



STATE OF CONNECTICUT
Office of Governmental Accountability
State Contracting Standards Board

Regular Meeting Minutes

Friday, February 9, 2024 - 10:00 A.M.

Location: 165 Capitol Avenue, Hartford, CT

Conference Rooms G006D and G007E

and

Virtual

Members Present:

Michael P. Walsh, Chair (in person)
Alfred W. Bertoline (MS TEAMS)
Bruce H. Buff (in person)
Lauren C. Gauthier (in person)
Albert G. Ilg (MS TEAMS)
Donna M. Karnes (MS TEAMS)
Salvatore C. Luciano (MS TEAMS)
Stuart L. Mahler (MS TEAMS)
Jean M. Morningstar (MS TEAMS)
Daniel S. Rovero (MS TEAMS)
Brenda L. Sisco (MS TEAMS)
Gregory F. Daniels, Esq., Executive Director, ex-officio (in person)

Staff Present:

Jonathan M. Longman, Chief Procurement Officer (in person)
Aaron I. Felman, Staff Attorney (in person)
Carmen Hufcut, Trainer Specialist (in person)
Maritza Lopez, Accounts Examiner (in person)
Samson Anderson, Research Analyst (in person)
Aleshia M. Hall, Administrative Assistant (in person)
Molly Lukiwsky, Graduate Student Intern (in person)

Citizen Participants:

Gene Burk, Director of Procurement Programs and Services, Department of Administrative Services (DAS) (MS TEAMS)
David L. Guay, former SCSB Executive Director (MS TEAMS)

1. Call to Order – Chairman Walsh called the meeting to order at 10:00 a.m.
 - a. Roll Call of State Contracting Standards Board (“SCSB” or “Board”) Members – Chairman Walsh conducted a roll call of all members present in person and participating remotely via Microsoft Teams.
2. Amendments to the Agenda
 - a. Chairman Walsh announced that he planned to advise the SCSB on two recent communications received by the Staff as follows:

- i. the Governor’s succession appointment of Keith Brothers replacing Robert Rinker on the SCSB which would be discussed under the Communications under the related agenda item 4; and
 - ii. the February 8, 2024, Press Release issued by Attorney General (AG) Tong regarding the conclusion of the whistleblower investigation into Connecticut Port Authority and AG Tong’s related February 8, 2024, letter to the Auditors of Public Accounts which would be discussed under the related agenda item 4.f.iii.
3. Opportunity for Citizens to Address the Board on Agenda Items
- a. There were no requests from citizens to address the Board on agenda items. However, Chairman Walsh acknowledged David Guay, former SCSB executive director, and allowed him to address the SCSB. Mr. Guay began by congratulating Keith Brothers on his appointment to the SCSB. He then expressed his sadness and disappointment at Governor Lamont’s decision to replace Robert Rinker on the SCSB. Mr. Guay’s remarks highlighted the expertise Mr. Rinker brought to the SCSB. Mr. Guay’s comments were subsequently followed by remarks from other SCSB members who also acknowledged the contributions of Mr. Rinker to the SCSB during his tenure.
4. Communications and Petitions
- a. Sec. 4e-36 Contested Solicitations and Awards Subcommittee Report
 - i. Bruce Buff reported that there were no pending matters before the Sec. 4e-36 Contested Solicitations and Awards Subcommittee.
 - b. Audit/Data Analysis Work Group – Alfred W. Bertoline
 - i. Pending Audits – Mr. Bertoline reported that he was enthusiastic about the progress of the tri-annual audit process and shared that they are working on audits currently. In the March and April period, he anticipates completing processes and collecting more data to audit. Mr. Bertoline also reported that the Workgroup is tracking the findings and gathering audit data on which they can analyze and utilize to direct training programs to address issues. The main issues identified thus are:
 - Lack of performance evaluation of the contractor after completion of the contract;
 - Incomplete Conflict of interest statements; and
 - Non-utilization of the criteria for judging bid responses.
 - ii. Jonathan Longman also added that four of the 11 audits were completed. He is awaiting a reply from the Department of Public Health and hoping to have comments from DESPP within the next month as well.
 - c. Privatization Contract Committee Report – Salvatore Luciano (Interim Committee Chair)
 - i. Mr. Luciano reported that since the last SCSB meeting, the Staff was asked to engage the parties in mediating settlement discussions between the Department of Emergency Services and Public Protection (DESPP) and John Disette on behalf of the A&R Union. Mr. Luciano noted that the January 29, 2024 Committee meeting was postponed at the request of Robert Rinker in his effort to reach a mediation. The main negotiator was Executive Director Greg Daniels. Director Daniels deferred to Jonathan Longman and Aaron Felman regarding the status of the mediation.

