



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
STATE CONTRACTING STANDARDS BOARD

Final & Approved
Minutes

Friday, April 9, 2021 Meeting of the State Contracting Standards Board
Via Microsoft Teams Video Conference

Members Present:

Lawrence Fox, Chair – Via Microsoft Teams Video Conference
Thomas Ahneman – Via Microsoft Teams Video Conference
Alfred Bertoline – Via Microsoft Teams Video Conference
Bruce Buff – Via Microsoft Teams Video Conference
Albert Ilg – Via Microsoft Teams Video Conference
Donna Karnes – Via Microsoft Teams Video Conference
Salvatore Luciano – Via Microsoft Teams Video Conference
Robert Rinker – Via Microsoft Teams Video Conference
Brenda Sisco – Via Microsoft Teams Video Conference

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

1. Call to order

Meeting called to order by Chair Lawrence Fox at 10:04 A.M.

2. Approve the Minutes of the March 12, 2021 Meeting

Motion made by Al Bertoline and seconded Bruce Buff to approve the minutes of the March 12, 2021 Board meeting. The following voted in favor: Lawrence Fox, Chair, Alfred Bertoline, Bruce Buff, Albert Ilg, Donna Karnes, Salvatore Luciano, Robert Rinker, Brenda Sisco. None voted no. There was an abstention from Thomas Ahneman.

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

Subcommittee Chair Robert Rinker reported:

The committee has had a busy month that will continue into next week.

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On March 12, 2021, Maximus Health Services, Inc. filed a contest with the Board related to the Department of Social Services Request for Proposal for Health Processing Outsourcing. This may sound familiar because in February 2020, Conduent, the incumbent provider of these services, filed a contest with the Board. In that case, a mediated resolution resulted in a decision by the 4e-36 subcommittee on March 5, 2020. The decision called for DSS to re-score the RFP with the appropriate evaluators and that the respondents to the RFP may update their references.

I would note that the key factor in rescoring the proposal was the fact that the State sent an email to the named references in a company's proposal and if they did not respond to the email, the proposer would get a zero rating. For number of reasons this approach of emailing for references by DSS could and did fail.

Because of the pandemic, DSS did not get around to re-scoring the RFP until sometime late last year. It appears that the highest ranked proposer in the first evaluation was Maximus, but Maximus was not the highest ranked proposer in the second evaluation. Maximus's contest was initially filed out of an abundance of caution regarding the timelines to file a contest.

So part of the problem we discovered was the proposers were not given complete information by DSS as to why there was going to be a re-scoring. When DSS responded to the contest by Maximus, it was solely based on the Conduent Decision for the rescoring and without the full background. Consequently, when Maximus received the Conduent decision the subcommittee received an amended contest and in it Maximus raised several issues related to the Conduent decision.

On April 7, 2021, the subcommittee met, also present were the attorneys for DSS and Maximus. I thought a fruitful discussion took place between the parties and we may have reached a mutually agreeable resolution, but for the timeline to issue a decision was coming upon us.

Maximus knew what their score was in the second evaluation because they asked for a debriefing, but the issue was that they wanted to know how they did in the initial evaluation to compare both scores. DAS responded that they did not give the initial score because Maximus did not ask for a debriefing. Typically, you ask for a debriefing if you did not win the bid and not something you ask for when you win the bid. They needed to determine if this was a FOIA request and/or could release the information. We didn't have the time to complete this discussion.

Consequently, the subcommittee dismissed the amended contest by Maximus. We provided them with all the information from the Conduent decision for them to take a look at. We are waiting for DSS to decide if they are going to release the first evaluation.

On the second one, we received from another proposer, which is called The Data Entry Company (TDEC), will be taken up next week for a decision. It seems TDEC got the first and second evaluations because they asked for a debriefing for both.

I would like to thank subcommittee members Stu Mahler and Bruce Buff, and Executive Director David Guay of their work and for reviewing the volume of documents in this contest and adhering to the strict timelines for issuing its decision.

No Board questions or comments on report

4. Work Group Reports

a. Report from Audit Work Group

Audit Work Group Chair Thomas Ahneman reported:

On April 9, 2021, the Audit Work Group reviewed and voted to present to the Board in the next general meeting the following audits for acceptance:

- Department of Labor
- Connecticut Insurance Department

The work group has three pending state agencies to complete FY2019 compliance reports:

- Department of Administrative Services Bureau of Enterprise Systems & Technology
- Department of Energy and Environmental Protection
- Department of Revenue Services

**Author's note: Department of Public Health is one of the 13 agencies for FY2019 audit was previous given an indefinite extension to responding to the questionnaire.*

We have four out of eleven state agency responses to the follow-up request from the FY2017 audit compliance reports.

We have some improvements to make on the audit questionnaire, specifically in the results-based accountability area

At our May meeting we are going to choose next set of state agencies to audit and edit the questionnaire.

To date we have audited 37 agencies in the first three year window. There are about 60 state agencies. We are doing the best we can with the resources we have, but the Board should be aware that we are not getting all of them done on a triannual basis.

Comments made by Chair Lawrence Fox regarding the Board's testimony about the need for more resources. Chair Fox added, that the audits are something that are to be carried out by staff and reviewed by the Board, but the Board is doing both parts.

5. Privatization Contract Committee Report

Committee Chair Lawrence Fox reported that no matters were pending before the Committee.

6. Work Group Reports Cont.

b. Data Analysis Work Group

Data Analysis Group Chair Alfred Bertoline reported:

The group met in the past month to discuss where we are, where we want to go, and identified the future projects we want to be involved in.

