



STATE OF CONNECTICUT  
OFFICE OF GOVERNMENTAL ACCOUNTABILITY  
STATE CONTRACTING STANDARDS BOARD

Minutes  
State Contracting Standards Board  
Regular Meeting  
Friday, April 14, 2023 - 10:00 A.M. – 12:00 P.M.  
Location: *Virtual Only*

Members Present:

Lawrence S. Fox, Chair  
Alfred W. Bertoline  
Bruce H. Buff  
Lauren C. Gauthier  
Albert G. Ilg  
Donna Karnes  
Stuart Mahler  
Jean M. Morningstar  
Robert D. Rinker  
Daniel S. Rovero  
Brenda L. Sisco  
Gregory F. Daniels, Esq., Executive Director, ex-officio

Staff Present:

Jonathan M. Longman, Chief Procurement Officer  
Samson Anderson, Research Analyst  
Carmen Hufcut, Trainer Specialist  
Paul B. Netland Jr, Accounts Examiner  
David L. Guay, Temporary Worker Retiree

1. Call to Order

Chairman Fox called the meeting to order at 10:02 a.m.

2. Approve the Minutes of the March 23, 2023, special meeting

Daniel Rovero motioned to approve the special meeting minutes of March 23, 2023, and Donna Karnes seconded the motion. The minutes of the March 23, 2023 special meeting was approved and adopted with abstentions from Albert Ilg, Bruce Buff, and Jean Morningstar.

3. Staff Reports

- a. *Executive Director Report – Gregory F. Daniels, Esq.*  
i. Legislative Updates

- Greg Daniels reported that, of the five bills that the SCSB was monitoring at the March 10, 2023 meeting, SB 1223, HB 6903, and HB 5692 have been referred to the Office of Legislative Research and the Office of Fiscal Analysis for review. Director Daniels also reported that SB 1223 was assigned a Senate Calendar number and is ready to go to the floor. Director Daniels further reported that Samson Anderson, the Board's Research Analyst, is attempting to schedule a meeting with Senator Mae Flexer, a co-chair of the Government Administration and Elections Committee (GAE), to discuss the SCSB's position on various provisions within SB 1223.
  - Chairman Fox noted that the SCSB did not submit the pending bills in this legislative session as the SCSB was preoccupied with other board-related matters. He also noted that the SCSB generally supports several bills that were introduced during this legislative session and that we presented testimony to that effect at a recent GAE public hearing. Chairman Fox further noted that SB 1223 is a large bill that is not supported by some agencies, like the quasi-publics, who oppose the bill because it would make them subject to the SCSB's jurisdiction. He then provided an example of a provision in SB 1223 that would include the SCSB in the process of granting and denying waivers of the competitive solicitation/bidding process. Chairman Fox concluded by stating that he does not think the board should be in the business of granting or denying waivers, but instead making sure that the operational agencies who have responsibility for waivers are applying the law correctly.
- b. *Chief Procurement Officer Report – Jonathan Longman*
- i. Training Updates
    - Jonathan Longman provided a summary of the staff's effort in developing a comprehensive training plan before handing off the training update to Carmen Hufcut. Ms. Hufcut presented a preliminary training plan with a tentative timeline for the rollout of a multi-level curriculum (i.e., Level 1 Fundamental, Level 2 Basic, Level 3 Advance) to start in the fall of 2023.
    - Ms. Hufcut reported that the preliminary curriculum is a living document subject to change as the staff gathers more information from various sources. She also reported that a survey was sent out to key procurement professionals across the state government to collect information that would help identify training gaps in the current procurement practices. Ms. Hufcut further reported that within several days of distributing the survey, one-third of the surveyed agencies responded with overwhelming requests for state procurement rules training. In addition, Ms. Hufcut reported that she worked with agencies like the Department of Administrative Services (DAS) and industry associations like the National Association of State Procurement Officials to define the framework for the course content. Ms. Hufcut shared that the staff continues to collaborate with the DAS, Office of Policy and Management (OPM), Office of the State Comptroller, CORE-CT and Stars teams to gather more information that will help further refine the training plan.
    - Ms. Hufcut and Mr. Longman reported that they hope to use surplus funds from the current fiscal year to implement the training plan and certification requirements including a Learning Management System (LMS) and other related

goods and services. Ms. Hufcut noted that the staff is reviewing and finalizing the selection of an LMS with assistance from our liaison at the DAS' Bureau of Information Technology Systems.