- ii. Mr. Longman shared that staff met with the parties who agreed on portions of the settlement language as late as February 8, 2024. At yesterday's settlement meeting, the parties came to an agreement on language and Sarah Karwan from DESPP agreed to provide a response for consideration. Mr. Longman noted that some items discussed fall outside the purview of the Board and will be referred to the Office of the Attorney General; however, they are making positive progress. Once finalized, the Committee will review the agreement accordingly before referral to the full SCSB for consideration.
- d. Statutes, Regulations, Policies and Procedures Work Group – Chairman Walsh
 - i. Mr. Daniels shared that he, Mr. Longman, and Samson Anderson attended a very helpful training session put on by the Legislative Commissioner's office of Regulations drafting. With Aaron Felman and Samson Anderson's assistance, they are working on the long and laborious process of regulation drafting. Some of the Board's older drafts have been reviewed and they are working to update them.
 - ii. Ms. Gauthier asked Director Daniels about the status of distributing the 13 legislative priorities.
 - iii. In response to Ms. Gauthier's inquiry, Director Daniels reported that on January 12, 2024, he sent the 13 legislative priorities passed by the Board on October 13, 2023, to the Governor's Office, the Government and Administration and Elections Committee, and the Office of Policy and Management. To date, he has not received a reply; however, there is a Budget hearing next week. He anticipates referring to those points as justification for our budget discussions.
- e. Training Work Group – Bruce H. Buff
 - i. Mr. Buff asked that the Board dissolve the Training Work Group as discussed at the January Board meeting.
- f. Executive Director Update
 - i. Staffing Update – Director Daniels reported that the SCSB is finally fully staffed.
 - Administrative Assistant – Director Daniels reported that Aleshia Hall joined the staff on January 26, 2024, as the new Administrative Assistant. He briefly talked about Ms. Hall's background and her many years of experience and asked that the Board welcome her onboard.
 - Sal Luciano clarified that while the Board Chairman wants staff to communicate with members through the executive director, he is inviting the staff to contact him directly if they wish to.
 - Chair Walsh reinforced that communicating through the Executive Director is not a hard and fast rule; he directed the Board to do so to respect the Executive Director and ensure that the Executive Director and Chief Procurement Officer are responsible for accomplishing the board's direction. This particularly reduces the likelihood of confusion resulting from staff receiving directives from multiple members.
 - ii. Legislative Priorities
 - Director Daniels reported on this item in response to Ms. Gauthier's inquiry under item 4.d.iii, above.
 - iii. Legal Analysis – Aaron Felman

- Staff Attorney Felman provided a brief report on his research into claims made by the Connecticut Port Authority (CPA) in a recently filed CPA court brief.
 - Mr. Felman shared that the Office of the Attorney General issued a ruling that affects the Port Authority press release. Attorney Felman shared that he studied the brief filed by the CPA in Superior Court and reminded the Board that they have no statutory authority or standing to intervene. The concerns about improprieties, ethical violations, and illegal conduct were unfounded. We are required to abide by the statutory authority granted to us and the Attorney General's ruling is concluded.
 - Ms. Gauthier asked about the private/public partnership to which Mr. Felman offered the Attorney General's opinion that they had the authority to enter into the agreement. Ms. Gauthier rephrased the question regarding the contractor's use of 55-D. Ms. Gauthier thanked Mr. Buff for his assistance on the issue and offered to bring her concerns offline to discuss with Mr. Felman in a different forum.
- iv. SCSB Training Update – Carmen Hufcut
- Mrs. Hufcut reported on the results of the Board's procurement training pilot. She shared that six classes have been developed. They are offering a practice test. Each module was 30 minutes to five hours each. Five people have taken the courses and completed the surveys. They evaluated the training based on e-learning, ease of use, visual design, media, quality of narration, and AI. The training is being well-received and the reviews were encouraging. It was easy to navigate and use. At this time, they are reaching out to Agencies to pilot the classes. One more class is still being developed that has three different modules introductory class. There are still 3-4 more classes that need to be developed. The goal is to have them all completed by the fall. We continue to gather data from the audits to incorporate those items into the trainings.
 - Members inquired about the number of persons that can be trained, the goal of the training once completed, and how will it be monitored. Mrs. Hufcut shared the current program allows us to share the training with 500 state employees. If we wish to add more users, that will cost more; however, the trainings can be offered to multiple people and multiple certificates can be offered. With the limitation on users, are we vetting the participants, Mr. Longman shared that we are focusing on CFOs and those who are doing procurement at least 50% of the time.
 - Ms. Hufcut also shared that there are three different levels of training. Every three years the employee will need to recertify for the level that they work at. Another goal is to certify the Agency so that we can issue Continuing Education Units (CEU). In response to his inquiry about who is required to take the trainings, Mr. Longman shared that many of these groups have only one senior individual and many newer employees. Through CORE we can see who is entering these transactions and who is authorized to sign off; those are the individuals who should be offered the training first. Maritza Lopez will be working to identify individuals based on the transactions entered into the system.

