPM POS/PSA Procurement Standards, as well as from ensuring that RFP evaluation criteria are "objective, comprehensive, clear, fair, appropriate and measurable." (Id. 33).

Chief Procurement Officer Julia Marquis advised the Subcommittee of possible actions to take.

- The subcommittee could write to DSS and re-examine the issues raised in the contest.
- The subcommittee could recommend to the full Board the review and possible termination of the contract.
- The subcommittee could ask DSS to re-score the RFP.
- The subcommittee could try to reach mutual agreement between the parties.
- The subcommittee could issue a decision.

Subcommittee member Roy Steiner urged re-scoring. Ms. Marquis suggested re-scoring as an interim step. The subcommittee is not required to render any further decision other than the subcommittee's decision is to explore the matter further, because the Subcommittee has the concerns articulated in the meeting. Ms. Marquis also offered that the subcommittee would have to decide who would perform the re-scoring.

Mr. Mahler offered that there could be opportunities to modify the contract in the second and third years.

Ms. Marquis recommended that the re-score be performed by the Quality Assurance Unit of DSS.

Motion made by Roy Steiner and seconded by Stuart Mahler that the decision of the Subcommittee is a letter be sent to DSS reflecting the subcommittee's decision to have the DSS Quality Assurance Unit perform a re-scoring of the proposals and respond back to the Subcommittee with its findings by June 3, 2016. All voted in favor.

4. Suggested policy and procedure changes

Mr. Mahler discussed several possible policy changes. The Subcommittee determined that the following policy changes will be added to the policies and procedures of the Contested Solicitations and Awards Subcommittee:

- 1) CPO shall review the OPM procurement standards to determine if a violation has occurred.
- 2) CPO shall extend a formal invitation to attend the Subcommittee meeting to the parties involved in the contest at hand.

5. Adjournment

Acting Subcommittee Chair Mahler entertained a motion to adjourn.

Motion made by Roy Steiner and seconded by Stuart Mahler to adjourn at 12:40P.M. All voted in favor.