- Mr. Longman added that the staff is working with the UConn School of Public Policy to identify an intern to assist with various SCSB projects. He also acknowledged Charlene Casamento, OPM Undersecretary for Strategic Initiatives and SCSB designee, for the assistance she has provided the staff with gaining access to much-needed procurement data.
- Chairman Fox then invited Ms. Casamento to make brief comments. Ms. Casamento stated that she hopes to continue making more progress in collaborating with the SCSB in the coming weeks and months.
- Stu Mahler requested that the training curriculum include training for participants on competitive solicitation selection committees.
- Robert Rinker inquired whether the training curriculum would address circumstances where a public agency contracts with a consultant for their procurement processing services.
- Bruce Buff, who leads the SCSB training workgroup, also shared similar concerns using the Teacher's Retirement Board and the Connecticut Port Authority as examples.
- Donna Karnes commended Ms. Hufcut and Mr. Longman on the quality of the survey and how impressive it was that the SCSB staff got such a quick turnaround in survey responses from recipient agencies.
- Albert Ilg recommended that the SCSB reach out to professional colleagues in neighboring states for opportunities to collaborate and share training resources. Mr. Ilg also asked how many sessions the program would have and how long the training sessions would take.
- Mr. Longman responded to Mr. Ilg by stating that the staff has not worked out the specifics yet. Mr. Longman noted that he believes that the need and topics for the program must be defined before the number and length of sessions could be determined. Mr. Longman also shared that the staff had met with procurement professionals from the state of Hawaii the day before the meeting. He indicated that colleagues in Hawaii, who have a noteworthy website were surprised that Connecticut did not have a training program. Mr. Longman further shared that the staff had met with Industry Associations to identify training opportunities.

4. Audit Workgroup, Tri-Annual Audit Program Update – Al Bertoline /Paul Netland

a. Other Updates

i. Audits

- Alfred Bertoline reported that the Audit/Data Analysis workgroup has been extremely busy making advances and enhancements to the SCSB's approach to the audit process. Mr. Bertoline reported that the workgroup is retaining the original self-assessment audit that the SCSB currently requests from agencies but improving it by adding a new dimension to the self-assessment audit that includes selecting samples of agency contract expenditures and verifying their compliance with regulations. Mr. Bertoline stated that the self-assessment enhancements will be a great complement to the training initiative that is being done by the SCSB.

- Mr. Bertoline reported that the refined audit process approaches auditing from a more global standpoint, focusing on competitive contracting. Mr. Bertoline also reported that the audit process will examine privatization contract issues, from both the initial contract as well as renewal contract, focusing on results-based accountability. Mr. Bertoline stated that the SCSB will issue a report at the end of each audit that summarizes the SCSB's findings and recommendations for improvements, if any. He also stated that an audit report will also provide agencies with the opportunity to include comments on the audit findings and recommendations. He further stated that the Audit/Data Analysis workgroup will prepare an annual formal report for the SCSB, summarizing all the key findings of the year's audit activities with recommendations.
- Mr. Bertoline acknowledged the excellent job that Paul Netland has done at developing the audit approach, and programs, among other things. He noted that Mr. Netland summarized all the relevant procurement regulations in a handy guide that is not only a good resource for the SCSB but also an excellent resource for audited agencies. He also noted that Paul devised a system in which every step in the audit process is linked to the applicable regulation that supports the compliance requirement.
- Mr. Bertoline credited Mr. Netland and Mr. Longman for all the progress in collaborating with OPM to define the universe of contracts needed for the enhanced audit process. Mr. Bertoline then asked Mr. Netland to briefly report on where the SCSB stands on getting access to the specific data for the audit process to move forward.
- Mr. Netland reported that the staff has been working with OPM and Ms. Casamento for about a month, defining what data is needed for SCSB audits. Mr. Netland noted that once the staff is able to define the universe of necessary data, the Audit/Data Analysis workgroup will use the details to select contracts and streamline the auditing process.
- Mr. Bertoline then shared that at the next SCSB regular meeting, the Audit/Data Analysis workgroup will present their recommendations for the selection of agencies to be audited, the audit approach, and the schedule for the next three years.