5. Approval of Minutes

- a. Action – Ms. Gauthier motioned to approve the January 12, 2024, regular meeting minutes, and Mr. Rovero seconded the motion. The January 12, 2024, regular meeting minutes were approved and adopted unanimously by all members in attendance.

6. Old Business

- a. Consideration/Action on the draft template of the performance evaluations for the Executive Director and Chief Procurement Officer positions
- i. Chairman Walsh asked Al Ilg to report on his work on the draft template of the performance evaluations for the Executive Director and Chief Procurement Officer Positions
 - ii. Al Ilg began his report by thanking David Guay for reaching out and volunteering to assist in preparing the evaluation template. He briefly walked through the various sections and referenced suggestions made in the February 2023 Board meeting that were made to keep the Board going.
 - iii. Ms. Gauthier asked why we are adhering to the Budget calendar when the evaluation is not tied to the fiscal year. Mr. Ilg responded stating that once per year evaluation is a reasonable frequency.
 - iv. Chairman Walsh thanked them for their efforts and shared that he favors the levels of review that they had recommended. Chairman Walsh also asked that the recommendations be distilled down to ten particular areas with assessments of “Meets, Exceeds, Needs Improvement.” A draft will be issued next month for consideration and adoption by the Board in April to be confirmed by June.
 - v. Ms. Sisco asked whether members will receive a one-page draft and if they are all supposed to complete the evaluation and return it to Chairman Walsh. Chair Walsh explained that the Chairperson would do the evaluation for the Executive Director and a member would be selected to complete the evaluation for the Chief Procurement Officer.
 - vi. Al Bertoline suggested allowing the Executive Director and Chief Procurement Officer to complete self-evaluations for submission to the Board. Chair Walsh is in support as it provides a baseline. Mr. Ilg believes the Board should do the initial evaluation and bring their response to Chair Walsh for discussion is required.
 - vii. Mr. Luciano shared that under FOI, these meetings should be in private unless we go into executive session for things such as evaluations. He recommended that they go into executive session for that purpose. Chair Walsh shared that Mr. Daniels or Longman can request that such meetings be held in a public session. He added that in a public session, the Board may limit their discussion, but the ultimate decision to make the evaluation public is at the discretion of the employee.
 - viii. Mr. Bertoline shared that there will be many things that happen that the Board may not be aware of a lot of their accomplishments and that having input from the individuals will provide a basis for this.
 - ix. Mr. Buff believes that Mr. Guay completed his own evaluations, and the Board reviewed them, so the precedent for this process has been set.

- x. Mr. Ilg feels that self-evaluation is unnecessary; however, to Mr. Bertoline's point, he said it is incumbent upon the individuals to keep the Board apprised of their activity so that they can complete a proper evaluation. In response, Mr. Buff shared that the communications between the SCSB and staff do not give a full picture of what they do on a daily basis. The individual knows better what they accomplished than the Board does.
 - xi. Ms. Sisco believes that a self-evaluation is a valuable tool because it will provide more information, and ultimately, the Board will still do its own evaluation.
 - xii. Ms. Gauthier supported self-evaluation because it will provide comprehensive information and an opportunity to allow the individual to reflect on their performance as well. She believes that based on past practice, this will be the most helpful. It was recommended that the Board members complete their own evaluations and then receive the self-evaluations to promote discussion.
 - xiii. Chairman Walsh summarized the discussion and stated that a self-evaluation will allow for discussion by the Board. He confirmed his intention to provide a draft evaluation form.
- b. Consideration/Action on Completed Audits Reports
 - i. Refer completed audit reports to the General Assembly and State Librarian
 - Mr. Longman reported that the Chief Medical Examiner and Charter Oak audits were completed, and follow-up is scheduled for March. No major corrective action plan will be necessary. The Chief Medical Examiner's Office expressed appreciation for the evaluation, which reinforces the goal of these audits.
 - c. Consideration/Action of the Proposed Settlement from the Privatization Contract Committee on the *Department of Emergency Services and Public Protection and Diverse Computing Matter*
 - i. Proposed settlement for Employee, Union, and Department is being pursued. It will allow opportunities for DESPP to improve going forward. In response to Ms. Gauthier's inquiry, Mr. Longman recommended that upon conclusion of the agreement, Staff will address the allegations that may require forwarding to the Attorney General's Office. In the instances where the Board receives an allegation of corruption or criminal accusation, the Board is responsible for forwarding the complaint and sharing that with the Board, thus removing us from that portion of the matter.

7. New Business

- a. Referral of the Request of Centralize Procurement Recommendation
 - i. Bruce Buff requested a discussion by the Board regarding centralized procurement recommendation. The following summarizes his remarks:

Since my appointment to the Board in March, 2016, I have been troubled by the fact that the State of Connecticut has not done a good job in securing optimum value of procured materials and services for the taxpayer. The extremely decentralized structure doesn't provide an opportunity to take full advantage of our total purchasing dollars.