It has become clear that we need access to the STAR system, which is the analytical system that is able to review and analyze data to support the work group's efforts.

Several months ago we sent a follow up to OPM asking them for assistance and access. We have not received that yet, and just sent another letter to follow up.

We got some great projects we want to do that can save the state considerable amount of money

Question by Chair Lawrence Fox about when the letter went out.

Response by Executive Director David Guay to Chair Fox's question is that it should be sent out later today.

7. Report from the CPA MIRA Special Committee

Executive Director, David Guay reported:

No new updates.

As you remember from the last meeting, we had offers of information from Mr. Satnick and Mr. De Montigny. We have tried to make that connection through Xholina Nano, to schedule a meeting with them and Lauren Gauthier.

Since there is no response via-email, we will reach out again and then send physical letter.

8. Legislative Updates

Executive Director, David Guay reported:

We have had our two meetings with appropriations and had conversations with staff at fiscal analysis, which is the legislature's fiscal arm. We are hoping for a good outcome for the Board in the budget that will be proposed by the Appropriations Committee.

Chair, Lawrence Fox reported:

I testified in favor of a number of bills pending in the legislature regarding quasi-public agencies. As we discussed in our last few meetings, the Board provided testimony and I testified in favor of legislation that would have the quasi-public agency come under the Board's jurisdiction. I believe that bill has come out of GAE Committee out with a joint favorable. So it is making its way through in a good way. We will see what happens when the General Assembly votes on it. If passed, it would increase the jurisdiction of the SCSB over quasi-public agencies by deeming them as a state contracting agency and treated by the Board as any other state contracting agency.

There is also other piece of legislation that came out favorably from the GAE committee that increases transparency of what goes on by quasi-public agencies by beefing up their coverage by the public auditors and Ethics Committee.

The attention by legislators is attributed to mostly what is happening down at the CT Port Authority. I believe that the Attorney General's formal opinion has been helpful in spurring that on by clarifying to the legislature that absent their action, there would not be much accountability by quasi-public agencies.

Comments made by Salvatore Luciano regarding submission of written testimony and testifying on proposed legislation regarding quasi-public agencies, specifically noted the Connecticut Port Authority and CT Lottery issues.

Comments made by Robert Rinker regarding the Boston Consulting Group issuing a report and its implications for the Board concerning 4e16. Further legislative action is required if taken up.

Response by Chair, Lawrence Fox to Mr. Rinker's comments is there is a section nestled in the several hundred page report that takes a swipe at the Board as not being very much value added, and paints the Board as hoops people have to go through for no good reason. In the forward, it says that they interviewed a number of executive branch agencies, but didn't interview members of the Board. Not sure where they got the information on the Board to make such a determination.

Comments made by Robert Rinker following-up on Chair Fox's response as it relates 4e16. First, 4e16 has only been used twice in the Board's history (once with the fingerprint analysis with state police and the secondly on bridge safety inspection with Department of Transportation). The second comment by Mr. Rinker is that the Boston Consultant Group was one that the Board chastised because they were hired by the Board of Regents without the agency doing a 4e16. 4e16 protects taxpayer, public and public employees. Sometimes recommendations that come out of a report are directed by others to that area to be addressed.

Question made by Albert Ilg to Chair Fox regarding writing a letter to the Boston Consulting Group to address the points regarding 4e16 and invite them to examine the Board's operations.

Response by Chair Fox to Mr. Ilg's question is that the Board was not contacted and may address it in a letter.

Comments made by Albert Ilg to Mr. Fox's response is that this was a failure and poor practice by the consultant.

Comments made by Salvatore Luciano regarding the consultant's purpose and reiterating that the consultant talked to others and not talking to the Board was purposeful.

Response by Albert Ilg to Mr. Luciano's comments agreeing with them and stated that the Board will have to address it and must be on record doing so.

Chair, Lawrence Fox directed Executive Director, David Guay to draft letter.

Comments made by Brenda Sisco regarding the audience of the letter. Mrs. Sisco suggests copying OPM and Governor's Office. She notes that there is uncertainty if anything from the report will be taken up in this legislative session.

Comments made by Robert Rinker regarding the genesis of the report, which came from the 2017 General Assembly trying to find savings and plan for a mass exodus of state employees in July 2022. Those two of these things came together to produce this report.

Comments made by Chair Fox noting that a letter will be written to address the report's criticism and Mr. Fox will think more about its audience.

Comments made by Brenda Sisco regarding the deadline of the Appropriations and Finance Committees, which is April 22, 2021. She noted, that generally the committees release their version of the budget prior to the deadline. The Board will have to wait and see. Once out (maybe a week) before the deadline, it will give the Board a sense whether the Appropriations Committee provides the additional positions to the Board. Still, it could all change in negotiation.

Question made by Albert Ilg regarding any available updates on the State Pier in New London.

Response made by Chair Fox to Mr. Ilg with no further updates at this time.

Response made by Executive Director, David Guay to Mr. Ilg with no further updates at this time and welcomed any comments from the public on the topic.

9. Public Comment

Kevin Blacker addressed the Board concerning the State Pier in New London and thanked the Board for looking at this issue.

10. Adjournment

Motion made by Robert Rinker and seconded by Alfred Bertoline to adjourn. All voted in favor, the motion passed, and the meeting adjourned at 10:45 A.M.

Respectfully submitted: Xholina Nano