5. Sec. 4e-36 Contested Solicitations and Awards Committee Report

- a. Robert Rinker reported that there were no 4e-36 matters pending before the Committee to report.

6. Privatization Contract Committee Report

- a. Chairman Fox reported that there were recommendations for consideration by the SCSB related to two separate petitions received by the Privatization Contract Committee. He also noted that Greg Daniels, Executive Director, has recused himself in both matters.
- b. David Guay reported that the first petition involves a complaint against the University of Connecticut Health Center Financial Corporation (UCHCFC) made by the University Healthcare Professional, Local 3837, AFT/AFT-CT-AFL-CIO (UHP); and the second petition involves a complaint against the University of Connecticut at Storrs (UConn) made by the Connecticut Employees Union Independent (CEUI).

i. UCHFC and UHP Petition

- Recommendation of Privatization Contract Committee:
  - The State Contracting Standards Board Privatization Contract Committee recommends that the Board dismiss without prejudice the complaint made by the University Healthcare Professionals, Local 3837, AFT/AFT-CT-AFL-CIO (UHP) protesting the University of Connecticut Healthcare Finance Corporation entering into a joint venture agreement under UCONN Imaging LLC with Outpatient Imaging Affiliates LLC to operate outpatient diagnostic clinic.
- Bob Rinker made a motion to adopt the recommendation of the Privatization Contract Committee. Stuart Mahler seconded the motion.
- Larry Fox, Chair, provided a summary prior to opening the floor for discussion. There was no discussion.
- SCSB Members voted and the motion carried with one abstention from Jean Morningstar.

ii. UConn and CEUI Petition

- Recommendation of Privatization Contract Committee:
  - The State Contracting Standards Board Privatization Contract Committee recommends that the Board grant the petitioner's (Connecticut Employees Union Independent (CEUI)) petition, requesting a review under CGS 4e-16 of privatization of custodial services at the University of Connecticut athletic facilities at the Storrs campus.
- Bob Rinker made a motion to adopt the recommendation of the Privatization Contract Committee. Stuart Mahler seconded the motion.
  - Larry Fox, Chair, and David Guay provided a summary and background information prior to opening the floor for discussion. There was no discussion.
  - SCSB Members voted and the motion carried with no abstentions.

7. Other Business

- a. None.

8. Public Comment

- a. Karen Buffkin, Executive Director of Employee Relations, Labor and Employment Attorney for UConn, shared that the University of Connecticut disagrees with the SCSB's decision both in its reasoning, analysis, and decision in this matter. Attorney Buffkin stated that there is no disagreement that this is not a first-time privatization contract so the cost-benefit analysis and the business case provisions of the statute do not apply. Attorney Buffkin also stated that during the course of the proceedings, the University provided a cost-effectiveness evaluation (CEE) on the forms required by the Office of Policy and Management and that this was the University's only obligation under the statute. Attorney Buffkin further stated that in this matter, to the extent that the CEE is required, which is what the Union contended, the University met its obligations under the Statute. Attorney Buffkin then concluded by stating that the University believes that the recommendations are not appropriate.
- b. Prior to adjourning, Chairman Fox inquired as to whether the SCSB wanted to have an in-person or virtual meeting. Director Daniels recommended that the May 12, 2023

## State Contracting Standards Board

meeting be a hybrid of virtual and in-person, as meeting room G004B at 165 Capital Avenue can accommodate virtual and in-person participants. Chairman Fox agreed and there was no discussion by the SCSB on the matter.

### 9. Adjournment

- a. Motion made by Donna Karnes to adjourn the meeting; Brenda Sisco seconded the motion. The meeting was adjourned on April 14, 2023, at 11:28 a.m.

Respectfully Submitted: Gregory F. Daniels, Executive Director