Procurement of services under Personal Service Agreements (PSA) and Purchase of Service (POS) Contracts by service agencies are not performed by Purchasing Professionals. In the 2017 report on competitive bidding practices created by the Data Analysis committee and issued by this board, we found that “There is little clear direction from the Executive and Legislative branches of State Government over important procurement practices for State Employees. There are plenty of rules and regulations guiding procurement activities, but there is no clear overriding directive on how to maximize the value to the State of each dollar spent. Cost savings appear to be far down the priority list in qualifying a contractor for some state agencies.”

Many contracts placed by DAS are not “commit” agreements, in other words, the State has not committed to the supplier that a minimum dollar amount will be spent, so the amounts included in the contract are not the best pricing. DAS will readily admit that they don’t have contracting authority over every state agency so they can’t commit to a minimum dollar amount under these contracts.

Quasi-public agencies place their own contracts. In the case of the Connecticut Port Authority (CPA), they were exempt from any oversight regarding their procurement activities (later corrected by the legislature). We subsequently worked with the CPA to create a procurement manual, but tailored to their lack of staff. In fact, the quasi-publics are established with skeleton staffs, which doesn’t include dedicated procurement personnel.

This Board was created to restore public trust in government contracting. We have been charged with the responsibility to review and make recommendations concerning proposed legislation and regulations concerning procurement. I believe inherent in that responsibility is to critically look at the current procurement practices in this State and recommend improvements to that process. Specifically, to recommend the establishment of a properly funded, professionally staffed central procurement organization, having authority for contracting for all State Agencies.

We have previously made this recommendation in our reports on competitive bidding practices in 2017 and 2018, issued to both the Governor and Legislature. In our review of other state’s procurement practices, we found that Connecticut was the only state that has not centralized our procurement process, of the states we looked at.

The question then is, how do we go about creating a centralized procurement organization. This will have to be an initiative of both the legislature and the Executive branches of government. Initial steps, I believe, include this Board conducting a series of presentations to groups of legislators to impress upon them the importance of this endeavor. Discussions with the Governor should be conducted as well.

As a taxpayer and a citizen of this State, I believe that it is imperative that Connecticut establish a central procurement process as soon as practical, and this Board should lead the way.

- ii. The Board discussed leveraging the authority under C.G.S. § 4e-8 to establish the Contracting Standards Advisory Council led by Mr. Longman to engage the appropriate stakeholders on the topic of moving to centralized procurement. The target date for the initial meeting is June 2024. The following action was taken by the Board after discussion.
- iii. Action – Ms. Gauthier motioned to refer the centralized procurement request to the Contracting Standards Advisory Council, and Mr. Buff seconded the motion. The motion was approved and adopted unanimously by all members in attendance.
- b. Referral of the SCSB Member Ethics Training and Policy
 - i. Director Daniels shared that while there is ethics training for procurement professionals provided in our training program, as well as annual ethics training for SCSB Staff, it was recommended that SCSB members do the same. Approximately one year ago, SCSB offered Freedom of Information Act training for SCSB Staff and Members, and he would now like to add Ethics training to SCSB training. All State employees are required to complete annual Ethics training, so Director Daniels asked the Board to hold themselves to the same standard. Since SCSB is rolling out an Ethics course as part of its training curriculum, SCSB’s Staff would like to be able to share with the Legislature that its members are willing to do the same. Director Daniels also shared that the Staff worked with the Office of State Ethics (OSE) on a draft SCSB Ethics Policy which should be ready for review and consideration by Members by the March 2024 regular meeting.
 - ii. Regarding the training, Chair Walsh clarified that it is a 30-minute training and suggested that members complete it by April 2024. The OSE would send out an email with a video link that the members could complete at their leisure. Chair Walsh also suggested that members review the ethics policy by May 2024, with a targeted consideration for board approval in June 2024.
 - iii. Sal Luciano noted that he understands the irony of not signing an Ethics form and has no problem doing so. Everyone is supposed to complete the Ethics forms by May 1, so the timing would be appropriate.
 - iv. Action – Mr. Luciano motioned to direct the administration to send a link to the Board to complete the Office of State Ethics Course, and Ms. Karnes seconded the motion. The motion was approved and adopted unanimously by all members in attendance.

8. Opportunity for Citizens to Address the Board

- a. There were no comments from citizens from the public.

9. Adjournment

- a. Action – Mr. Luciano motioned to adjourn the meeting, and Mr. Rovero seconded the motion. All members present voted in favor, and the meeting was adjourned at 11:55 a.m.

Respectfully Submitted: Gregory F. Daniels, Executive Director