



STATE OF CONNECTICUT  
OFFICE OF GOVERNMENTAL ACCOUNTABILITY  
STATE CONTRACTING STANDARDS BOARD

Draft  
Minutes

Friday, August 12, 2022 - 10:00 A.M. Meeting of the State Contracting Standards Board  
Virtual Meeting  
Via Microsoft Teams

Members Present:

Lawrence Fox, Chair  
Al Bertoline  
Bruce Buff  
Lauren Gauthier  
Albert Ilg  
Salvatore Luciano  
Stuart Mahler  
Jean Morningstar  
Robert Rinker  
Daniel Rovero

David L. Guay, Temporary Worker Retiree

1. Call to order

Chair Fox called the meeting to order at 10:02 AM.

2. Approve the minutes of the June 10, 2022, meeting

Robert Rinker motioned for the minutes of June 10, 2022, to be accepted. Lauren Gauthier seconded, Daniel Rovero abstained, as he was absent from the meeting. All voted in favor.

Chair Fox followed the minutes with the reading of a Gubernatorial Proclamation honoring former Executive Director David Guay.

3. Update on the FY23 Hiring of Board Staff

Chair Fox began with no further information on an appointment of a new Executive Director. David Guay reported that before he retired, he completed all six required position activation request forms.

Temporary Worker Retiree  
Chief Procurement Officer  
Attorney one  
Accounts Examiner  
Research Analyst

## Trainer

The Temporary Worker Retiree was approved first with the Attorney one, Accounts Examiner, Research Analyst, and Trainer just recently approved. David Guay is currently working on the job postings. The Chief Procurement Officer is still pending approval.

Chair Fox outlined for the Board the expected interview process. David Guay with several Board members interviewing for the staff positions and that panel making a recommendation to Chair Fox. For the Chief Procurement Officer, a recommendation will be made to the full Board. Board members who wish to participate should contact David Guay.

### 4. Sec. 4e-36 Contested Solicitations and Awards Subcommittee Report

Subcommittee Chair Robert Rinker stated the Subcommittee has no matters to pending before it. Mr. Rinker took the opportunity to thank Subcommittee members Stuart Mahler and Bruce Buff along with David Guay for the many dedicated hours they put into the Subcommittee. Subcommittee chair Rinker offered that the Subcommittee is under a statutory requirement to resolve or issue a decision within 30 days of receiving a contest by a bidder or proposer. We have had contests from family-owned business to multi-billion-dollar corporations before us. I believe we have given everyone the opportunity to present their case and to have the state contracting agency to respond. We have always responded within the statutory timeframe. It is my hope with the new staff; they will help tee up our contests for the Subcommittee.

### 5. Privatization Contract Committee Report

Acting Chair Robert Rinker reported for the recused Chair Lawrence Fox. The current privatization case concerns the Department of Mental Health and Addiction Services (DMHAS) and a program known as the Hilltop program. Which is a residential program for young adults with substance abuse issues. DMHAS lost the lease and decided to contract the work out. The work had been performed by members of 1199. The union filed a petition for a review. As Acting Chair Rinker reported at our last meeting, the Privatization Contract Committee has begun to develop a narrative for the case presented by SEIU District 1199 New England regarding the Department of Mental Health and Addiction Service's Hilltop Residential Program. It is the Union's claim that the Agency violated C.G.S. 4e-16(a). Since our last meeting the Agency has responded to three questions posed by the Committee, and we are scheduled to meet after this meeting to discuss their response.

Chair Fox asked David Guay to introduce the next two items. David Guay explained that the Board has received two C.G.S. Sec. 4e-16 Petitions concerning the University of Connecticut from Connecticut Employees Union Independent and the University of Connecticut and the University of Connecticut Health Center from the University Health Professional Local 3837. Mr. Guay indicated that at this point copies of these petitions are informational. Chair Fox had directed Mr. Guay to send letters of inquiry to the President of the University. Mr. Guay further informed the Board that Attorney Karen Buffkin,

Executive Director of Employee relations, was assigned to respond and that he has been in communication with her and expects a response before the September meetings.

Chair Fox made a note to the Board regarding the claims we are now receiving from labor representatives of workers in each of the two recent petitions, further noting a perfectly valid way for them to come to the Board.

It is noteworthy for the Board that C.G.S. Sec. 4e-16, in Chair Fox's opinion, is not really functioning as envisioned. The Board should be hearing from state contracting agencies if they want to privatize a function. Chair Fox further stated, the agencies may think these are not privatization efforts. Chair Fox expressed concern that state contracting agencies are not initiating the 4e-16 process. Chair Fox further stated he is disturbed, as Chair, that state contracting agencies don't appear to be taking the steps that the law requires.

Concerning the petition from the Connecticut Employees Union Independent where one of the issues will be the fringe benefit costs that are being attributed to state employees. Chair Fox asked what the fringe benefit calculation is, noting that the Board is supposed to be involved with the Office of Policy and Management (OPM) in figuring out that calculation. Chair Fox informed the Board that apparently OPM revised the fringe benefit number, and we were not consulted on it.

Separate and apart from these current petitions, Chair Fox directed David Guay to set-up a meeting with OPM.

Jean Morningstar informed the Board that she was recusing herself from all matters concerning the UConn – UHP Petition.

Salvatore Luciano commented upon the state contracting agencies reluctance to follow the provisions of C.G.S. Sec. 4e-16 and noted that the fringe benefit number is artificially high due to the inclusion of the unfunded liability.

Robert Rinker noted that he was a member of the Board when the cost-benefit-analysis template was developed. The petition from Connecticut Employees Union Independent speaks about the fringe benefit rate and the fringe rate quoted by Attorney O'Sullivan of Connecticut Employees Union Independent is much higher than the template should be providing and higher than the revised 2019 template, on which we weren't consulted with.

Salvatore Luciano motioned for the two petitions concerning the University of Connecticut from Connecticut Employees Union Independent and the University of Connecticut and the University of Connecticut Health Center from the University Health Professional Local 3837 be referred to the Privatization Contract Committee. Robert Rinker seconded the motion. All voted in favor, with Jean Morningstar standing recused.

#### 6. June 29, 2022, Letter from Senator Henri Martin

David Guay introduced the June 29, 2022, letter from Senator Henri Martin concerning the Connecticut Port Authority and asked for guidance for a response.

Robert Rinker suggests as a response we send Senator Martin a copy of the report we did on the Connecticut Port Authority and a copy of the collaborative work on the Port Authority's procedures and as a next step is for the Board to audit the Connecticut Port Authority based upon the agreed upon procurement procedures. David Guay offered to draft the response for Chair Fox.

Lauren Gauthier suggested including in our response the pending requested Attorney General Opinions. Ms. Gauthier further suggested a follow-up letter to the Attorney General on our pending requests. Stuart Mahler concurred.

7. Other Business

No other business raised.

8. Public Comment

No public comment.

9. Adjournment

Daniel Rovero motioned to adjourn; Alfred Bertoline seconded. All voted in favor. Meeting adjourned at 11:07 A. M.

Respectfully submitted: David Guay, Temporary Worker Retiree